

Accounting for the Past in Tunisia

An Assessment of Accountability and Transitional Justice

Expectations and Perceptions across the Country



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1. Executive Summary

No Peace Without Justice (NPWJ) and Al-Kawakibi Democracy Transition Center (KADEM), are working in Tunisia to support the country democratic transition through transitional justice since the revolution that ousted the previous regime of the former President Zine El Abidine Ben Ali. In September 2011, NPWJ and KADEM conducted a survey to capture a snapshot of the general knowledge and understanding of transitional justice in Tunisia among various sectors of society before major measures on the topic were carried out. The questionnaire developed by NPWJ and KADEM was administered to 403 people representing the general public and specific Target Groups, namely victims, representatives of civil society groups, members of judiciary and legal professionals, the media, policy makers and political parties. It was conducted in different regions and cities of Tunisia, including El Kef, Gafsa, Jandouba, Kasserine, Sfax, Sidi Bouzid and Tunis.

The completed questionnaires were given to BJKA Consulting, a Tunisian company specialised in market research, marketing studies and surveys, which designed the data entry software, cleaned up the questionnaires, entered the data and prepared the final database where the information was entered. Subsequently, the raw data was processed and analysed both quantitatively and qualitatively. On the basis of this information and further analysis of the content of replies, NPWJ grouped similar answers to obtain significant and usable data and to extrapolate categories representative of the most common answers.

This report summarises the results of the assessment conducted, providing an overview of the general perceptions and needs towards transitional justice before major measures on the topic were implemented. Therefore it represents an important tool that will enable people interested in transitional justice to measure the impact of various initiatives. It will also help identifying lessons learnt and best practices from the transitional justice work carried out in the country as a whole.

1.a Recommendations

The following are the main recommendations that have emerged as a result of the Survey and that could be of interest for other stakeholders working on transitional justice in Tunisia. The main challenges identified in the Survey should be addressed to establish an effective transitional justice process.

- The Government, the National Constituent Assembly, the future Parliament and in general Tunisian institutions should engage in a deeper way civil society in their work, particularly on those measures that will affect Tunisian future. They should undertake in consultation with relevant stakeholders an extensive reform of the Tunisian legal framework and institutions to ensure accountability and redress for past violations.
- Tunisian institutions and civil society's work should be more focused on reaching out to victims, developing strategies and creating stable and representative mechanisms that would facilitate victims participation in all phases of transitional justice, including the shaping of such mechanisms, the unveiling of the truth and reparations programs.
- Relevant national and international actors should focus on strengthening the capacity of all relevant Tunisian stakeholders on transitional justice, building on the interest about this topic.

- Particular attention should be dedicated to enhancing capacities of the media and civil society, since they are key actors in reaching out the general public and other relevant groups.
- The donors community should sustain, and where possible increase, current funding to support Tunisian democratic transition to overcome the lack of resources that hampers the process of transitional justice.
- The international community should exert stronger pressure on the Tunisian Government to address the lack of political will to provide accountability for past violations, to conduct institutional reform and move forward with effective and comprehensive transitional justice measures.

1.b Overall findings

According to the Survey findings, the general perception towards transitional justice is very positive in Tunisia and almost all respondents are interested in being engaged in such a process. In particular, 95% of respondents were in favour of the establishment of transitional justice recognised as a real need. The vast majority of respondents also considered that institutional reform and accountability were the most urgent needs, followed by the strengthening of the rule of law.

The results also show that Tunisians are eager to participate in transitional justice to contribute directly to the democratic transition of their country. A great majority of respondents was motivated to participate in transitional justice mechanisms and almost all indicated that they would be interested in taking part in future activities and meetings on this topic.

This is a very positive point, given that at the time of the Survey only a few activities on transitional justice had taken place and it was not even considered as an issue in the public domain. Only a very small percentage of respondents had concretely worked on transitional justice and the great majority believed that their understanding of the topic was limited. At the same time, the concept of transitional justice was not completely new for the majority of respondents who had already heard about the issue and a great percentage indicated that their knowledge derived mainly from the media. Therefore, the media has been finally acknowledged as an important target group to reach out to other stakeholders on transitional justice.

Civil society is also an important stakeholder within transitional justice processes, even though the majority of respondents did not know groups and individuals working on it. Almost all respondents were of the opinion that civil society could be broadly engaged in the work related to transitional justice. However the majority believed that no civil society groups were working on this topic at the local level nor that it was the case at the national level. Respondents also considered that in addition to civil society, the judiciary, media and victims are the most crucial groups to be involved in the efforts to address past violations.

The results of the questionnaire show that respondents from political parties are willing and ready to involve civil society. Respondents from this group stressed the importance of enhancing civil society's role in transitional justice and the necessity to involve this group in a constructive manner. This is a positive result in a society such as Tunisia where decades of dictatorship have not favoured the recognition of civil society as an important interlocutor of policy- and decision-makers. However, at the time of the administration of the Survey the actual cooperation between political parties and civil society was still limited, considering that 62% of respondents from political parties had not worked or met civil society representatives yet.

When asked about their actual work on transitional justice, respondents from civil society were almost equally divided between those already working on this issue and those focused on other topics. In particular, civil society interested in transitional justice tended to have a focus on a variety of subjects, ranging from human rights to elections, as well as diverse activities, from technical support and capacity building to the development of materials.

The judiciary and legal professionals are also willing to be more engaged in transitional justice related activities. The great majority of respondents from this group indicated that they would consider taking on work on transitional justice in the near future, however only a small percentage of them had already participated in advocacy and legal actions related to transitional justice. The analysis of the answers from members of the judiciary and legal professionals suggests that the Tunisian legal framework must undergo substantial reform to ensure redress for past violations. Only 31% of respondents considered that the current legal framework did not need revisions while the majority indicated a number of areas which needed substantial reform.

Other challenges highlighted from this group in relation to transitional justice were the lack of a number of factors, including resources to conduct transitional justice work; political will; Tunisian society's interest in transitional justice; knowledge and expertise on these specific issues. Some respondents also indicated that a challenge was represented by the difficulty to establish direct contacts with victims and other relevant groups.

The results of the Survey show a difficulty in reaching out to victims and therefore in identifying their needs. In addition, civil society groups and public authorities are somehow distant from victims and are not able to provide the assistance and information they seek. Only 17% of the victims' respondents who sought support were finally able to find it. Nearly the totality of respondents from this group felt unrepresented after the revolution and around half of them did not know which civil society groups they could turn to for the representation of their interests.

On the other side, respondents from civil society did not focus their work on victims, as more than the majority of them stated that victims' issues were not included in their organisation's work. Also authorities were mainly inadequate and unable to address victims' demands as their requests obtained very little success being addressed only in a small percentage of cases. However, a greater number of victims' respondents was aware of the procedures for expressing their concerns to the relevant authorities, as most had already attempted to do so.

2. Background

Since its independence in 1956,¹ the people of Tunisia have lived under regimes characterised by authoritarianism and antipathy to democratic values. The latest, the regime of President Zine El Abidine Ben Ali, which came to a sudden end in January 2011, employed systematic and widespread human rights violations to maintain its hold on power for 24 years.² The former government suppressed dissent through censorship of the media, the repression of opposition political entities or independent critics, including civil society organisations, and often violent crackdowns on public demonstrations. People who spoke out against the State were frequently imprisoned, often without proper justification. Detainees were routinely tortured and subjected to harsh conditions in prison and deaths in custody were frequent.

With the end of President Ben Ali's regime, Tunisia had its first chance in almost a quarter of a century to build an open and democratic political system where citizens can play a role in decisions affecting their lives, hold their government accountable, freely express their views and enjoy full protection of their human rights.³ A fundamental element of building this new society has been to restore the confidence of people throughout Tunisia in the State. Tunisian Government and society have started to embark on a nationwide transitional justice process that will need to comprise a range of measures in order to ensure accountability for the crimes of the past; establish the true nature and the extent of the violations committed under the old regimes; reform the security services; and provide redress to victims and survivors.

The first interim Government, immediately following the ousting of former President Ben Ali, took positive steps in this direction. It established the National Fact-finding Commissions to Investigate Abuses⁴ and to Investigate Embezzlement and Corruption.⁵ Both Commissions were public and independent bodies and they published their reports respectively on 11 November 2011 and on 4 May 2012. They can be considered as important components of transitional justice processes since they contributed to unveiling the truth on the abuses and violations committed around the period of the revolution and in addition issued recommendations, including on non-repetition. The first interim Government also became a State Party to the Rome Statute of the International Criminal Court, an important indication that impunity for human rights violations and crimes under international law will be no longer tolerated in the new Tunisia.⁶

¹ See among others, BBC, "Tunisia Profile", BBC, 2012, available at <http://www.bbc.co.uk/news/world-africa-14107720>; Garry Blight, Sheila Pulham and Paul Torpey, "Middle East protest Interactive timeline", *The Guardian*, available at <http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline> (accessed on 13 December 2012).

² "Amnesty International Report 2010 – Tunisia", *Amnesty International*, available at <http://www.unhcr.org/refworld/topic,4565c22538,4565c25f455,4c03a7f7c,0,,,TUN.html> (accessed on 17 December 2012); See also: "Countries at crossroads-Tunisia", *Freedom House*, available at: <http://www.freedomhouse.org/report/countries-crossroads/2012/tunisia> (accessed on 17 December 2012);

"Tunisia homepage", OHCHR, available at <http://www.ohchr.org/EN/countries/MENARegion/Pages/TNIndex.aspx> (accessed on 17 December 2012).

³ "World Report 2011: Tunisia", *Human Rights Watch*, 2011, available at <http://www.hrw.org/world-report-2011/tunisia> (accessed on 13 December 2012).

⁴ Decree Law No 8 "Création de la Commission Nationale d'Investigation sur les abus enregistrés au cours de la période allant du 17 décembre 2010 jusqu'à l'accomplissement de son objet", 18 February 2011.

⁵ Decree Law No 7, "Création de la Commission Nationale d'Investigation sur la corruption et la malversation", 18 February 2011.

⁶ "ICC - Tunisia becomes the hundred and sixteenth State to join the ICC's governing treaty, the Rome Statute", Press Release, *International Criminal Court*, 24 June 2012, available at <http://www.icc->

On 25 October 2011, free and democratic elections were held for the National Constituent Assembly, which is mandated to prepare the new Tunisian Constitution. The Constituent Assembly also elected the interim President Moncef Marzouki, who appointed Prime Minister Hamadi Jebali, who took office on 24 December 2011 and constituted the second interim Government that has been and will continue ruling the country until the next elections following the adoption of the Constitution. The current interim Government has undertaken a number of policies on transitional justice, including the establishment of the Ministry for Human Rights and Transitional Justice,⁷ which drafted the Transitional Justice Draft Law currently under discussion at the Constituent Assembly.

Yet despite these positive signals, there is much work to be done to ensure that the wrongs of the past are addressed in a fair and transparent manner and that accountability and the rule of law will be the hallmarks of a democratic Tunisia. Civil society has a crucial role to play in ensuring the implementation and the monitoring of transitional justice measures as part of Tunisia's overall democratic transition.

In September 2011, NPWJ and KADEM conducted a Survey to capture a snapshot of the general knowledge and understanding of transitional justice in Tunisia among various sectors of society before major measures on the topic were carried out. This report provides an overview of the general perceptions and needs towards transitional justice among the general public and relevant Target Groups. Since the assessment was conducted at a time when major activities on this topic had not been implemented yet, this report represents an important tool that will enable people interested in transitional justice to measure the impact of various initiatives. It will also help identifying lessons learnt and successes from the transitional justice work carried out in the country as a whole.

cpi.int/en_menus/asp/press%20releases/press%20releases%202011/Pages/tunisia%20becomes%20the%2016th%20state%20to%20join%20the%20icc%E2%80%99s%20governing%20treaty%20the%20rome%20statute.aspx (accessed on 18 December 2012).

⁷ Decree No22, "Création du Ministère des droits de l'Homme et de la justice transitionnelle et fixation de ses attributions", 19 January 2012.

3. Research Methodology

3.a Overall Approach

The Survey was conducted in Tunisia through a questionnaire developed by NPWJ and KADEM to gather information regarding the situation of transitional justice in Tunisia before specific measures on large scale were implemented. The questionnaire used questions that are both closed (yes/no) and open (requesting comments, explanations and thoughts from the respondent). It was administered to 403 people representing the general public and specific Target Groups, namely victims, representatives of civil society groups, members of the judiciary and legal professions, the media, policy makers and political parties.

KADEM and NPWJ identified focal points for various geographical areas of Tunisia to administer the Survey, who were briefed on the methodology to use in conducting the Survey. The information was gathered before major activities on transitional justice had begun, during two consultations involving the public and groups of victims that were conducted by NPWJ and KADEM in December 2011 in Thala and Tunis.⁸

The Survey aimed at assessing people's perceptions and providing a general overview on the knowledge of respondents on transitional justice related issues. Questionnaires were completed on an anonymous basis; however for those who provided their names, full confidentiality was guaranteed. The first section of the questionnaire was to be answered by all participants and contained questions on the generalities, the personal status and the city of residence of respondents as well as on their knowledge and needs towards transitional justice. After this general part, specific sections were tailored and were to be answered by individuals belonging to the different Target Groups. These sections aimed to identify the specific needs and concerns of the Target Groups affected and to understand their engagement and knowledge of transitional justice and related issues.

The completed questionnaires were given to BJKA Consulting, a Tunisian company specialised in market research, marketing studies and surveys.⁹ BJKA designed the data entry software, cleaned up the questionnaires, entered the data and prepared the final database where the information was entered. The information gathered was stored electronically, in such way as to preserve the confidentiality and security of the respondent, and the raw data was entered according to a system designed to guarantee the consistency, completeness, clarity and correctness of the database vis à vis the original information gathered. The raw data was processed and analysed both quantitatively (e.g. how many respondents gave the same answer to standard questions) and qualitatively. The analysis provided answers to the research questions, using percentages of responses to closed questions and a content analysis of responses to open questions. In relation to open questions, BJKA calculated percentages in order to evaluate the incidence of a group of answers on the total population. On the basis of this information and further analysis of the content of replies, NPWJ grouped similar answers to obtain significant and usable information and to extrapolate categories representative of the most common answers. All information provided in this report were gathered through the Survey, unless a specific source is expressly noted.

Translation constituted an issue for the elaboration of a limited number of open-ended questions provided in Arabic, which were entered in the database in French. Some answers were

⁸ At the beginning of the consultations, participants who wanted to participate in the Survey were briefed on its purpose and given time to complete the questionnaire.

⁹ For more information on BJKA please consult the website: <http://www.bjka-consulting.com/index-en.html>

not inserted in this report because they were considered unreliable. The first official version of the report is in English, but translation into Arabic might follow.

In most cases, respondents provided multiple answers to open-ended questions, which were considered separately, answer by answer. For this reason, in some cases the sum of reported percentages is higher than 100%. More generally, percentages are given as whole numbers and rounded up. Replies to open ended questions were at times used as examples, even though they are not representative of the totality of responses due to their limited occurrence. In some cases, participants did not respond to all questions asked of them in the questionnaires. This led to some discrepancies in the final numbers and therefore, when added up, the total number does not always correspond to 403, which is the total number of questionnaires administered. Nonetheless, since these instances were random they did not have a negative effect on the final results.

The findings of the Survey are not necessarily representative of the Tunisian population as a whole, but they provide an interesting snapshot of the perceptions and views of the respondents in relation to transitional justice. The results of the Survey can also be used as a point of reference to evaluate how perceptions and views on the topic have varied over time and as a consequence of the diverse activities on transitional justice that have been conducted in Tunisia.

3.b Sampling Approach

The questionnaire was administered to the general public and various Target Groups. The number of respondents for each Target Group is the following: 93 individual victims of human rights violations; 61 members of the media; 72 civil society activists; 70 policy makers and members of political parties; 58 members of the judiciary and legal professionals; and 49 individuals were from the general public. The questionnaire was also administered in different regions and cities in Tunisia, including El Kef, Gafsa, Jandouba, Kasserine, Sfax, Sidi Bouzid and Tunis.

These cities were chosen as they were among those most affected by the violations committed by the previous regime. Therefore it was considered particularly relevant to capture perceptions from these areas about transitional justice.¹⁰

For example, violent crackdowns took place in **Gafsa**, especially in the night of 17 April 2011, and in **Kasserine**. Both cities are located in the Eastern part of Tunisia, which is considered to be one of the poorest regions of the country. Notwithstanding all major phosphate mines of Tunisia are located in Gafsa that therefore considerably contributes to the Tunisian economy, this city is one of the most marginalised of the country. Gafsa witnessed an intense crackdown in 2008 when the mines' workers started to revolt against the miserable social conditions they were living in. However, this movement was terribly oppressed with the use of force, including killings of protestors, random arrests and torture. Violent repressions also took place in Kasserine in December 2010 and January 2011.

Significant protests also happened in the cities of **Jendouba**, which suffered from pillaging and burning, and in **El Kef**. The Governorate of El Kef remains an extremely poor municipality with a long history of political dissent and whose police fired on protesters during several occasions.

¹⁰ Ryan Rifai, "Timeline: Tunisia's uprising", *Al Jazeera*, 23 January 2011, available at <http://www.aljazeera.com/indepth/spotlight/tunisia/2011/01/201114142223827361.html> (accessed on 13 December 2012).

Sidi Bouzid became famous for having been the starting point of the revolution, where Mohamed Bouazizi set himself on fire on 17 December 2010. Following that, the crackdowns were particularly violent in the city and its surrounding suburbs.

Finally, the Survey paid particular attention to the two main important cities of the country: Sfax and Tunis. **Sfax** is the second city of Tunisia in terms of population, where the revolution spread in late December 2010. **Tunis** is the capital city which faced violent crackdowns and violence from January 2011.

Tunisia has many regional and socio-economic disparities. The population and economic activities have been mainly concentrated in the governorates of Tunis and Sfax, while regions such as Gafsa, Jendouba, El Kef, Kasserine and Sidi Bouzid have been greatly marginalised from a full access to resources and wealth.



Table 1 - Map of Tunisia¹¹

¹¹ www.planetware.com (accessed on 18 December 2012)

The main cities of residence of respondents are listed in the table below.

City of residence	Number of Respondents
Tunis	102
Sidi Bouzid	51
Sfax	46
Gafsa	45
Jandouba	38
Kasserine	37
El Kef	21
Gabes	8
Sousse	5
Tozeur	4
Kebil	3
Beja	2
Bizerte	2
Mahdia	2
Medenine	2
Nabeul	2
Tataouine	1
No reply	32

Table 2 - Permanent city of residence

4. Findings from the Questionnaire

The first section of the questionnaire was to be answered by all respondents and contained general questions to gather background information on each respondent, but it could be filled in on a completely anonymous basis.¹² A number of questions aimed to assess the general knowledge and the perception on transitional justice of the respondents. Instead the following sections were specifically tailored for the different Target Groups and had to be answered only by those respondents belonging to the specific Target Groups. These sections aimed to identify their particular needs and concerns as well as to know their engagement and knowledge about transitional justice and related issues. In the following paragraphs an analytic breakdown of each section composing the questionnaire will be provided with a description and the analysis of the data collected.

4.a Findings from the general part of the questionnaire, applicable to all respondents

4.a.i Participant Information

In the first section respondents were asked basic questions on gender, residence, profession, level of education and geographical area of work, in order to collect background information. The majority of respondents were male. Although the Survey did not ensure a perfect gender balance, the participation of women was significant counting 108 female respondents.

The majority of respondents were civil society activists as profession, followed by members of political parties and the media and then by students. Crossing the categories on gender and professions, women constituted the majority among students and legal professionals.

¹² Respondents who provided names were guaranteed confidentiality.

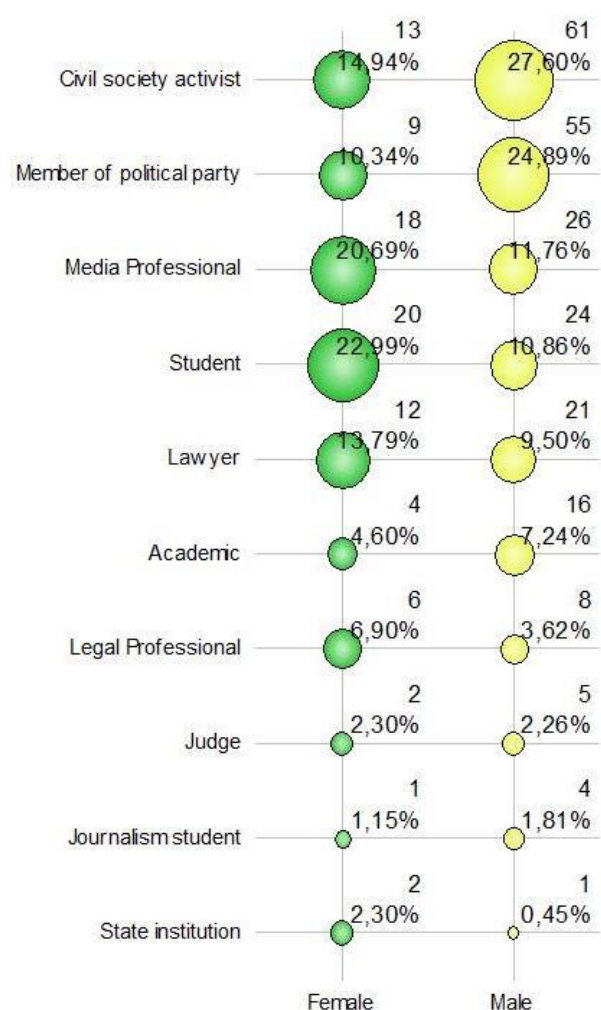


Table 3 - Gender and Profession

Among the people interviewed, 56% considered themselves or their families as “victims of human rights violations or corruption”. Among them, the most affected respondents were from Kasserine, Sidi Bouzid, Jendouba, Gafsa, Sfax, El Kef and Tunis, and overall were mostly civil society activists and members of political parties.

4.a.ii Transitional Justice

In this section, broad and general questions about the concept of transitional justice were asked to assess whether participants were familiar with this topic or not. Answers to the initial questions on whether respondents had heard of the term “transitional justice” before the Survey, show that this term was already known and people had already heard about it, with almost 75% of affirmative replies. Individuals most aware of transitional justice came from Jendouba, Tunis, El Kef, Kasserine, Sidi Bouzid, Sfax and Gafsa.¹³

¹³ The range of percentage regarding the knowledge of transitional justice among different professions varies from 100% (individuals from State institutions) and 66% (students).

The great majority of respondents indicated that their knowledge of the term transitional justice derived mainly from the media, while around 34% had materials distributed by NGOs.¹⁴ Media was particularly relevant in cities like Jendouba, Kasserine, Sousse, Sfax and Sidi Bouzid, where they represented the main source of information on transitional justice. Consequently, the media is an important target group in transitional justice activities to reach out to the broader public and particularly people outside Tunis. However, respondents closer to State institutions as well as judges, lawyers, legal professionals and members of political parties, tended to rely less on the media than students, academicians, civil society and media professionals, who used media as a main source of information.

Only a very small percentage of respondents had concretely worked in the field of transitional justice, nonetheless 41% had participated in meetings and/or activities on the topic, in particular people coming from Tunis, Jendouba, Sidi Bouzid and Sfax. In addition, 87% of respondents indicated their willingness to participate in future activities and/or meetings on transitional justice. This represents an important finding underlining a high level of interest among Tunisians about the topic, which suggests that Tunisian society is eager to participate in transitional justice activities.

When asked to express their ideas on what should be done in Tunisia to address past violations,¹⁵ the great majority of respondents indicated that the reform of institutions and accountability were the most urgent needs, followed by the strengthening of the rule of law. Material reparations came after, which reveals that economic compensation was considered as less relevant, even though it is usually an important part of the process. According to respondents, building trust in institutions, acknowledging the wrongs and truth telling mechanisms are also needed to address the past. Cross-referencing these answers with the city of residence, it appears that the need for institutional reform was more evident in El-Kef, Sfax, Gafsa and Sidi Bouzid.

¹⁴ Respondents gave multiple answers, thus the total sum of percentages is higher than 100%.

¹⁵ Respondents were allowed to select more than one option.

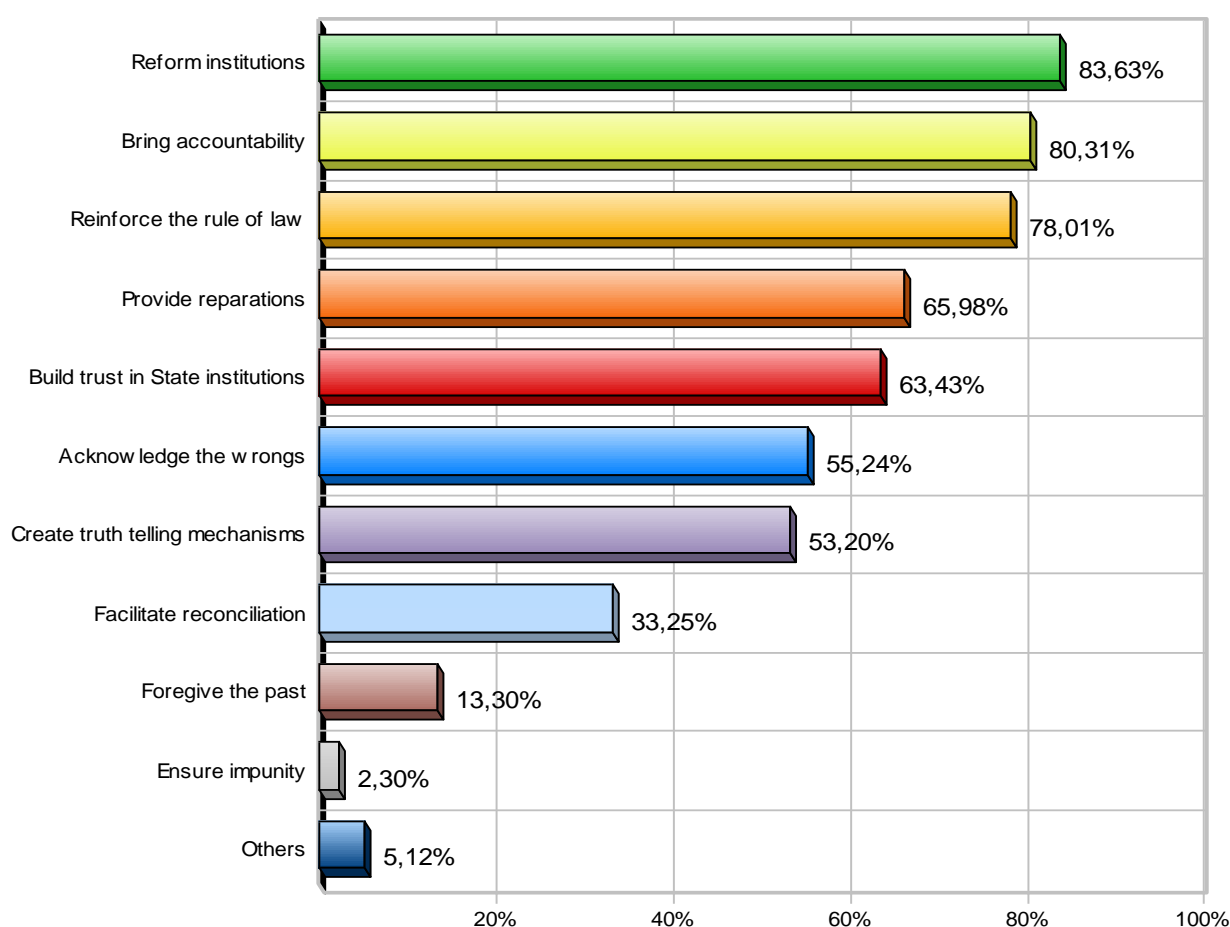


Table 4 - What do you think it should be done in Tunisia to address past violations?

Respondents considered that civil society and the judiciary had a primary role in addressing past violations, while other actors, such as educational institutions, were envisaged to have a marginal role. According to the last two findings, respondents considered that accountability should be provided mainly through ordinary justice. Moreover, respondents pointed out the media to be a fundamental group to address past violations, which substantiates the previous finding on the importance of media in reaching out to and informing the broader public. Victims were said to constitute the fourth category in the list of actors that respondents considered as to be involved in priority in the process.¹⁶

¹⁶ This data will be analysed further in the following section 4.b.i

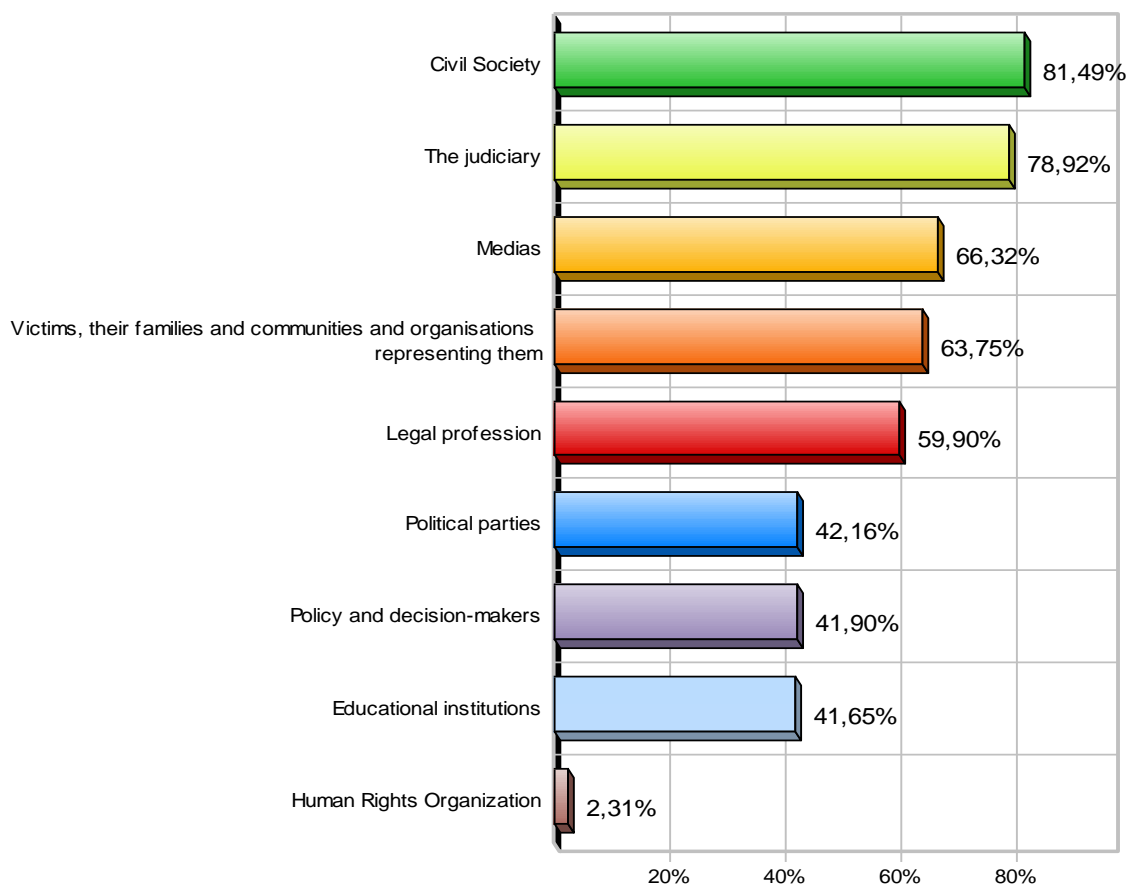


Table 5 - What groups do you think should be more involved in these efforts to address past violations?

The large majority of respondents perceived the existence of a link between past violations and transitional justice. Moreover, the general perception of transitional justice was very positive: 95% of respondents were in favour of the establishment of such a process in Tunisia and recognised the need for it. It is interesting to notice that all judges and people from State institutions replied uniformly, without exception, that there was a need to establish transitional justice.

It is also very positive that 77% of respondents, a considerable majority, indicated that they were motivated to participate in transitional justice mechanisms and that judges and people from State institutions appeared to be the most interested group to take part in this process. However, legal professionals expressed less motivation, even though the great majority recognised the need for transitional justice mechanisms to be established.

Respondents from Jendouba, Gafsa, Kasserine and Tunis were among those more motivated to participate in transitional justice processes.

4.a.iii Transitional Justice and Civil Society

This section aimed to explore the perceptions of respondents regarding the relation between civil society and transitional justice. It should be noted that freedom of expression, of assembly and of association were not guaranteed during the regime of President Ben Ali and in the aftermaths of the revolution civil society needed some time to flourish and organise itself. These considerations must be recalled to understand better and assess the results of this section.

The majority of respondents believed that there were no civil society groups working on transitional justice in their city at the local level. A relevant part of them simply did not even know whether there were such groups in the country or not. Only 20% were aware of active NGOs and associations focusing on this field, moreover within the organisations listed by respondents the majority worked for the defence of democracy and human rights whereas only 22% specifically focused on transitional justice. Among the organisations the most known as working on transitional justice, people indicated KADEM, followed by the Tunisian Centre for Transitional Justice and Amnesty International.¹⁷

An important data is that 90% of respondents in all regions declared that they would be interested in participating in activities on transitional justice as distinct from participating in transitional justice processes *per se*. Among them the most interested were academics, students, judges, lawyers and people from State institutions. Moreover, 96% of respondents were of the opinion that civil society could be broadly engaged in the work related to transitional justice.

4.b Findings from the specific sections of the questionnaire, applicable only to respondents from the Target Groups

4.b.i Victims of Human Rights Violations and Direct Corruption Violations

This section contained questions specifically addressed to individuals who were victims of human rights violations and corruption. As already noted in this report,¹⁸ half of the respondents considered themselves and their families as victims of human rights violations, with the majority coming from Sidi Bouzid and Tunis. Another 17% indicated that they were victims of direct corruption violations, especially respondents from El Kef, while 32% stated that they were victims of human rights and corruption violations, particularly residents from Jendouba, Sfax and Tunis.

Irrespective of the category with which victims identified themselves, nearly all felt unrepresented after the revolution and a considerable number of respondents never sought help from civil society organisations. This is not surprising since around half of respondents did not know which civil society groups they could turn to if they were looking for the representation of their interests.

The other half of respondents affirmed that they did know which civil society organisations they could refer to and they had sought help in the past. Nonetheless, they had not found adequate representation and only 17% were able to find what they needed. This shows a general difficulty

¹⁷ Respondents were allowed to select more than one option.

¹⁸ See section 4.a.i

of civil society to address adequately victims' needs and assist them properly, whether through judicial and non-judicial mechanisms.

Within the people who sought assistance,¹⁹ the majority requested legal representation, followed by public recognition of the wrongs suffered and general information, while less people indicated that they needed psychological and financial support. Other ways in which respondents felt that civil society should assist them in seeking justice were: supporting victims and witnesses and promoting human rights; ensuring a good and full knowledge of the truth; endorsing accountability and justice mechanisms and fighting against corruption.²⁰ An important finding that can be drawn from the previous analysis is that in the aftermath of the revolution, civil society groups were somehow distant from victims and in general were not able to provide the assistance and information needed.

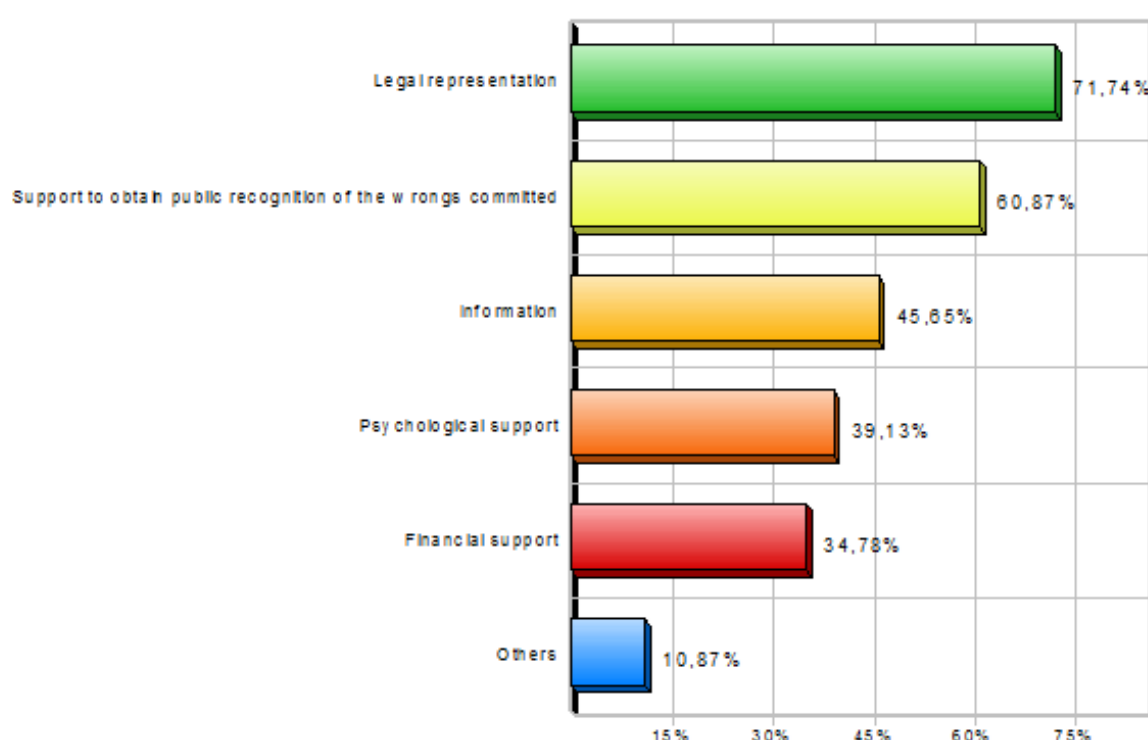


Table 6 - For what kind of assistance did you seek help?

The questionnaire also assessed the role played by authorities in supporting and providing assistance to victims. In this case, a greater number of respondents was aware of the procedures for expressing their concerns and demands to the relevant authorities, as most had already attempted to do so. However, also those requests obtained very little success and were addressed only in a small percentage of cases. These data prove that soon after the revolution, authorities were mainly inadequate and unable to address victims' needs and demands and there was a significant and urgent need to work in planning and developing specific tools and strategies in this sense.

¹⁹ Respondents were allowed to select more than one option.

²⁰ Respondents were allowed to select more than one option.

Finally, respondents almost unanimously agreed that the establishment of transitional justice mechanisms was a paramount priority, showing that this group had a high level of interest in the topic.

4.b.ii Members of the Media

This section explored the interest and knowledge of members of the media on transitional justice and related issues. The data collected showed that transitional justice was already a topic frequently discussed by the media, as 70% of the respondents had already included transitional justice issues in their articles and work.

Respondents affirmed that the most common discussions on transitional justice were centred on: past violations; victims related issues; prosecutions and trials; and the right to obtain reparations, while reconciliation processes were considered to be less relevant. According to this, it is possible to draw the conclusion that transitional justice is perceived by the media respondents to be linked more to justice, victims' issues in general and reparations for the violations suffered than to reconciliation and truth telling.

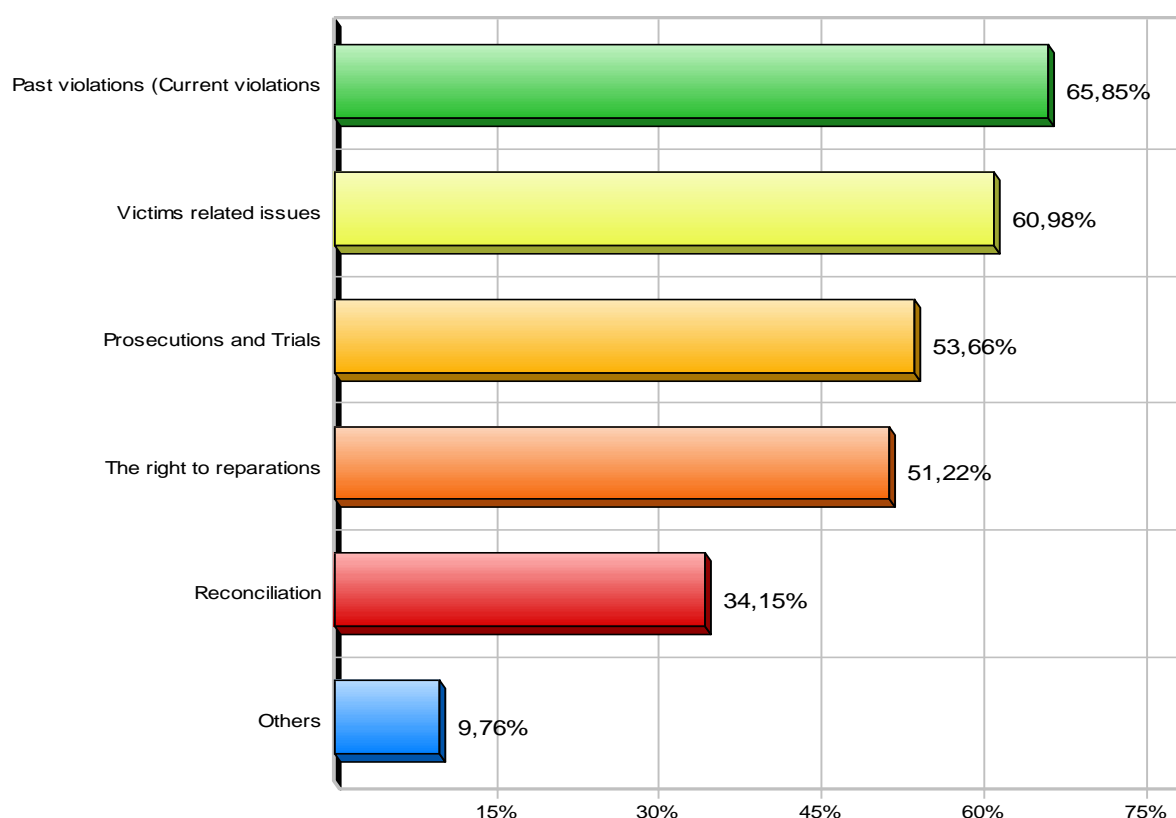


Table 7 - From what angles have you treated transitional justice?

Although the great majority of respondents had already dealt with transitional justice issues, they believed that their understanding of the topic was still limited. A possible explanation could be that many of them, when asked specifically for a reason, said they did not have full access to resources on this matter.

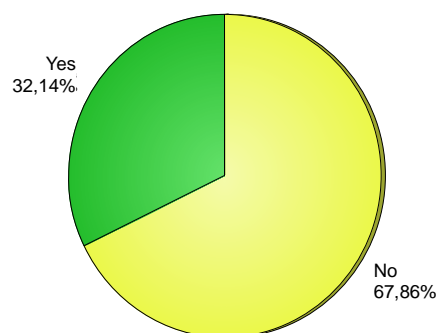


Table 8

“Do you believe you have a good understanding of transitional justice issues?”

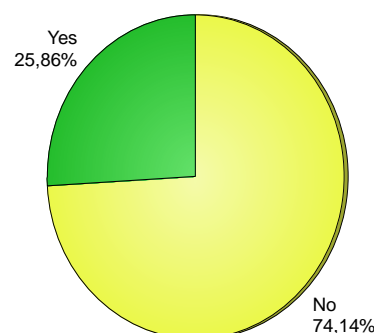


Table 9

“Do you have full access to resources on this matter?”

In particular, respondents from Sidi Bouzid and Jendouba felt they had a low understanding of transitional justice as well as limited access to resources, which contributes to confirming the link between the two issues. In addition, in the cities where it was more difficult to access information, there was also a very low interest on transitional justice. This suggests that interest, knowledge and access to information on transitional justice are connected and interdependent to one another.

Almost all media professionals among the respondents mentioned that it was important for readers to be informed on transitional justice and they showed a high level of interest on the subject. Considering these findings and the fact that media are an important target group to reach out to the broader population, it is important to build their capacity on transitional justice and provide them a complete range of sources of information. In this way, they will be able to convey more accurate and timely information on transitional justice to the public.

4.b.iii Civil Society

This section aimed to assess the perceptions and views of civil society groups on transitional justice. Almost all respondents from this group had already registered their organisation in Tunisia, in particular from El Kef, Jendouba and Kasserine. Only a few organisations had not registered and of these, the great majority indicated that they planned on registering their group. This data shows that Tunisian civil society is eager to participate and to contribute to the democratic transition of its country. It should be considered that under the previous dictatorial regime, civil society organisations were very often denied authorisation to register and only a

very restricted number were allowed to complete the registration process.²¹ Notwithstanding that repressive environment, the majority of groups were registered soon after the revolution, which indicates the willingness of this group to contribute effectively to the change of their country.

The majority of respondents stated that their organisations were not focused on transitional justice and respondents were almost equally divided between those showing interest on the topic and those who focused on other issues. In particular, people interested in transitional justice tended to have a focus on a variety of subjects ranging from human rights to elections. Those who were not interested in working on transitional justice explained that their organisations had a different nature and scope (e.g. cultural, artistic and sportive). Among the 47% of respondents who indicated that their group worked in a field related to transitional justice, their activities mainly consisted of advocacy work; mentoring of civil society; technical support and capacity building (including training courses on transitional justice and documentation of human rights abuses); and development of materials on transitional justice.²²

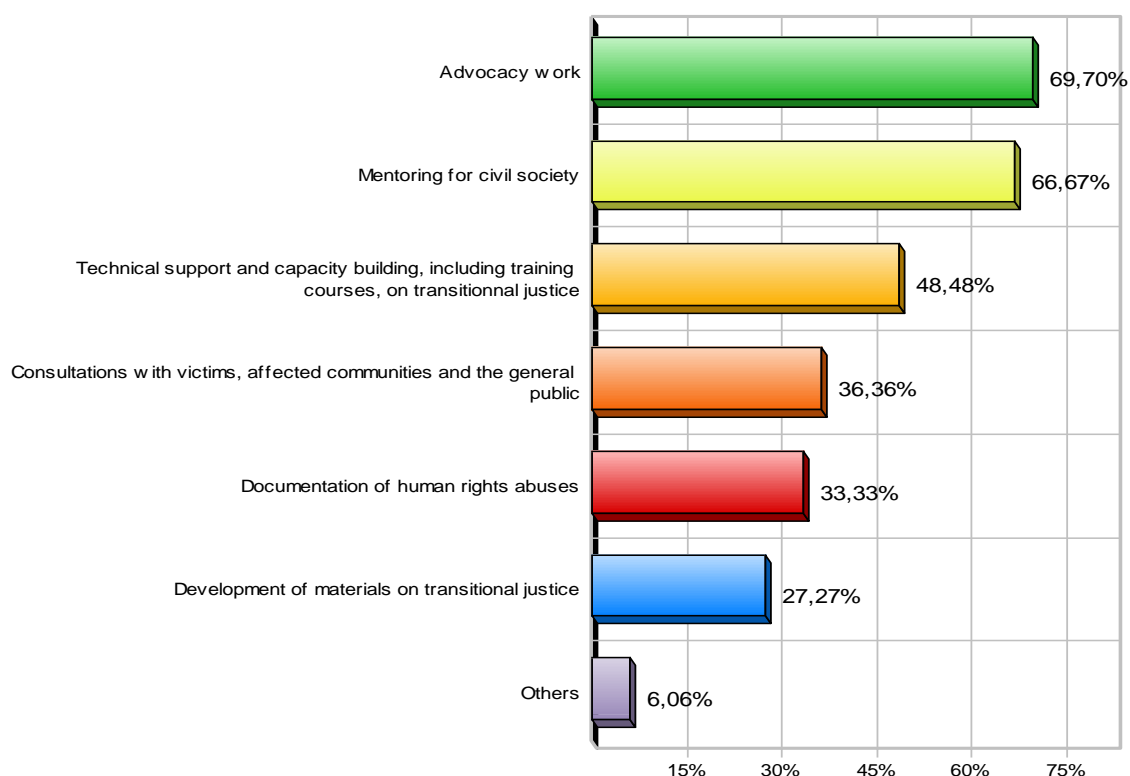


Table 10 - What does your work in the field of transitional justice consist of?

In addition, representatives of organisations stated that they plan to approach State institutions and the Government to engage them in future activities on transitional justice. This finding indicates that, notwithstanding the need for institutional reforms and the previous experiences

²¹ Art. 4 of the Law on associations (59-154, 7 November 1959) attributes to the Ministry of Interior the right to refuse registration to any association he believed did not comply with certain requirements, a right that was exercised frequently during the Ben Ali era.

²² Respondents were allowed to select more than one option.

of oppression by the State and the Government, civil society respondents recognised that they are important interlocutors in the field of transitional justice.

Civil society respondents did not focus their work on victims, as 61% of them stated that victims issues were not included in their organisations' work. The absence of this topic can be explained by the most common answer provided by respondents: they did not receive sufficient training on this issue, indeed only a small percentage of respondents indicated that they had received it. As a result, they did not feel able to provide victims with the information they needed, even when they were aware of victims' concerns. Civil society respondents also indicated that they believed social rehabilitation was the main concern among victims, followed by compensation and restitutions and truth seeking.

4.b.iv Policy Makers and Political Parties

This section provides a snapshot of the perceptions of politicians on transitional justice and the role of civil society in relation to this topic. The majority of respondents indicated that civil society had a role to play and that it should be engaged in a constructive manner, especially to undertake documentation of human rights abuses; mentoring of civil society; advocacy work; consultations with victims, affected communities and the general public; and technical support and capacity building, including training courses and the development of materials on transitional justice (see Table 11).²³ When these replies are compared to those given by civil society activists (see Table 10),²⁴ politicians and civil society itself have similar perceptions of the role of civil society. The only marginal difference seems to remain on the perception of the role of civil society's members. While politicians (see Table 11) see civil society as representing the views of civil society's constituents, civil society members sees themselves as relevant actors implementing various activities relating to transitional justice.²⁵

Data shows that respondents from political parties and policy makers were willing to involve civil society on transitional justice. A vast majority of respondents stated to be available and willing to be engaged in civil society work and more than half indicated that they had concrete plans for a broader engagement of civil society in transitional justice. However, the current engagement with this group was not very high at the time the Survey was administered, since the majority of respondents had not worked or met civil society representatives yet. At the same time, some respondents indicated they had worked with some international organisations, including Amnesty International, but not with Tunisian local organisations.

These findings highlight a need to promote a wider and deeper involvement of political parties and policy makers with civil society actors on transitional justice, promoting consultations and discussions between the two groups on this topic.

²³ Respondents were allowed to select more than one option.

²⁴ For Table 10 and the description of the findings regarding civil society, please see before under section 4.b.iii

²⁵ See section 4.b.iii

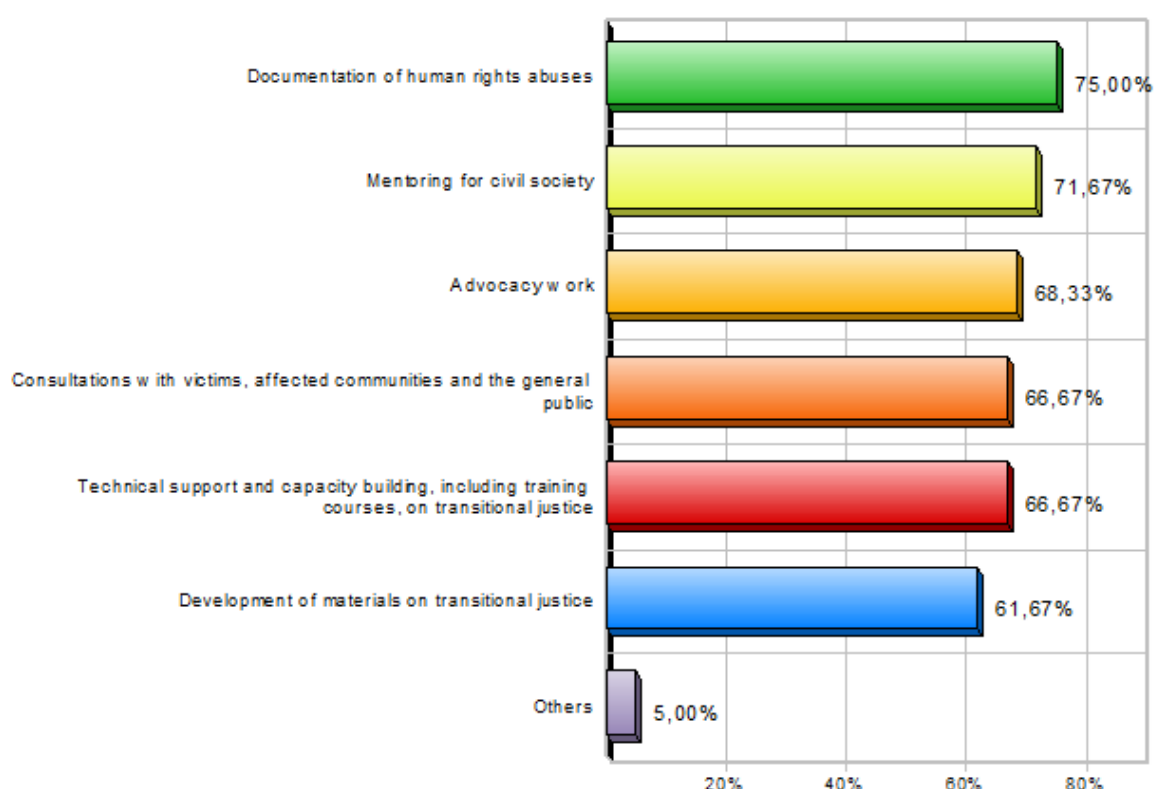


Table 11 - Can civil society be engaged in a constructive manner? If yes, in what ways?

4.b.v Members of the Judiciary and Legal Professionals

The last section was addressed to members of the judiciary and legal professionals. Only 28% of the respondents had participated or taken part in advocacy and legal actions related to transitional justice issues, however 77% stated that they would consider taking on this type of work in the near future. In particular, people from Jendouba, Kasserine, Sidi Bouzid and Tunis were the most motivated to start working on transitional justice. This supports the finding that, while major transitional justice measures had not been implemented at the time of the Survey, there was already a high interest around this topic.

Respondents affirmed that the main challenges for legal professionals in the field of transitional justice were the lack of a number of factors, including resources to conduct transitional justice-related work; knowledge and expertise on transitional justice issues; political will; and the interest of Tunisian society on transitional justice. This last finding shows that the perspectives of the judiciary and legal professionals on civil society's interests were quite different from the reality emerging from the Survey, underlining that Tunisian society has strong interest in this topic.²⁶ Finally, some respondents highlighted that they had difficulty to establish contacts with victims and other relevant groups.²⁷

²⁶ See section 4.a.ii, 4.b.i and 4.b.iii.

²⁷ Respondents were allowed to select more than one option.

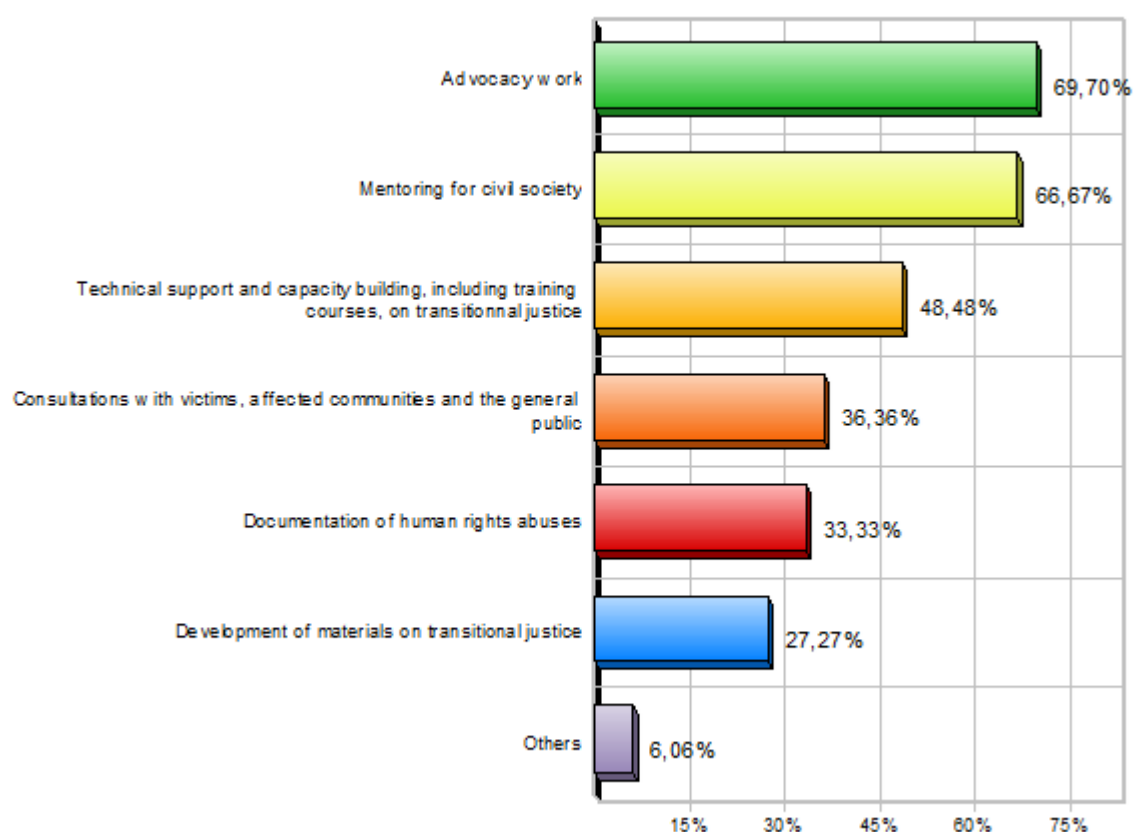


Table 12 - Which are the main challenges you foresee for legal professionals in this field?

Only 31% of respondents indicated that the current legal framework ensured redress for violations that occurred, while the majority indicated a number of areas that needed substantial reform, including criminal law; fiscal law; administrative law; and internal regulations of State bodies and institutions. Among the top priorities remain the areas regulating relations between State institutions and citizens and the functioning of the different State bodies.