



MONTHLY BULLETIN

The Specialised Criminal Chambers in Transitional Justice in Tunisia

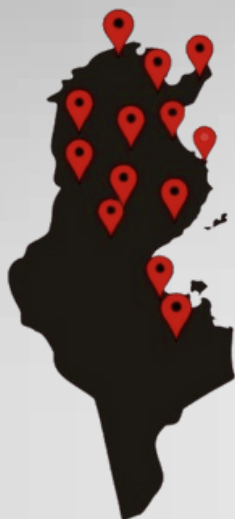
These newsletters aim to shed light on trial proceedings and integrate diverse narratives to highlight victims' experiences by combining legal analysis and lived-experiences. They seek to foster public engagement and raise collective awareness while emphasizing the importance of accountability and supporting victim-led efforts. This initiative comes to bridge the gap between technical judicial reporting, with a focus on providing more accessible and comprehensive resources to the broader public, including victims and grassroots organizations, to ensure that their voices are adequately heard. The initiative may also serve as an advocacy tool.

This work stems from the sacrifices and documentation efforts of victims themselves, affirming their unwavering commitment and enduring pursuit of truth and the completion of the transitional justice process in Tunisia.

IN THIS ISSUE:

Monthly Statistics at a Glance

- This Month's Highlight
- Legal Brief
- In Focus



A total of **204 cases** were referred by the TDC to the **13 SCCs**:

- Corruption cases (financial, real estate, and administrative) constitute **24%** of the caseload
- Gross human rights violations cases constitute **76%** of the caseload

More than **60%** of the total caseload was referred to the **Tunis SCC**

Hearings for a total of **62 cases** pending before the Tunis Chamber were postponed during January 2025. The categories of violations in these cases are distributed as follows:



Session adjournments before the Tunis SCC range from a minimum of **82 days** to a maximum of **105 days**:

January 02, 2025

January 06, 2025

January 09, 2025

January 13, 2025

January 16, 2025

03 sessions rescheduled for March 24, 2025

- Rached Jaïdane
- Mohamed Koussaï Jaïbi
- Victims of gross violations in the context of trials of Islamists from 1986 to 2005 (Mahrezia Bel Abed, Sabiha El Hamraoui, Hedia Laaridhi, Fadhila Nefzi, Taher Klai, Abd El Sattar Abidli, Raoudha Gabssi, Malek Tabboubi, Bechir Khalfi, El Houssine Ghodhbane, Ramzi Khalfi, Sadok Touil, Mohamed Kaloui, Abdelkarim Mathlouthi, Fatma Trabelsi, Naceur Fatnassi, Mohamed El Maiz, Boujemaa Hasnaoui, Jilali Trabelsi, Dhahbeya Trabelsi, the late Mahjouba Haouadi, Abderraouf Bedoui)

03 sessions rescheduled for March 27, 2025

- Barraket Sahel Group
- The late Habib Jebali
- The late Cherif Laaridhi

08 sessions rescheduled for April 03, 2025

Bread riots 1984, Grand Tunis, Mohamed Ali Abd El Aal and Amor Ben Ali Abd El Aal, Mohamed Jalel Eddine Ben Hassine, Said Ben Mohamed Chedly Hassine, Mohamed Karim Ben Jemia, Salah Ben Chaabane, Abdelwaheb Ouertani, Ali Kasmi.

02 sessions rescheduled for April 07, 2025

- Martyr Majdi Mansri
- Nouredine Ben Jemia

13 sessions rescheduled for April 10, 2025

Hachmi Mekki, Taieb Akremi, the late Adel Toumi, El Waqf Essoufi, Mohamed Khrif, Abderrahmen El Echi - Riadh El Allali - Salah Arfaoui - Abderrazak Ben Aziz, Anis Jelassi, Mohamed Amine Oueslati, Hatem Mouaffak, Chrif Metaalak, the late Sadok Hichri and Fatma Hichri, Amn El Fras - Mohamed El Waheb Mouelhi - Rchid Rchidi - Mohamed Nafti - Ayeche Lilia - Samer El Amia and his wife Faouzia - Said Akremi, Heirs to Ali Abidi, Abdelhedi Essarraj - Habib Mohsni - Zahra Bouraoui and Taoufik Zouabi, Heirs to Hedi and Hammadi Zbidi.

January 20, 2025

January 24, 2025

January 27, 2025

January 30, 2025

14 sessions rescheduled for April 14, 2025

Heirs to Ahmed Ouerghi, Adel Ayachi, the late Amara Ghnimi, the late Ibrahim Hammami, the late Mabrouk Zren, the late Abdelhakim Ghodhbane - Jilani Ghodhbane - Abderrazak Hammami - Mohamed Salah Marzouki and Abdelmajid Sekri, Belgacem Yaakoubi, the late Ahmed Ferjani, the late Taher Maatallah, Case of Voyageur Company, Case n°74, « Bratels » of La Goulette, Ahmed El Azrak (Cheikh Charles Nicolle), the late Zied Louati.

04 sessions rescheduled for April 17, 2025

- The late Salah Ben Youssef
- The late Ali Bouin
- Martyr Mokhtar Attia
- The Youssefites

14 sessions rescheduled for April 21, 2025
Hammadi Zallouz, Al Karama Holding, Mehrez Boudagga and Boulbaba Dkhil, the late Mustapha Hassine, Ahmed Nighaoui and Mohamed Fathi Zribi, Walid Denguir, Salah Arfaoui and others, Fathi Ben Sadok Damak, Abderrahmen Allani, the late Marwen Ben Zineb, the late Zouhair Yahyaoui, Riadh Bouslama and Taoufik Marzouki.

01 session rescheduled for April 24, 2025

- Case No. 31 - Financial corruption

Key Factors Contributing to Procedural Delays

- **Absence of alleged perpetrators from hearings:** The non-appearance of defendants at trial sessions fundamentally undermines TJ principles established in Organic Law No. 53 of 2013. It significantly impedes trial progression and obstructs truth-seeking and accountability mechanisms.
- **Impact of the 2023/2024 judicial rotation:** The transfer of seven Chamber presidents, not counting judicial advisors, has disrupted the continuity of the work of SCCs, which, according to Article 8 of the Organic Law, shall be constituted of independent judges who have never participated in trials of a political nature nor been involved in human rights violations.
- **Lack of legal quorum:** Statutory requirements mandate the presence of at least three judges for valid decision-making. When this *quorum* cannot be met, proceedings stall, resulting in cascading postponements and justice delays.
- **Insufficient specialized training in TJ:** Despite its critical importance, there remains a notable absence of sustainable capacity-building programs for judges and lawyers in TJ methodologies, compromising effective case management.
- **Declining victim participation:** Frustration and resignation prevail among victims due to protracted proceedings and lack of tangible results. Only a diminishing group continues to undertake monitoring and pursue individual advocacy efforts.
- **Deteriorating legal representation:** There is evident withdrawal from case follow-up coupled with inadequate coordination between lawyers. This results in fragmented, uncoordinated request submissions that undermine victims' rights to effective legal representation.
- **Weak CSO engagement in mobilization and advocacy:** Despite the pivotal role of civil society organizations in supporting the TJ process, the decline in relevant activities in this field diminishes effective pressure on concerned authorities and hinders justice outcomes.
- **Lack of clear governmental direction:** Despite formal obligations under Organic Law No. 53 of 2013 to ensure accountability and reveal the truth, the absence of a coherent vision from state authorities deepens the trust deficit among victims and further delays achieving TJ objectives.

Article 1, UN Convention against Torture (signed by Tunisia on June 26, 1987)

Torture means

Any **intentional** infliction of **severe** pain or suffering, **physical or mental**, on a person

For such purposes as:

- **obtaining** information or a confession
- **punishing** acts (real or suspected)
- **intimidation/coercion**
- **discrimination** of any kind

By **or** at the instigation of **or** with the consent **or** acquiescence of:

- a **public** official
- a person acting in an **official capacity**.

Excluding: pain or suffering arising only from, inherent in or incidental to lawful sanctions

Torture crimes are not subject to extinctive prescription

Hissène Habré: When Justice Prevails

Dictator Hissène Habré ruled Chad from 1982 to 1990. Notorious for his authoritarian regime, his security forces violently suppressed opposition, with reports of widespread abuses such as systematic torture. After the fall of his regime, human rights organizations and victims demanded that he be prosecuted for the crimes he committed.

A case was filed against him in Belgium on the grounds of universal jurisdiction, and Belgian authorities issued an international arrest warrant with a request for his detention to Senegal in 2005. After his arrest, he was released when Senegalese courts declared they lacked jurisdiction. In 2012, the African Union requested that Senegal prosecute him, and he was subsequently detained for the first time in Dakar.

The Extraordinary African Chambers were then established in Senegal by agreement with the African Union, mandated to adjudicate violations committed throughout his rule. In 2016, the Chambers issued a landmark judgment sentencing him to life imprisonment, and in 2017, ordered him to provide reparations to his victims.

Legal Brief

*Victims of torture in Tunisia: what are the available mechanisms?***1. Two domestic procedures**

A national **punitive** mechanism is enshrined in the **Tunisian Criminal Code**, as Article 101 bis of the Code (introduced by Law No. 89 of 1999, dated August 2, 1999) provides that any public official or other equivalent authority, who subjects an individual to torture in the course of or on the occasion of the exercise of their duties, shall be liable to **a penalty of eight years' imprisonment**.

And a national **preventive** mechanism: the **National Authority for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**.

The Organic Law No. 2013-43, dated October 21, 2013, established and outlined the mandate of this independent public body with legal personality and administrative and financial autonomy, headquartered in Tunis, Tunisia (Article 1). The Authority carries out **periodic, routine and impromptu** (without prior notification and at any time at its discretion), **visits to places of detention** to ensure that they are **devoid of the practice of torture** and that the conditions there are consistent with the international human rights standards and domestic regulations (Article 3).

The following are considered **places of detention** (Article 2) :

- Civil prisons
- Juvenile correctional centers
- Children's shelters or observation centers
- Detention centers
- Psychiatric institutions
- Refugee and asylum-seeker accommodation centers
- Immigration centers
- Health quarantine centers
- Transit zones at airports and ports
- Disciplinary centers
- Means of transportation of persons deprived of their liberty

2. An international procedure

June 26, 1987 marks the date of entry into force of the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, adopted on December 10, 1984.

Art. 17

The Convention established a **Committee against Torture (CAT)** consisting of **ten elected experts** and tasked with the **monitoring of the implementation of the Convention**, with the **aim of holding State Parties accountable** for human rights violations and **investigating reported instances of torture**.

Art. 22

A State Party may **declare** that it recognizes the competence of the Committee **to receive and consider communications** from or on behalf of **individuals** subject to its jurisdiction who claim to be **victims of a violation by a State Party** of the Convention.

Tunisia signed the Convention in 1987 and, upon its formal accession in 1988, declared its recognition of the Committee's jurisdiction.

In Focus



Jalel Ben Chaabane, 2023 ©

Rached Jaïdane is a Tunisian mathematics professors who was accused in 1993 of returning from France to carry out terrorist acts on Tunisian soil alongside members of the Ennahda movement. Following these allegations, authorities arrested him at his home and transferred him to the Ministry of Interior headquarters, where he endured forty days of relentless interrogations by security forces, ultimately signing confessions under duress.

Rached Jaïdane

In the face of decades of injustice, Jaïdane remains undeterred: *"I will not lose hope, which still burns in a generation that has learned to speak truth to power, even at the risk of their own lives."*

During his detention, he suffered severe physical and psychological torture. He was subjected to beatings, chained, and placed in isolation as punishment for his demands and multiple hunger strikes. His ordeal continued well beyond his release after 13 years of imprisonment in 2006. Despite regaining his freedom, he found himself unable to work and was barred from continuing his doctoral studies in mathematics - a degree he would finally obtain in 2022, 16 years after his release. In 2007, determined to seek justice, Jaïdane attempted to file a lawsuit against his torturers.

His initial efforts were blocked when his lawyer refused to pursue the case. It wasn't until 2011 that he was able to file his complaint, which was eventually incorporated into Tunisia's transitional justice process in 2018 and brought before the Tunis SCC. Despite the lengthy proceedings, his case remains unresolved, with no verdict to date. Today, Rached Jaïdane, along with other torture victims represented by the World Organization Against Torture, is lodging a collective complaint against the Tunisian state before the UN Committee Against Torture.

The World Organization Against Torture (OMCT) is accompanying **six torture victims and their families** whose cases have been pending before the Tunis, Nabeul and El Kef SCCs for over 6 years, with no judgment issued to date. The Claimants are : **Rached Jaïdane, Mohamed Koussaï Jaïbi, the late Sohnoun Jouhri, the late Fayçal Baraket, the late Rachid Chammakhi, and the late Nabil Barakati.***

What does the Article stipulate?

Pursuant to Article 14 of the UN Convention against Torture, « each State Party shall ensure in its legal system that the victim of an act of torture **obtains redress** and has an **enforceable right to fair and adequate compensation**, including the means for **as full rehabilitation as possible** ».

In which setting?

In a **joint complaint** submitted to the **UN CAT**.

Against whom?

Against the **Tunisian State**.

Why?

To assess the State's **liability for breaching Article 14** of the Convention.

What next?

Pursuant to Article 22, once the CAT notifies Tunisia of the communication, the State must, **within six months**, submit written explanations or statements on the matter and any remedy taken. The CAT will then relay its views to both Tunisia and the claimants.

According to the organization, this process is likely to extend over several years, and if the Tunisian State is held liable by the Committee, the claimants will once again turn to the Tunisian judiciary to obtain reparations, convictions of the alleged perpetrators of violations and guarantees of non-repetition.

*OMCT - Réseau SOS-Torture, Dossier de presse : La justice d'abord !, January 23, 2025.

Acknowledgments

We extend our deepest gratitude to
everyone who contributed to this issue:

Mr. Elmy Khadhri for his diligent compilation of case proceedings data before the Specialized Criminal Chambers in Transitional Justice.

Mrs. Ramla Hlel for her writing and editorial work.

Special thanks to the **Al Karama Association** and the **Tunisian Network for Transitional Justice (RTJT)**.

 We kindly invite you to:

- ◆ **Explore** the insights and analysis featured in this issue ;
- ◆ **Share** this newsletter with colleagues and partners in the legal and human rights communities to foster a broader dialogue on transitional justice ;
- ◆ **Subscribe** for monthly updates delivered directly to your inbox ;
- ◆ **Engage** with us by sharing your feedback and suggestions to help us better serve our community.

*Your participation strengthens our collective commitment
to justice and accountability.*