



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.

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Monthly Statistics at a Glance

The Tunis Specialised Criminal Chamber in Transitional Justice April 2025 Sessions and Postponement Schedule

Monday April 07 session adjourned to June 02, 2025

- Case No. 11 - Martyr Majdi Mansri (Revolution Events)
- Case No. 24 - Nouredine Ben Jemia

Monday April 14 session adjourned to June 09, 2025

- Case No. 36 - Heirs to the late Ahmed Ouerghi
- Case No. 37/44 - Adel Ayachi/Othman Ayachi
- Case No. 38 - The late Ammar Ghnimi
- Case No. 39 - The late Ibrahim Hammami
- Case No. 40 - The late Mabrouk Zren
- Case No. 42 - The late Abdelhakim Ghodhban - the late Jilani Ghodhban - the late Abderrazak Hammami - the late Mohamed Salah Marzouki and the late Abdelmajid Sekri
- Case No. 52 - Belgacem Yaakoubi
- Case No. 53 - The late Ahmed Ferjani
- Case No. 71 - The late Taher Maatallah
- Case No. 73 - Case of Voyageur Company
- Case No. 74 - Case of corruption in the customs sector
- Case No. 75 - « Bratels » of La Goulette
- Case No. 88 - Ahmed El Azrak (Cheikh Charles Nicolle)
- Case No. 89 - Zied Louati

Monday April 21 session adjourned to June 16, 2025

- Case No. 43 - Corruption (The Trabelsi Family)
- Case No. 46 - Hammadi Zallouz
- Case No. 47 - Forfeiture case: Al Karama Holding
- Case No. 48 - Hssan Saadaoui
- Case No. 51 - Mehrez Boudagga and Boulbaba Dkhil
- Case No. 54 - The late Mustapha Hassine, the late Ahmed Nighaoui and the late Mohamed Fathi Zribi
- Case No. 77 - Walid Denguir
- Case No. 78 - Salah Arfaoui and others
- Case No. 80 - Fathi Ben Sadok Damak
- Case No. 81 - Abderrahmen Allani
- Case No. 82 - The late Marwen Ben Zineb
- Case No. 83 - The late Zouhair Yahyaoui
- Case No. 90 - Riadh Bouslama
- Case No. 91 - Taoufik Marzouki

Monday April 28 session adjourned to June 23, 2025

- Case No. 22 - Martyr Major Mohamed Mansouri and others
- Case No. 35 - Corruption in the Banking Sector
- Case No. 69 - Bar President Bechir Essid
- Case No. 87 - Abbas Mlaouhi
- Case No. 92 - Case of the Tunisian Agency for External Communication
- Case No. 93 - Mohamed Habassi
- Case No. 94 - Mohamed Ben Ali
- Case No. 95 - Radhia Ayachi and others
- Case No. 96 - Hedi Boutaib
- Case No. 97 - Fethi Ghedamsi
- Case No. 98 - Mohamed Ben Neji Monser
- Case No. 99 - Mohamed Salah Farhat and Sassi Bahri
- Case No. 100 - Heirs to the late Mohamed Ali Hachicha
- Case No. 101 - Heirs to the late Chedly Mhiri
- Case No. 102 - Ahmed Dahmani
- Case No. 103 - Mordechai Ouazzan
- Case No. 104 - Ouannes Missaoui
- Case No. 105 - Farhat Hfaïdh

Except for one case:
The hearing in this matter was adjourned, during the April 28 session, to 16 June 2025:

Case No. 09 -
Martyr Adnan Ben Said
and
Victim Boubaker Kallali

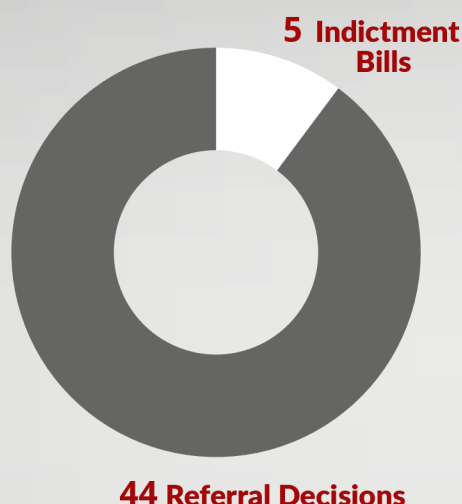
Following the resumption of proceedings at the Specialized Chamber for Transitional Justice at the Tunis Court in March 2025 and the consolidation of session schedules to a single week day (Monday), the Chamber held four sessions, examining a total of 49 pending cases during April 2025. Notably, postponement periods have been standardized across most hearings to reach 56 days, with only one exceptional case receiving a shorter 49-day adjournment. This reflects the implementation of recent procedural modifications governing the Chamber's operations.

Nevertheless, the persistent pattern of deferring these accumulated cases to subsequent months raises a fundamental question that remains unanswered:

When will the long-awaited justice finally be delivered?

A statistical overview of the cases

Breakdown of Cases by TDC Referral Mechanism (49 Case files)



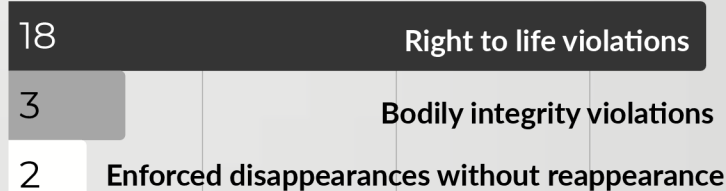
Understanding the Unidentified: Reasons Behind Unclassified Violations

- Lack of substantive examination and deliberation by the SCC;
- Lack of plaintiff participation;
- Documentation Inadequacies: Cases transmitted through referral decisions, unlike comprehensive indictments, frequently suffer from incomplete investigations or formal charges.

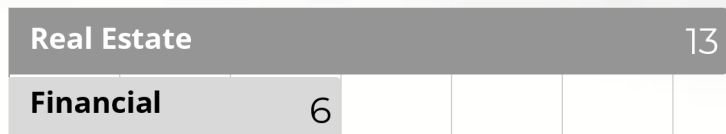
Case Categorization by Violation Type (49 Case files)



Classification of Gross Human Rights Violations Cases (24 Case files)



Classification of Corruption Cases (19 Case files)



Legal Brief

Bills of Indictment vs. Referral Decisions: On Procedure and Substance

As part of its mandate to uncover truth and hold accountable those responsible for violations perpetrated between 1955 and 2013, the Truth and Dignity Commission (TDC) referred cases with substantiated violations to the Public Prosecution, in accordance with **Article 42 of Organic Law No. 53 of 2013** on Establishing and Organizing Transitional Justice. Upon examination of its final report, two mechanisms can be identified as having been adopted by the Commission for referring cases to the judiciary¹, each with its own specificities in terms of content and procedures:

1. Bills of Indictment (69 total):

Indictments covered 1,120 cases implicating 1,426 alleged perpetrators for violations including right to life infringements, bodily integrity violations (torture, sexual violence), personal liberty deprivations, and embezzlement of public funds (financial corruption).

2. Referral Decisions (131 total):

Decisions encompassed 527 victims (excluding numerous victims of financial corruption), addressing right to life violations, bodily integrity breaches, enforced disappearances, property rights infringements, and embezzlement of public funds (with the state identified as the victim).

¹ TDC (2019), *The Final Comprehensive Report - Executive Summary*, at 85 et seq.
Available at: http://www.ivd.tn/rapport/doc/TDC_executive_summary_report.pdf

- The bills were drafted in accordance with Articles 4 and 42 of Organic Law No. 53 regarding **cases in which investigative work enabled the TDC to identify violations and their underlying causes, conditions, sources, surrounding circumstances and repercussions, as well as the alleged perpetrators of these violations**, thereby fulfilling the elements of the statutory definition of truth revealing. The final report further indicates that the Commission adopted a **dual legal characterization** of violations based on International Humanitarian Law and Tunisian Criminal Law.
- According to the Commission, the indictments constituted **a model establishing precedent for an innovative judicial doctrine, incorporating the strategic litigation approach**, in order to develop a progressive jurisprudence that ensures full respect of human rights.

What does Strategic Litigation, also known as Public Interest Litigation, stand for ? ²

It is a legal approach that exceeds the traditional goal of litigation, to seek legal, political, or social change beyond the interest of the immediate parties. The aim is not merely to win a lawsuit, but to highlight a public issue, create a precedent, influence public policy, or compel the state to meet its commitments.

Main components: The human rights framework and the altruistic element, through which actors such as NGOs or public authorities defend the rights of others.

→ This approach allows individuals, CSOs, and advocacy groups to push for structural reforms that promote accountability and advance collective interests, typically in human rights, transitional justice, environment and climate issues, corruption, public freedoms, etc.

- In its final report, the Commission notes that referral decisions, used to direct charges, make it impossible to track the exact number of alleged perpetrators, unlike comprehensive indictments.
- Referrals covered **cases containing sufficient evidence to prove that violations have been committed**, in accordance with Article 116 of the Code of Criminal Procedure: where there is adequate *prima facie* evidence to support the charges, the Accusation Chamber shall refer the accused to the competent court.
- The decisions also included other **case files where investigative work remained incomplete due to failure to obtain relevant documentation from state agencies within the prescribed legal timeframes**, particularly from the concerned state agencies, foremost among them **the Ministry of Interior, the Military Court and state apparatus to which the alleged perpetrators belonged**, despite the Commission's issuance of official correspondence for such purposes.
- To **safeguard the rights of case holders**, the Commission's Board resolved to refer the files, with the available evidence, through referral decisions.
- Regarding these deficiencies, it should be noted that **Article 116 of the Code of Criminal Procedure** grants the Accusation Chamber the authority to conduct supplementary prosecutions or investigations itself or through one of its counselors or an investigating magistrate. Furthermore, **Article 143 of the Code of Criminal Procedure** provides that the court may designate one of its members to conduct supplementary investigations.

→ Indictments constituted comprehensive and directly accusatory instruments, whereas decisions ranged from preliminary measures enabling further judicial investigation to cases at more advanced stages of preparation. **But, to what extent can this disparity in case file readiness affect the accountability process before the SCCs, especially since most were referred through decisions rather than completed indictments?**

This Month's Highlight

APRIL 2025

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Events of the Freedom and Dignity Revolution

Tunisia witnessed, beginning December 17, 2010, an unprecedented wave of social protests that ignited the first spark of the Freedom and Dignity Revolution. During this pivotal period, numerous internal security forces personnel, in stark contravention of international standards governing the use of force, committed systematic and grave human rights violations affecting fundamental freedoms - notably the right to peaceful assembly, personal liberty, bodily integrity, and even the right to life. These violations extended beyond field suppression operations to encompass the targeted detention of activists for regime criticism or for disseminating documentary footage of security apparatus violence through social media platforms³.

² P. FRANZINA (2025), "Netherlands International Law Review's Special Issue on Public Interest Litigation", *EAPIL blog*. Available at: <https://eapil.org/2025/04/23/netherlands-international-law-reviews-special-issue-on-public-interest-litigation/>

³ See TDC (2019), *The Final Comprehensive Report - Executive Summary*, at 343 et seq.

Within Tunisia's post-revolutionary accountability framework, the Truth and Dignity Commission received 163 files pertaining to right to life violations, and 4,282 files concerning physical integrity breaches and injuries sustained during the period spanning **December 17, 2010 - February 28, 2011**:

December 17, 2010	December 20-24, 2010	Beginning December 22, 2010	January 05, 06 and 10, 2011
Mohamed Bouazizi sets fire to his body outside the Sidi Bouzid Governorate headquarters, protesting violations of his right to work by municipal agents amid poverty and marginalization. Security forces use truncheons to disperse protesters that gathered in solidarity with him.	- Protests spread across Sidi Bouzid cities; - Security forces conduct mass arrests and home raids; - First fatality by live bullets in Menzel Bouzayene on December 24.	- Organization of solidarity marches across multiple governorates; - Use of truncheons and tear gas against demonstrators and detention of unionists and activists; - December 28: Ben Ali's first speech threatening increased violence.	- First fatality in Thala from gunfire; - Suppression of student movements and violent assaults on students by security agents at the Faculties of Arts and Humanities in Tunis, Sousse, and Kairouan.
January 12, 2011	January 13, 2011	January 14, 2011	
- Excessive use of force continues after Ben Ali's second speech on January 10, 2011; - Live bullets are fired at demonstrators during the general strikes in Sfax and Ben Guerdane, the popular protests in Bizerte, Manouba, and Ariana and marches in Ben Arous, Nabeul, Sousse, Kebili, Tataouine, and Tozeur.	- Number of casualties and confrontations with security forces rise following popular protests in Tunis, Kram West, Manouba, Ben Arous, Nabeul, Zaghouan, Zarzis, Beja, Kairouan, Bizerte, and Gabes; - In the evening: Ben Ali's third speech, in tunisian dialect, promising not to run in 2014 elections and democratic reforms.	- Mass demonstration in front of the Ministry of Interior headquarters in Tunis with the slogans "<i>Dégage</i>," "<i>The people want to overthrow the regime</i>," and "<i>Rather be reduced to bread and water than have Ben Ali as president</i>"; - Violent confrontations with security forces across multiple regions; - In the evening: Ben Ali flees to Jeddah.	
January 14-17, 2011	Kasbah Events		
- After the Constitutional Council announces presidential vacancy and the President of Parliament assumes temporary duties, widespread security breakdown continues until January 17 with numerous casualties from gunfire; - January 14-16: Borj Erroumi Prison Events (Confrontations between prisoners and guards result in 13 prisoner deaths and 51 injuries); - Night of January 14-15: Monastir Prison Events (Attempt to break Cell locks and setting fire to mattresses result in 48 prisoner deaths and numerous severe burns; significant delays in emergency response); - January 15: Mahdia Prison Events (Response to attempts to break cell doors with gas and bullets results in fatalities and asphyxiations).	January 23-28, 2011 - First Kasbah Sit-in: Protesters demand removal of former ruling party ministers, dissolution of Parliament and Advisory Council, plus dissolution of Constitutional Democratic Rally party and constitutional suspension. The sit-in ends with security forces' intervention using excessive force, and results in ministerial resignations and interim government changes. February 25-27, 2011 - Second Kasbah Sit-in: Protesters demand the Prime Minister's departure and transition to constituent assembly elections. There are several fatalities among demonstrators.		

In April 2012, The National Commission of Inquiry into Abuses committed from December 17, 2010 until the end of its mandate published its final report. Drawing on field investigations and victim testimonies, the report documented a total of 2,489 incidents, comprising 338 fatalities - of which 86 were prisoners, 14 were security forces personnel, and 5 were military service members - alongside 2,147 injury cases - of which 62 were prisoners and 28 were security forces personnel. The report also included statistical analysis detailing geographical victim distribution and liability attribution:

- Most casualties occurred in the governorates of Kasserine, Sidi Bouzid, Gafsa and Grand Tunis, where 60% of deaths and 78% of injuries were recorded.
- Security forces personnel were responsible for 79% of deaths and 96.18% of injuries. The report further identifies other state entities, notably the Ministry of Health, as liable for failing to implement the necessary emergency measures to provide care for the wounded, as well as for subsequently neglecting to provide appropriate rehabilitative treatment, including psychological support. The findings of the Commission additionally shed light on the Ministry of Information's complicity during this period through media control to whitewash the regime's image and suppress factual reporting.

Named, but Forgotten: The Official List of Victims of the Revolution

Over a decade after the events of December 17, 2010 - February 2011, and by a joint decision of the President of the Higher Committee for Human Rights and Fundamental Freedoms and the Head of the Commission of Martyrs and Wounded of the Revolution, dated March 10, 2021, the **final list of the Revolution's martyr's and wounded was published in Official Gazette No. 26 of the Republic of Tunisia**, issued March 19, 2021. The list formally recognizes individuals - both men and women - who were killed or injured during the period spanning December 17, 2010 through February 28, 2011. The **Commission of Martyrs and Wounded of the Revolution**, established in 2012, within the Higher Committee, was tasked with compiling the list **based on the final report of the National Commission of Inquiry into Abuses Committed during the Revolution Events**⁴. While that report documented a total of **338 deaths and 2,147 injuries**, with 96.5% of the deceased and 89% of the wounded being men, the official list published in 2021 only includes **129 deaths and 634 injuries**, specifying the identity and location of each case. The list is structured as follows:

- **Table 1:** 125 male martyrs, 4 female martyrs (96.99% male, 3.01% female).
- **Table 2:** 614 wounded men, 20 wounded women (96.85% male, 3.15% female).

When comparing the data from 2012 and 2021, a striking discrepancy emerges:

- A 62% decrease in recognized fatalities
- A 70% decrease in recognized injuries

What is the fate of the persons whose names appeared in the 2012 report but were not included in the 2021 list? Does exclusion from this official list strip them of their status as martyrs or wounded of the revolution?

This prompts reflection on two additional core issues:

What are the criteria adopted in determining who is considered a martyr or wounded person?



What are the rights entailed by being recognized as a martyr or injured person?

According to an early definition, martyrs and wounded persons are those who risked and sacrificed their lives for the sake of the revolution and its success and who were subsequently martyred or physically impaired between December 17, 2010 and February 28, 2011⁵. The Decree relating to the Fidaa Foundation defines martyrs and wounded persons of the Revolution as follows: persons whose names appear on the list published in the Official Gazette and anyone who acquired that status according to law⁶. **However:**

- The phrasing "*risked and sacrificed their lives*" introduces an element of intention or conscious awareness that is difficult to objectively verify. What about people who were killed or injured but had no intention of participating in the revolution yet were present during the events?
- The terms "*physically impaired*" raise these questions: Are they intended to mean only serious physical injuries? Are psychological damage or invisible sequelae excluded?
- The reliance on the official list raises serious concerns regarding the criteria for inclusion, especially since it includes only about one-third of the number of martyrs and injured recognized as such in 2012.
- The expression "*anyone who has acquired this status in accordance with the law*" is broad and not precisely defined, leaving room for various interpretations and perhaps some form of political interference in determining who can qualify for this status.

The rights granted to those entitled from revolution martyrs (spouse, children, parents, brothers and sisters) and to the wounded consist of a monthly pension (granted to injured persons who suffered physical harm of no less than 6%), free treatment and accommodation in public health structures and at the military hospital, as well as free transportation by public transport means⁷.

• In terms of pensions and other rights

Monthly pensions allocated to the wounded vary by injury severity, ranging from 80% to three times the minimum wage, with increases of 10% for each dependent child (up to three). Martyrs' families are granted three times the minimum wage, split among parents (10% each), spouse (40%), and children (40%). Pensions are revised when the minimum wage is adjusted or the injury worsens⁸.

Social support includes a set of entitlements such as free museum and archaeological sites access, certain customs exemptions, coverage of pilgrimage expenses ("*Hajj*"), priority in social housing or grants, monthly study aid and priority in school accommodation for their children. They also have the right to priority in employment programs, with the possibility of combining the pension with a private project. Wounded persons with impairments exceeding 50% and working widows of martyrs are granted special working hours with full pay⁹.

⁴ Article 6 (New) of Decree No. 97 of 2011 dated October 24, 2011, as amended by Law No. 26 of 2012 dated December 24, 2012.

⁵ *Ibid.*

⁶ Article 2 of Decree No. 20 of 2022 dated April 9, 2022, as amended by Law No. 1 of 2025 dated January 9, 2025.

⁷ Articles 7 (New), 7 bis, 8 (New), and 9 of Decree No. 97 of 2011 as amended on December 24, 2012.

⁸ Articles 19, 20, 21, 22, and 23 of Decree No. 20 of 2022 as amended on January 9, 2025.

⁹ Articles 27 to 32 of Decree No. 20 of 2022 as amended on January 9, 2025.

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 We kindly invite you to:

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