



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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The wheels of justice continue to turn slowly in Tunisia's TJ accountability process. Throughout June 2025, the Tunis SCC held **five sessions** - on Mondays June 02, 09, 16, 23, and 30 - examining a total of **86 cases**, all of which have remained pending for **over seven years**. Not a single verdict was reached, as every session ended in postponement yet again, with **delays now exceeding four months**.

The reason? A persistent and unresolved structural issue: the Chamber's lack of legal *quorum*.

Session of June 02: Postponed to October 06, 2025

📁 Number of cases: 14

- **Low attendance overall**
- **Complete absence of all parties** in Cases Nos. 10, 18, and 27
- **Only defendants appeared** in Cases Nos. 14 and 25
- **Case files not even provided** in Cases Nos. 20, 70, 72 and 85
- **Lawyers' requests:** accelerating proceedings, summoning the accused, and upholding victims' rights to truth, recognition, apology, and accountability.
- **A constitutional challenge was raised** against the process and the Chamber by a defense lawyer (Case No. 14) prompting a firm response from both lawyers and the presiding judge:
 - The process was established by an organic law that can only be repealed by another organic law.
 - Implementation of the TDC's recommendations, as published in the Official Gazette, remains binding and is not tied to the Commission's time-bound mandate.
 - The Tunisian state must honor its international obligations.

Session of June 09: Postponed to October 13, 2025

📁 Number of cases: 18

- **Low attendance overall**
- **Almost no legal representatives present**
- **11 out of 18 cases saw no parties present at all:** Cases Nos. 36, 38, 39, 40, 42, 53, 71, 73, 74, 75, and 88
- **7 cases had limited attendance:**
 - **Only the accused attended:** Case No. 31
 - **Victims or their families attended** in Cases Nos. 32, 33, 84, and 89
 - **Victim Adel Ayachi and his legal representative** were present for Case No. 37/44. He denounced the prolonged delays in his case, **despite all the required supporting documents being submitted**, and called for expedited judgment.

Session of June 16: Postponed to October 20, 2025

📁 Number of cases: 15

- **Low attendance overall**
- **12 out of 15 cases saw no parties present at all:** Cases Nos. 09, 43, 46, 47, 48, 51, 54, 80, 81, 82, 83, and 90
- **3 cases had sparse partial attendance:**
 - The mother of the late Walid Denguir (Case No. 77) and the sister of the late Taoufik Marzouki were present and reaffirmed previous statements.
 - Accused Salah Arfaoui appeared (Case No. 78), denied all charges, and claimed the case was politically motivated. He demanded the claimants be summoned and confronted.
- **Procedural obstacles:**
 - **Missing summons records** (Cases No. 09 and 54)
 - **Lack of response from the prison administration** (Case No. 83)
 - **Pending enforcement of preparatory rulings** (Cases No. 09, 43, 47, and 48)

Session of June 23: Postponed to October 27, 2025

📁 Number of cases: 18

- **Low attendance overall**
- **12 out of 18 cases saw no parties present at all:** Cases Nos. 69, 87, 92, 93, 94, 96, 99, 100, 101, 103, 104, and 105
- **6 cases had partial attendance:**
 - **Victims, families, or their legal representatives appeared** in Cases No. 22, 69, 95, 97, and 102
 - The accused in Case No. 35 was present but had yet to be interrogated.
- **Procedural obstacles:**
 - **Missing summons records** (Cases No. 87 and 94)
 - **Incomplete correspondence with the Ministry of Interior** (Case No. 22)
 - **Failure to respond to official correspondence** (Cases No. 69, 92, 99, 100, 101, 102, and 105)
 - **Failure to interrogate the accused** (Case No. 35) and to hear the victims (Cases Nos. 22 and 92)
 - **Failure to provide the Chamber with the case file** (Case No. 104)
 - **Motion to divide the case into separate files** (Case No. 35)

 Number of cases: 21

- **Low attendance overall**
- **No presence whatsoever in 14 out of 21 cases:** Cases Nos. 45, 106, 107, 108, 109, 110, 115, 117, 118, 119, 120, 121, 122, and 123
- **Partial attendance in 7 cases:**
 - Victims, their families, or legal representatives appeared in Cases Nos. 04, 08, 23, 30, 113, 114, and 124
 - The accused or their representatives appeared in Cases Nos. 04, 08, and 30
- **Procedural obstacles:**
 - Missing summons records (Cases Nos. 114 and 124)
 - Failure of the Ministry of Interior to provide full identity information (Case No. 04)
 - Lack of response from the State Litigation Officer (Cases Nos. 107, 108, 115, 118, 119, 120, and 123)
 - Request to appoint a lawyer for interrogating the accused (Cases Nos. 08 and 30)

 **Additional Note:**
On Thursday, June 05, an ordinary criminal chamber (not specialized in TJ) at the Tunis Court postponed three gross human rights violation cases - Cases Nos. 01, 05, and 29 - to Monday, July 07, 2025.

Legal Brief

Memory Preservation in the Transitional Justice Legal Framework

Key international legal bases

The 2001 Durban Declaration adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Paragraph 106):

"We emphasize that remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity".

The Set of principles for the protection and promotion of human rights through action to combat impunity, adopted in 1997 and updated in 2000 and 2005:

The inalienable right to the truth (Principle 2)

"Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations".

The duty to preserve memory (Principle 3)

"A people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments".

The Tunisian legal framework

Organic Law No. 53 of 2013 on Establishing and Organizing Transitional Justice, defines TJ in Article 1 as:

"An integrated process of mechanisms and methods used to understand and deal with past human rights violations by revealing their truths, and holding those responsible accountable, providing reparations for the victims and restituting them **in order to** achieve national reconciliation, **preserve and document the collective memory**, guarantee the non recurrence of such violations and transition from an authoritarian state to a democratic system which contributes to consolidating the system of human rights". According to Article 5, memory preservation is: "A **right** for Tunisia's coming generations and it is a **duty** that the State and all its institutions or those falling under its supervision should carry out in order to learn lessons from the past and commemorate the victims".

In the **absence of a national legislative definition** of the concept of memory and its preservation, the Truth and Dignity Commission emphasized in its final report, published in the Official Gazette in 2020, that this legally enshrined right **includes:**

The right to know about the violations committed between 1955 and 2013:

This encompasses access to and publication of victims' testimonies, as well as the information, documents, and archives collected by the TDC. It also calls for their wide dissemination, while ensuring their preservation and preventing their destruction, concealment, or falsification.

The right to memory:

Understanding a nation's history of oppression is an integral part of its heritage, and the state bears the responsibility to safeguard documents, secure data, and facilitate access to knowledge and remembrance, to prevent recurrence, resist forgetting, and guard against the distortion or denial of historical narratives.

Memorialization: Why it matters

Drawing from both national and international frameworks – and guided by the [2020 report of the UN Special Rapporteur](#) on the promotion of truth, justice, reparation and guarantees of non-recurrence concerning memorialization processes in the context of serious violations of human rights and IHL – it becomes clear that **memory preservation is deeply intertwined with all other pillars of transitional justice.**

The Special Rapporteur stresses that memorialization is more than a symbolic gesture, **it stands as the fifth pillar of TJ**: “Without the memory of the past, there can be no right to truth, justice, reparation, or guarantees of non-recurrence”.

And further explains: “It is both a stand-alone and a cross-cutting pillar, as it contributes to the implementation of the other four pillars and is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace”.

Similarly, the TDC considers that memorialization is not limited to documenting the past, but **provides an opportunity for collective reflection on the root causes of violence and its ongoing repercussions**, and promotes a culture of participatory democracy. The Commission underlines that **reconciliation** is not built solely on material redress, but **requires symbolic recognition of victims and their stories**, through initiatives that protect their memory and weave it into the public sphere.

This Month's Highlight

What has become of memory preservation since the TDC concluded its work?

- Organic Law No. 53 of 2013 on Establishing and Organizing Transitional Justice, through Articles 44 and 68, alongside Decision No. 1 of 2014 dated November 22, 2014 governing the Truth and Dignity Commission's Internal Regulations, in Article 3, explicitly tasked the Commission with recommending essential measures to preserve national memory and transferring all documentation upon completion of its mandate to either the National Archives or a specialized institution to be established for this purpose. Yet despite this clear legal requirement, the Commission's final report reveals that **the legislative authority chose not to establish such a specialized memory institution**. The Commission viewed this failure as having transformed the lived experiences of victims of authoritarianism into static archival materials gathering dust on National Archives shelves – relegated to academic research rather than serving as a vital catalyst for participatory justice and a living, breathing collective memory.
- In contravention of Articles 40 and 54 of Organic Law No. 53 of 2013, which guaranteed the TDC the right to access both public and private archives and the right to obtain information and documents without obstruction by professional confidentiality claims, the Commission faced systematic obstacles that hindered parts of its work. **Key state institutions refused to cooperate**, including the Presidency of the Republic, the Ministry of Interior, the Ministry of State Property, the Municipality of Tunis, and the Ministry of Culture – all denying the Commission access to presidential and national archives, Interior Ministry records (especially the crucial political police files), while also blocking access to public spaces and denying the designation of symbolic sites for memorialization purposes.
- Despite these difficulties, the Commission assumed a pivotal role in documenting violations through a dual approach. It developed two parallel case management systems: **a traditional framework** anchored in paper documentation, and a comprehensive **digital infrastructure** encompassing audio-visual recordings, databases, and specialized software applications. Simultaneously, it undertook the crucial task of mapping both national and international archives vital to its investigative work. Within this framework, the Commission conducted **49,654 confidential hearings**, each meticulously documented through its specialized information application “*Al-Ifada*” (Testimony), which captured not only the factual details and chronological contexts but also the profound psychological and social impact of violations on victims. These hearings became a fundamental source for a documented collective memory, with the testimonies serving as a roadmap of the political and historical events that Tunisia experienced. The Commission additionally held **14 public hearings**, which functioned as tools for **public awareness and truth revelation**, solidifying collective memory while safeguarding against future recurrence by exposing systematic violations across diverse historical contexts: Revolution events, violations targeting internet freedom, violations targeting women, violations during the departure of occupation forces, the Siliana buckshot events, the Bread riots, electoral fraud, media disinformation, and other pivotal historical junctures.

Memorialization: Keys to effectiveness

The Special Rapporteur emphasizes that preserving memory cannot happen automatically when periods of conflict and authoritarianism end, nor through judicial rulings. Rulings alone – even international ones – fall short of achieving the educational change sought, often using complex legal language that can take years to translate and make accessible to local communities. The report underlines that while the ICTY (1993–2017) secured undeniable victories in prosecuting political and military leaders, it struggled to change wartime propaganda narratives or halt hate speech.

The Rapporteur calls for a **comprehensive approach** that weaves memorialization into a broader strategy aimed at strengthening democracy and a culture of peace. This requires forging **meaningful partnerships with civil society** and moving beyond purely technocratic approaches to include broader participation that helps transform cultures built on violence and marginalization. He stresses that commemorative processes are **long-term endeavors** that depend on bringing together formal justice efforts with grassroots cultural and social initiatives.

Recommended best practices

- Adopting memory policies that reflect diverse perspectives.
- Understanding mechanisms of oppression and dehumanization preceding violence.
- Opening a broad debate on the roots of past violence to build a different future.
- Diversifying remembrance tools – literature, art, research, museums, commemorations, and textbooks – across physical and virtual spaces.

In formulating its recommendations, the TDC drew upon a comprehensive array of sources including victims' requests during hearings, findings from the 2017 National Consultation on the Comprehensive Reparations Program, deliberations with CSOs, proposals from national TJ conferences, alongside examination of UN reports and insights from comparative experiences. For instance, during confidential sessions, victims submitted 15,201 requests for documentation (in both printed and digital formats), alongside 8,944 requests for the production of cultural materials such as documentaries, novels, books, television series, exhibitions, cinematic and theatrical works, publications, newspapers, and television programs. The National Consultation yielded equally compelling evidence of public engagement with memory preservation, with an overwhelming 88.63% of participants identifying it as a priority.

From recommendation to implementation: A progress checklist

✗ : No follow-up

Turning violation sites into centers for memorialization

- ✗ **Register** the Prison of 09 Avril as a historic monument, establish a memorial or museum, and install informational banners indicating its history and victims' names.
- ✗ **Continue** the collection and identification of remains of martyrs from Mount Agri, create a cemetery, organize an official funeral, name a public square, and establish a museum and memorial for victims at the site.
- ✗ **Restore** Mourad Bey Palace (*Palais des Princesses*) at Manouba Women's Prison under National Heritage Institute supervision, transform it into a memory center for women victims, and make it accessible to the public.
- ✗ **Convert** the abandoned section of the Gaâfour Police Station into a center bearing Nabil Barakati's name.
- ✗ **Designate** the Prison of Nadhour in Bizerte as a historic monument, create a memory preservation museum and organize educational visits.

Creating Symbolic Sites

- ✗ **Erect** a national memorial and construct memorials and sculptures in open locations such as streets, squares, and institutions that witnessed violations.
- ✗ **Install** commemorative signs near operational detention centers and security services where torture victims died.
- ✗ **Name** streets, avenues, squares, public gardens, and educational and cultural institutions after victims.
- ✗ **Revise** the naming of landmarks bearing names of those who committed gross violations.

Establishing Museums and an Interactive Memory Map

- ✗ **Establish** a national museum in the capital called "National Dignity Museum" and expand existing museums to include violation victims (National Movement Museum, Museum of the Revolution in Sidi Bouzid, Ghar El Melh Museum, Sousse Museum, etc.).
- ✗ **Create** a virtual museum to preserve and disseminate the TDC's digital and audiovisual heritage in an easily accessible remote format.
- ✗ **Develop** an interactive map identifying violation sites and their history, accompanied by map keys and conventional markers explaining site nature, violation types, historical periods, and victims' names.

Cultural activities and events for memory preservation

- ✗ **Establish** official national days linked to memory, such as making May 08 a National Day Against Torture.
- ✗ **Issue** postage stamps inspired by the final report and involve young visual artists in their design.
- ✗ **Found** a Transitional Justice Forum Theater.
- ✗ **Publish** public hearings in books and distribute them to public libraries, universities, and research centers.
- ✗ **Convert** the Unified Registry of Victims into informational booklets for wide distribution.
- ✗ **Grant** positive discrimination to victim artists and writers to support their work through the Ministry of Culture.
- ✗ **Involve** creative victims in prison system reform.
- ✗ **Produce** films targeted at youth and include them in educational programs.
- ✗ **Reassemble**, archive, and digitize old documentary and narrative films about Tunisian events since the 1960s.
- ✗ **Establish** a national audiovisual archive institution to collect and document related productions.

Teaching History and Transmitting Memory Through Education

- ✗ **Launch** a national dialogue on educational system reform.
- ✗ **Organize** cultural exhibitions on TJ in educational and cultural spaces.
- ✗ **Include** violations in formal and informal educational programs at all educational levels.
- ✗ **Teach** prison memoirs and literature within literary curricula in schools and universities and publish them in national and public libraries.

Archives

- ✗ **Open** negotiations regarding the recovery of historical assets withheld from public opinion and related to the history of Tunisia, including the events of Bizerte and the subsoil assets, most of which are located in France.
- ✗ **Promulgate** special legislation for violation archives that defines access methods and document types, guarantees victims' rights to access files and modify data in official documents issued between 1955–2013, and that provides for the establishment of a national memory preservation institution.

Despite clear vision, existing legal frameworks, and societal demands, victims' memory remains marginalized. Political will has been absent, and state institutions have betrayed a sacred obligation to those who suffered: their right not to be forgotten.

Who, then, will safeguard the memory of those whose rights were systematically violated? What role can victims themselves play in confronting ongoing oblivion and marginalization? To what extent can grassroots initiatives and individual efforts compensate for the absence of official commitment in memorialization? And do emerging generations possess genuine awareness of the value of victims' memory and testimony, or does the threat of collective amnesia still endanger its continuity?

Nabil Barakati: A Martyr to Torture, A Memory That Lives On



About Nabil Barakati

Born in 1961, Nabil emerged early as a cultural activist, co-founding the first cinema club in Tébour Souk. After graduating from the National Engineering School in 1983, he began his career as an assistant engineer in a construction company. Yet he soon chose to pursue a career in primary education in the Siliana region. Nabil's life was deeply intertwined with the struggles of his country. When the Bread Riots erupted in 1984, he helped organize protests in Gaâfour — an act that led to his arrest. In 1986, he contributed to the founding of the Tunisian Communist Workers' Party.

Testimony from a Grieving Brother

During the Truth and Dignity Commission's second public hearing, Ridha Barakati gave a moving testimony detailing Nabil's assassination and death under torture at only 26 years old. In April 1987, the Tunisian Communist Workers' Party issued a statement criticizing the Destour-Islamist struggle and calling for the dissolution of all elected bodies and the organization of free, democratic, direct elections. The head of the Gaâfour police station sought to identify who was behind its distribution, resulting in the arrest and brutal torture of young Chedly Jouini, who was forced to confess that Nabil had instructed him to distribute the leaflet. Later, Ridha himself was arrested and threatened with the detention and torture of his brother Nabil, as authorities branded the leaflet "sedition," warning that "sedition is worse than killing."

On **April 28, 1987**, Nabil was arrested, and what followed was a horrific ordeal. Ridha avoided graphic details in his testimony but made clear that **torture was a routine investigative method for security forces**. Nabil endured both conventional and **barbaric** forms of abuse — the "roasted chicken" position, beatings on the soles of his feet, and the extraction of fingernails and teeth with screwdrivers. **After eleven days in detention, on May 8, Nabil succumbed to the torture.** Following his death, his body was concealed, and authorities announced that evening that he had escaped.

Justice Delayed, Justice Denied

In April 2018, the Truth and Dignity Commission referred the case to court, with charges of premeditated murder, torture, and evidence tampering. The Specialized Criminal Chamber in El Kef held its first hearing in July 2018. **However, more than seven years and over twenty hearings later, no verdict has been issued.** Internationally, the case is among those included in a collective complaint submitted — with support from the World Organization Against Torture in Tunisia — to the UN Committee Against Torture.

The next morning, his corpse was found near a drainage canal not far from the police station — naked, with a bullet wound to the head and a policeman's weapon beside him, staged to suggest suicide. This heinous crime sparked a wave of protests in Gaâfour, prompting a heavy security lockdown and violent clashes between residents and police forces. Nabil was not buried until two weeks later, after the public prosecutor examined the body and authorized its transfer to the regional hospital in Siliana. Only black-and-white photographs were taken, **under circumstances that obscured the true cause of death.** The body was later transferred to Charles Nicolle Hospital in Tunis for forensic examination, but **medical reports remained contradictory.** In 1991, following the family's demand to reopen the investigation and the volunteering of about 100 lawyers to defend the case, only three officers were sentenced to five years in prison for "mistreatment," without hearing defense motions or witness testimony.

As Ridha put it, the incident was like a **"cluster bomb"** that devastated the entire family, which lived under tyranny and harassment for years. He concluded his testimony by calling for the Gaâfour police station to be transformed into a museum and a hub for the Martyr's Association and other human rights groups, with a library dedicated to preserving Nabil's memory.

Dhikra wa Wafaa: The Power of Refusing to Forget

With official justice failing and institutions abandoning their duties, Nabil's family and a number of fellow activists founded the **Freedom Martyr Nabil Barakati – Dhikra wa Wafaa Organization** ("Memory and Loyalty") in 2013, transforming mourning into a long-term process of documentation and activism. The association has since marked May 08 — informally adopted as a National Day Against Torture — as an annual occasion for commemoration. As its founding statement reads:

"The family, the city of Gaâfour, human rights activists, freedom fighters, intellectuals, artists, the martyr's friends ... have turned the commemoration into an annual act of resistance – a gathering of civil society and political actors at the martyr's grave, to denounce the crime of torture and to reaffirm loyalty to the noble values of freedom, social justice, and human dignity."

Through its website, the association maintains a rich digital archive of testimonies, statements, and articles. It works to strengthen a human rights culture by organizing training sessions, conferences, and cultural and human rights festivals, as well as creating clubs and specialized libraries. It also promotes youth engagement through cultural, artistic, and sports activities, and builds partnerships with associations, organizations, and educational and cultural institutions, both nationally and internationally. In 2022, for instance, the association held the first edition of the **Dhikra wa Wafaa Festival** on May 07-08, featuring a seminar on torture in literature, a book fair, and a panel on torture and impunity. The program also included a cultural tour, a play, a visit to the Anti-Torture Museum, a stop at the site where Nabil's body was found, and a visit to his grave. The festival further introduced a **competition for the Nabil Barakati Prize for Literary Creativity**, open to young writers in the short story genre.

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 We kindly invite you to:

- ◆ **Explore** the insights and analysis featured in this issue ;
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*Your participation strengthens our collective commitment to
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