



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

- 01** Number of sessions held
- 10** Number of cases reviewed
- 07** Average case processing time (in years)
- 05** Cases with no parties present
- 02** Civil parties in attendance
- 03** Alleged perpetrators in attendance
- 02** Lawyers in attendance

On Monday, July 07, 2025, the Specialized Criminal Chamber for Transitional Justice in Tunis convened a new session. The session addressed 10 cases of gross human rights violations, all of which were adjourned to November 10, 2025.

Case No. 01 Martyr Mouldi Ben Amor

Violation : Death under torture in prison

Observations :

- No civil parties or their legal representatives were present.
- Alleged perpetrators Abderrazak Slimani and Hassan Abdah appeared and reaffirmed their previous statements from an earlier session.
- Attorney Riahi attended on behalf of alleged perpetrator Omar Jedidi.

Case No. 03/55 Martyr Ahmed Amri/Azizi

Violation : Right to life
Observations :

- Civil parties were absent.
- Attorney Laabidi attended on their behalf, stressing the need to expedite proceedings as the case is ready for ruling. He argued that awaiting a response from the General Directorate of Intervention Units is unjustified, given the age of the incident and the temporary, paper-based nature of personnel lists at the time.

Case No. 12 Martyr Taieb Khammassi

Violation : Right to life
Observations :

- Civil parties and their representatives were absent. Hedi Toukabri attended and reiterated previous statements, denying the allegations, while all other alleged perpetrators and their representatives were absent.
- The Chamber received an incomplete response from the Ministry of Interior, missing some identities.

Case No. 28 Leftists case

Violations : Arbitrary detention and violation of bodily integrity from 1974-1975
Observations :

- Ahmed Karaoud appeared and requested a postponement to appoint a legal representative.
- No other civil parties or their representatives were present.
- All alleged perpetrators were absent, with no legal representation.

Case No. 41 The late Habib Jebali

Violation : Right to life
Observations :

- Only Aroussia Kaabi appeared on behalf of the deceased.
- The Chamber has yet to receive a response to its correspondence sent to the General Directorate of Prisons and Rehabilitation.

Cases Nos. 05, 19, 29, 57 and 86

Observations :

- None of the civil parties, alleged perpetrators, or their legal representatives appeared in the cases concerning Martyr Sohnoun Jouhri (death due to medical neglect in prison), Hamida Ajengui, Fatma Mathlouthi, and Salma Farhat (torture), Martyr Abdelbasset Khadhraoui (gunshot to the back) and other martyrs and injured of the Revolution, the late Cherif Laaridhi (violation of the right to life) and the 1987 leftists case (arbitrary detention and violation of bodily integrity).
- No response was received from the Ministry of Interior regarding the request to provide the Chamber with the full identities of certain alleged perpetrators (Cases Nos. 19, 29, and 86), nor from the General Directorate of Prisons and Rehabilitation regarding the request to provide the Chamber with certain information (Cases Nos. 05 and 86).

March 17, 2025
Resumption of the
Tunis SCC's work

July 07, 2025
Current session

September 22, 2025
Next scheduled
session

More than seven years after the launch of hearings before the Specialized Chambers for Transitional Justice, not a single ruling has been issued in nearly 200 cases of serious human rights violations or corruption. Proceedings continue to face repeated adjournments due to the failure of the Chambers to meet the required legal *quorum*. Over the past two years, all 13 chambers have experienced continuous disruptions. Despite resuming activity in March 2025, the Tunis Chamber has yet to hear testimony from defendants, victims, or witnesses. The current judicial year has likewise been marked by the widespread absence of all parties. This latest hearing was the last before sessions resume in the new judicial year 2025/2026, beginning on September 22, 2025.

This Month's Highlight

The Right to Reparation : A Legally Enshrined Right

The International Framework

UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Human Rights Violations – Adopted by General Assembly Resolution 60/147 on December 16, 2005 (Principles 11 and 15–20) :

- **Remedies** for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to adequate, effective and prompt reparation for harm suffered as well as access to relevant information concerning violations and reparation mechanisms.
- Reparation should be full and effective, taking into account the gravity of the violations, the resulting harm, and the circumstances of each case. It includes : restitution (restoring rights, freedom, identity, and property), compensation (for material and moral damages), rehabilitation (medical, psychological, and social), satisfaction (such as an official apology, commemoration, or truth-telling), and guarantees of non-repetition (including institutional reform, strengthening judicial independence, and promoting a culture of human rights).

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 14) :

- Article 14§1 requires that each State Party ensure that victims of torture obtain **redress** and have **an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible**.

UN Committee against Torture, Decision (CAT/C/57/D/551/2013) concerning communication No. 551/2013, Taoufik Elaïba v. Tunisia, May 06, 2016 (\$7.7) : « Article 14 ... not only recognizes the right to fair and adequate compensation but also requires States parties to ensure that the victim of an act of torture obtains redress. The Committee considers that redress should cover all the harm suffered by the victim, including restitution, compensation, rehabilitation of the victim and measures to guarantee that there is no recurrence of the violations, while always bearing in mind the circumstances of each case ».

Reparation under Tunisian Law

State and Individual Responsibility under the Code of Obligations and Contracts (Articles 82–84) :

- Article 82 establishes the **liability for the reparation** of damage (material and moral) resulting from an act of intentional and unlawful wrongdoing, provided a direct causal link exists between the act and the harm.
- Article 83 recognizes liability for harm resulting from **negligence or error**, if it is proven to be the direct cause of the damage. Negligence is defined as the failure to do what should have been done or doing what should have been avoided, without intent to cause harm.
- Article 84 **extends liability to the State**, including the actions of municipal authorities and other public administrations carried out by their agents or employees in the performance of their duties, while preserving the victim's right to claim compensation directly from the individuals responsible, if they bear personal liability.

Organic Law No. 53 of 2013 on Establishing and Organizing Transitional Justice (Article 11) :

- **Definition of reparation** : A system based on **moral and material** compensation, rehabilitation, apology, restoration of rights, and reintegration. It may be **individual as well as collective** and shall take into consideration the situation of the elderly, of women, of children, of the disabled and individuals with special needs, patients as well as of vulnerable groups.
- **Rights and responsibilities** : Reparation for victims of violations constitutes a right guaranteed by law, with the State bearing the responsibility to provide all forms of redress.
- **Standards** : Reparation measures must be sufficient, efficient and in line with the seriousness of the violation and the situation of every victim.

Practical Forms of Individual Reparation

A. Financial Compensation

In its final comprehensive report, the Truth and Dignity Commission (TDC) defines compensation as a set of measures aimed, either in kind or in monetary terms, at **restoring the situation that existed prior to the harmful events**. Compensation covers both material harm, affecting a person's financial standing or physical integrity, and moral harm, affecting the victim's emotional well-being.

- **Material compensation** : Aims to restore the victim's financial situation to what it was before the violation, either through direct monetary payment or the restitution of property.
- **Moral compensation** : Recognized by judicial practice, it aims to ease, as much as possible, the emotional pain and suffering experienced by victims as a result of the harm inflicted.

B. Non-Financial Forms

Rehabilitation : The coordinated provision of medical, social, educational, and professional support to help victims regain their ability to function and adapt to daily life.

Restitution of rights : Involves the recovery of freedom, legally recognized rights, social status, family life, citizenship, residence, employment, and property.

Reintegration : The process of reintroducing victims to social, economic, and political life, ensuring their independence, dignity, and full participation as active citizens — in order to move from a position of victimhood to one of empowered citizenship.

Apology : An acknowledgment of a wrongful act committed against an individual or group and a commitment from the perpetrator that helps repair the harm and restore dignity. For example, when the Australian State failed to issue an official apology to Indigenous peoples, the "Sorry Books" initiative emerged as a public expression of remorse and solidarity for past violations.

Collective Damage Reparation

Definition : A mechanism aimed at correcting imbalances between a group, region, or community and the rest of society through collective, general and abstract measures – targeting a group or category without specifying individuals – that aim to :

- Address the root causes of widespread violations, discrimination, and marginalization.
- Provide support to those affected as a community, region, or group by human rights violations.
- Ensure fundamental rights, including the right to life, liberty, and security; physical integrity; access to justice and fair trial; and civil, political, economic, and social rights, while guaranteeing non-repetition.
- Protect the rights of minorities and Indigenous peoples, including the right to a distinct identity, participation in decision-making, and equal access to public institutions.

Standards : Measures must be appropriate and responsive to the harm suffered by the targeted groups, addressing violations to their essential structures or characteristics, and accompanied by institutional reforms to ensure effectiveness.

The Legal Recognition of Victimhood of Affected Regions

Organic Law No. 53 of 2013 (Article 10) states that the definition of victimhood encompasses any « region which was marginalized or which suffered systematic exclusion » (in the official Arabic version, the term used is “منطقة” – literally “area”). With no legislative definition for the term, which had not previously been used in development plans or administrative divisions, the TDC proposed the following definition : any geo-social space, regardless of its attachment to a specific administrative unit, thus including regions, governorates, delegations, municipalities, and even neighborhoods. The Commission further explains that a « region which was marginalized or which suffered systematic exclusion » refers to population clusters targeted through deprivation and discrimination across a set of interrelated rights, in a correlated manner on the one hand, and continuously over time on the other.

Summary of Files Submitted to the Reparation and Rehabilitation Committee

- **Total number :** 221 files (72 from the Northwest, 37 from the West-Central region, 20 from the Southwest, 52 from the Southeast, 16 from the Northeast and Greater Tunis, and 24 from the East-Central region).
- **Distribution by administrative division :** Some files concerned governorates, others concerned delegations, while the remaining files related to sectors, neighborhoods, and occasionally to rural and small settlements and villages (“douars” and “mashayekhs”).
- **File submitters :** They ranged from representatives of local communities to civil society representatives.



Victim Regions According to the TDC's Assessment

After verifying the criteria and indicators of marginalization or systematic exclusion used in its assessment process, the Truth and Dignity Commission identified the following 11 areas that meet these standards : Kasserine, Jendouba, Gafsa, Kairouan, Sidi Bouzid, Tataouine, Siliana, Kef, Médenine, Kébili, and Gabès.

(See map)

Practical Forms of Reparation for Victim Regions

National Consultation on the Comprehensive Program for Reparation and Rehabilitation (2017) Outputs :

- **Material Reparation :** Legal (positive discrimination measures; tailored legislation), procedural (monitoring committees; local study offices; regional development authorities; awareness campaigns), and practical (improved services, investment, infrastructure, and agricultural reform) solutions.
- **Other Forms of Reparation :** Economic and social reintegration, reducing political isolation, preserving memory and correcting the historical record of marginalized regions, and an official apology for rehabilitation and reconciliation.

Recommendations of the Truth and Dignity Commission :

- **Link reparation programs to development programs :** Agricultural and industrial reform, the social solidarity economy, and the development of victim regions' tourism potential.
- **Social and economic integration :** Development of essential social services (education, healthcare, infrastructure, water, sanitation, waste management, cultural infrastructure).
- **Symbolic forms of reparation :** Acknowledgment of state responsibility, inclusion of historical events in school curricula; preservation of collective memory.
- **Guarantees of non-repetition:** Decentralization, positive discrimination, strengthening capacities and ongoing monitoring.

Legal Brief

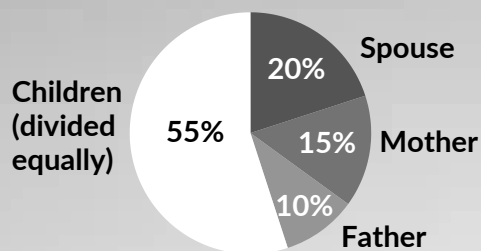
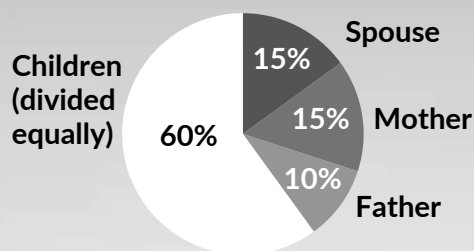
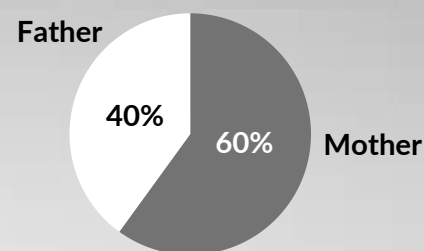
Balancing Legal Entitlement and Financial Assessment : How Is Compensation Determined ?

Legal Framework :

The Framework Decision of the Truth and Dignity Commission No. 11 of 2018 (May 29, 2018) sets the standards for calculating compensation for material and moral damages and outlines the procedures for disbursing compensation.

Beneficiaries under the Provisions of the Framework Decision (Articles 2 and 6)

- Victims of human rights violations, including both natural and legal persons, as defined by Organic Law No. 53 of 2013.
- **In the event of the victim's death :** Compensation is granted to the spouse, children, and parents, as detailed below.
- **In the case of children with special needs :** An additional 10% of the total compensation allocated for children is added for each child with special needs.

If the spouse is a woman**If the spouse is a man****If the victim is unmarried****Compensation Amount (Art. 4 and 22)**

- **The gravity of the violation and its effects** : The TDC developed a methodology combining material and moral compensation into a single amount, determined according to the gravity of the violation. Violations are divided into 4 categories, with a percentage of compensation allocated to each.
- **If the victim is a woman or a child at the time of the violation** : the amount is increased by 5%.

Compensation Rates by Type of Violation

- **Right to life** : 100% of the measurement unit.
- **Physical and psychological integrity** : 25% to 70% of the unit, depending on the gravity of the violation.
- **Right to personal liberty and security** : 40% of the unit for harassment, prohibition from earning a living, or arbitrary administrative monitoring, and 7% to 45% of the unit depending on the duration of detention or forced conscription.
- **Civil and social rights** : 15% of the measurement unit.

The Measurement Unit (Art. 5)

- It is the reference amount used to multiply compensation rates according to the type of violation.
- In its final report, the TDC notes that adhering to a same unit ensures equality among victims and objectivity in the assessment.
- The framework decision mentions said unit without specifying its amount. Later, the TDC set it at 200 thousand Tunisian dinars.

Compensation Ceiling (Art. 21)

- Compensation for a single victim cannot exceed 100%.
- **Multiple violations** : The amount for each violation is calculated individually, and the amount for subsequent violations is adjusted according to the medical standard (Balthazar method).
- **Violations affecting physical and psychological integrity** : The amount is calculated based on the highest compensation rate.

Methods of Disbursing Compensation (Art. 7-11)

- All victims receive an advance payment. The remaining amount is paid as a pension to the elderly and persons with special needs. For other victims, it is paid either in full (where necessary) or in annual installments, not exceeding 6 years.
- In the event of a victim's death, the remaining amount is transferred to family members under Art. 6.
- For victims lacking legal capacity, funds are delivered to a guardian or custodian with judicial authorization, or held in a deposit fund until the victim reaches adulthood.
- Compensation costs are covered by the Dignity and Redress Fund for Victims of Tyranny.

Compensation for Damages Related to Corruption and Property Rights (Art. 24):

- The specialized criminal chambers decide on compensation for these damages.
- Amounts awarded for compensation, litigation expenses, and assessments are borne by the perpetrators and by persons who benefited from the violation.

Lingering Questions

- **33,000 compensation decisions – but no action** : What is their value if they remain just documents?
- **Reparations on hold** : How can victims be compensated when the Dignity and Redress Fund for Victims of Tyranny has yet to be activated?
- **Justice delayed** : What will happen to cases of property violations, financial corruption, and public fund abuse when specialized chambers have issued no rulings in over seven years?

Current Alternative Initiatives**Criminal Reconciliation**

- **Legal framework** : Decree 13/2022 (March 20) as amended by Law 03/2024 (January 18), and Circular 09/2023 (March 10).
- **Goal** : Replace public prosecution of economic and financial crimes with payment of sums or execution of projects, and recover embezzled funds for national development.
- **Responsible body** : The National Committee for Criminal Reconciliation, which reviews claims, conducts investigations, and negotiates payment amounts with applicants.
- **Results so far** : Significantly below expectations (the committee collected less than TND 30 million between 2022 and 2024, compared to over TND 13 billion anticipated*).

Fidaa Institution

- **Legal framework** : Decree 20/2022 (April 09) as amended by Law 01/2025 (January 09).
- **Nature of the institution** : A public administrative institution under the supervision of the Presidency of the Republic, responsible for providing support to the families of revolution martyrs and injured revolutionaries.
- **Mandate** : Disbursement of monthly pensions and provision of social support (priority access to employment programs and social housing, monthly scholarships for children, free entry to museums and archaeological sites, exemption from certain customs duties, ...)
- **Recent developments** : An organizational agreement was announced with the Ministry of Employment and the Tunisian Solidarity Bank, enabling beneficiaries to access subsidized loans to start private projects starting August 01, 2025**.

Justice : Criminal, Restorative, Transformative – A Comparative Snapshot

Contemporary approaches to justice are diverse, encompassing different models, each with its own historical roots and underlying philosophy. Criminal justice, for instance, emerged alongside the rise of the modern state and its official judicial institutions, focusing on establishing guilt, imposing punishment, and deterring offenders. Restorative justice, rooted in the traditional practices of Indigenous communities in North America and New Zealand, focuses on repairing harm through dialogue and the active involvement of all parties. Transformative justice, originating from social and feminist anti-violence movements in the United States, goes beyond addressing individual harm to propose a radical vision that seeks to dismantle structures that generate violence and injustice. Despite their differing foundations, these models converge on a common goal : addressing harm and preventing its recurrence, albeit through varying strategies and degrees of intervention.

Criterion	Criminal Justice (Punitive)	Restorative Justice (Reparative)	Transformative Justice
Focus	Immediate punishment and law enforcement	Repairing harm and restoring relationships	Long-term social transformation
Process	Formal judicial procedures (trial, conviction, imprisonment)	Victim-offender dialogue, mediation, reparations; community-led initiatives	Community participation, social movements, systemic change
Goal	Punishing offenders, deterring crime	Accountability, repairing harm, reconciliation, healing	Dismantling oppressive structures, preventing future injustice
Main actors	State : prosecutors, judges, police	Victims, offenders, local community	Victims, offenders, community, social movements
Needs addressed	Social order, law enforcement, deterrence	Victims' recognition, healing, compensation; offender reintegration	Security, justice beyond punishment, dismantling structural oppression
View of crime	Violation of law	Harm caused to victims and social relationships	Result of structural injustice and systemic inequality
Role of society	Limited : justice is state-controlled	Active role in repairing harm	Central : collective participation is key
Timeframe	Short-term	Short- to medium-term	Long-term societal-level transformation
Examples	Traditional prisons	Rwandan Gacaca community courts for post-genocide social reconstruction and participatory accountability for mass crimes	Creative Interventions (2004, Oakland, California) addressing domestic and gender-based violence through community-based approaches)
Limits	May neglect victims' needs; focus on punishment over repair; can reproduce violence and structural inequality	Risk of superficial application; imbalance between parties; may not always protect victims of domestic or sexual violence	May be idealistic; resource- and time-heavy; relies on community and offender participation and institutional support

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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
justice and accountability.*