



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:

- International Brief
- This Month's Highlight
- This Month's Survey

United Nations renews concern over stalled TJ and victim marginalization

Human Rights Council special procedures remind Tunisia : Transitional justice is a binding commitment under both national and international law

Joint UN Communication to the Tunisian Government

- **Date** : June 10 – August 10, 2025 (publication for the public record)
- **Reference** : AL TUN 2/2025
- **Focus** : Ongoing institutional, judicial, and political obstacles hindering the implementation of transitional justice as mandated by Organic Law No. 53 of 2013.
- **Senders** : The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on enforced or involuntary disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the independence of judges and lawyers.
- **Note** : This communication is made public together with any official response from the government and will be included in the report submitted to the Human Rights Council (HRC).

Key Concerns Raised by HRC Special Procedures

- **Slow Implementation of TDC Recommendations** : Despite significant progress in truth-seeking and documenting violations – the Truth and Dignity Commission recorded over 62,000 testimonies and referred 204 cases to the Specialized Criminal Chambers (SCCs) – serious obstacles continue to hinder the implementation of reparations and the legal and institutional reforms outlined in its final report, published in the Official Gazette in 2020. The executive branch has yet to adopt an implementation plan, and Parliament has not established the follow-up committee mandated by Article 70 of the Organic Law. The communication emphasizes that victims remain marginalized and without reparations, more than 12 years after the law's adoption.
- **Obstructed Trials** : The 2023 judicial rotation affected 7 of the 13 judges presiding over the SCCs, causing lengthy delays in proceedings. At least 237 arrest warrants remain unenforced. Additionally, the transfer of transitional justice cases to the Third Criminal Chamber (Tunis Court) occurred without appointing judges trained in transitional justice, raising doubts about the legality of its sessions and rulings, while the other 12 chambers remain inactive.
- **Problematic Use of Alternative Mechanisms** : Decree No. 13 of 2022 on reconciliation grants perpetrators of economic and financial crimes immunity from prosecution. This undermines the mandate of the SCCs and bypasses the core pillars of transitional justice – truth, accountability, reparation, and non-recurrence. Based on a logic of compromise, the mechanism conflicts with the goals of transitional justice and risks entrenching impunity if accountability is replaced by a broad reconciliation process. Similarly, Decree No. 20 of 2022, establishing the “Fidaa” institution for a specific category of victims, introduces discrimination among victims and contradicts the unified legal framework of transitional justice.
- **Legality of Prosecutions** : The judicial pressure campaign against former members of the Truth and Dignity Commission constitutes a breach of Article 69 of Organic Law No. 53 of 2013.

UN Follow-up Requests Addressed to the Tunisian Government

Provide information on the current state of the transitional justice process, in particular the Government's plan to implement TDC recommendations and to conduct consultations with all stakeholders, including civil society.

Provide information on measures taken to support the Specialized Criminal Chambers in transitional justice, enabling them to carry out their work effectively, impartially, and without delay.

Provide information on steps taken to ensure the enforcement of judicial and other proceedings against perpetrators of gross human rights violations, including the execution of arrest warrants issued by the chambers.

Provide information on measures to guarantee that judges of the Specialized Criminal Chambers receive the required training in TJ under Article 8 of Organic Law No. 53 of 2013.

Clarify the status of judicial proceedings initiated against former members of the Truth and Dignity Commission and their compliance with Article 69 of Organic Law No. 53 of 2013.

Explain how newly introduced alternative mechanisms, such as the Fidaa institution and the criminal reconciliation decree, align with Tunisia's legal obligations.

- **International Covenant on Civil and Political Rights (1969)** : States must provide effective remedies for violations and ensure their enforcement.
- **Updated Principles for the Protection of Human Rights and the Fight against Impunity (2005)** :
 - States shall conduct prompt, independent, and impartial investigations and to prosecute those responsible for serious crimes under international law.
 - States must ensure the participation of victims and civil society in transitional justice processes, public consultations, reparation programs, and institutional reforms to prevent recurrence.
- **International Convention for the Protection of All Persons from Enforced Disappearance (2011)** :
 - States shall take all necessary measures to investigate cases of enforced disappearance, hold perpetrators accountable, and ensure they do not benefit from amnesty or special jurisdictions.
 - States must guarantee victims the right to prompt, fair, and adequate reparation, covering material and moral damages, restitution, rehabilitation, restoration of dignity, and guarantees of non-repetition.

- **Human Rights Committee's General Comments** :
 - *General Comment No. 31* : States must investigate gross violations such as torture, extrajudicial executions, and enforced disappearances, and prosecute those responsible.
 - *General Comment No. 36* : The obligation to protect the right to life extends to foreseeable threats from private actors and requires preventive measures for human rights defenders and those most at risk.
- **Recommendations of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to the Tunisian Government (2012)** : Tunisia must comply with the Special Rapporteur's recommendations, as well as with previous communications emphasizing the protection of rights, accountability of perpetrators, and effective reparations for victims.
- **Note** : The communication further recalls earlier letters (2016, 2018, 2019, and 2021), each underscoring the absence of meaningful progress on reparations and accountability, as well as the persistent obstruction of the work of the TDC and the SCCs.

Accordingly, the transitional justice process in Tunisia is not merely a political commitment or a temporary choice, but rather forms part of its national and international legal obligations. Any undermining or obstruction of the implementation of Organic Law No. 53 of 2013 or the recommendations of the TDC may therefore constitute a breach of these obligations.

This Month's Highlight

Understanding participation

- Participation refers to the **role** victims play across the different components of TJ, whether through official mechanisms or informal initiatives.
- Because TJ is, at its core, a **political process**, participation in it amounts to a form of political engagement. It reflects the **space victims are given to make their voices heard and to influence the broader course of justice**.
- Understanding how victims see themselves, and how they are perceived by other stakeholders, is key to grasping the meaning of participation. The term "*victim*" is not merely a descriptive label; it is shaped by social, cultural, and political dynamics, and deeply tied to each country's history. In cases of mass violations, it often refers to individuals subjected to repression or even extermination for political reasons.
- At the same time, institutional TJ mechanisms draw their own boundaries, deciding who qualifies as a "*recognized victim*" and who does not. These criteria, covering the types of violations, their perpetrators, and the timeframe in which they took place, **ultimately determine who can participate in the process**.

Key considerations

- Strengthening informal participation alongside formal mechanisms.
- Creating forms of participation that are culturally and contextually appropriate.
- Developing victim representation that balances unity and diversity without excess.

Victim participation in TJ processes

Why participation matters

- Participation allows victims to **move from exclusion and disempowerment to exercising political agency**, ensuring that their experiences and demands shape decision-making processes.
- When participation is absent, transitional justice risks becoming detached from society, trust in its outcomes erodes, and feelings of marginalization and injustice persist. Effective participation, on the other hand, gives victims a sense of control, restores dignity, and helps transform pain into strength.

Forms of participation

Victim participation takes many forms and can be categorized by :

- **Nature** : Formal, through official mechanisms like truth commissions, or informal, via grassroots movements and NGOs in civil society.
- **Level of involvement** : Active, such as decision-making or giving testimony, or passive, like receiving information.
- **Scope** : Individual or collective (collective engagement is often more common).
- **Mode** : Direct, without intermediaries, or indirect, through representatives or legal advocates.
- **Impact** : Nominal (conferring legitimacy); instrumental (generating tangible results); representative (shaping the process itself); or transformative (driving political change under victims' leadership).
- **Timeframe** : During the design, implementation, or follow-up phases of TJ measures.

How participation makes a difference

For victims, participation :

- Ensures that their interests are genuinely taken into account.
- Supports psychological healing and recovery from trauma.
- Reduces marginalization and restores dignity.
- Helps regain a sense of agency and influence.
- Lessens isolation and facilitates reintegration into society.
- Provides opportunities to find meaning and purpose through involvement.

For TJ processes, participation :

- Strengthens the legitimacy and transparency of the process.
- Sheds light on hidden aspects of violations, especially those affecting women.
- Bridges the gap between justice mechanisms and the wider community.
- Tailors programs to the needs and wishes of victims, avoiding externally imposed solutions.
- Enables oversight of official institutions and mechanisms.

Challenges and risks of participation

Risks for victims :

- Exposure to security threats such as harassment or intimidation.
- Re-traumatization and renewed psychological distress.
- Further marginalization due to representation difficulties.

Practical challenges :

- Geographic and economic marginalization caused by centralized processes and limited resources.
- Limited educational and cultural capacities, compounded by stigma and psychological or social barriers.
- Deep mistrust of official institutions and reluctance to engage with them.

Structural challenges :

- Technocratic processes disconnected from victims' realities.
- Failure to reach the most marginalized groups.
- Victim withdrawal when expectations are unmet.
- Divisions and hierarchies among victims due to selective recognition.
- Elitist or fragmented representation.

Long-term challenges:

- The need for sustained struggle across multiple generations.
- Navigating political fluctuations.
- Facing shrinking spaces for human rights defenders.

Lessons learned from around the world

01 Solidarity is a driver of change

Solidarity among victims and survivors forms the central pillar for organizing, activism, and driving change. It also creates safe spaces for gathering and healing from trauma.

Example : The *Families for Freedom* movement in Syria rallied support for victims' priorities at the global level, participating in international meetings in Brussels, Geneva, and New York, culminating in attendance at a UN Security Council session in August 2019.

02 Organization forges a path from solidarity to social change and non-repetition

When activists are organized and empowered, they can go beyond their initial goals to address interconnected forms of discrimination and institutional marginalization. Organization can also help combat racial discrimination and structural violence by addressing practical barriers, such as language.

Example : In Colombia, victim and survivor organizations evolved to tackle gender-based violence, with members taking on official roles like monitoring human rights mechanisms and contributing to public policy development. Moreover, Indigenous Colombian women, initially barred from testifying about sexual violence in languages other than Spanish, were able to testify directly and pursue education and personal advancement through Spanish-language programs developed with solidarity groups.

03 Dialogue channels tensions toward stronger collective action

Engaging in honest, continuous discussions between different groups about internal tensions and differing priorities — while providing sufficient space and time — reinforces the movement's impact.

Example : In Syria, the *Truth and Justice Charter* was able to achieve consensus among various affected groups through in-depth dialogues, resulting in shared priorities before establishing a comprehensive organizational framework.

04 Civil society bridges divides and breaks barriers

Informal processes led by civil society organizations are often more effective at generating victim participation than official institutions, as they rely on existing trust networks.

Example : In Guatemala, the Catholic Church's *REHMI* project, which produced the *Nunca Más* report, leveraged the Church's extensive institutional networks and fostered sufficient trust to achieve high levels of victim participation in a polarized and repressive political context.

05

Transformative partnerships redefine work models

Long-term, respectful partnerships between civil society organizations and survivor-led groups require NGOs to overcome biases and follow survivors' guidance.

Example : In Guatemala, the *Collectif Flor de Magüey* — formed by women who participated in the trial of perpetrators of the genocide against the Ixil people — demonstrated how human rights organizations could move beyond traditional stereotypes and recognize the importance of Indigenous perspectives and knowledge to support recovery processes.

06

Peer guidance breaks through isolation

Peer support and mentoring systems among victims and survivors help counter feelings of isolation and marginalization when giving testimony.

Example : In the Democratic Republic of Congo, the *Barza Intercommunautaire* — a community mediation body with leaders from different ethnic groups — set up a peer mentoring system for women, where those who had previously testified guide and support others through the process.

07

Gender-based activism documents underreported abuses and shapes official agendas

Informal feminist initiatives can shape and guide official transitional justice processes by documenting gender-based violence and integrating it into formal legal frameworks.

Example : In Tunisia, the *Nisaa Tunisiyyat Association* (Association of Tunisian Women) documented over 400 cases of violations against women and organized the first informal public hearing in April 2012 ("Yawm al-Wafaa" – Loyalty Day). The association also participated in the national consultation conducted by the Ministry of Human Rights and Transitional Justice's technical committee. The testimonies given by women that day —including accounts of forced divorce, veil bans, and coercion to undress — were recognized in national dialogue surveys and incorporated into the work of the TDC's Women's Committee, later chaired by the association's president.

08

Documentation paves the way for advocacy and opens doors to redress

Thorough and intensive documentation of violations by victim- and survivor-led organizations, especially in ongoing conflicts, builds a strong foundation for advocacy and future accountability.

Example : The Syrian *Ta'azur* organization, a victim- and survivor-led group, conducted over 1,000 interviews in a single year with victims and survivors from northern and eastern Syria, while also documenting patterns of violence—creating a massive database for advocacy despite ongoing conflict and limited access to victims. Additionally, the *Association of Detainees and the Missing in Sednaya Prison* (ADMSP) developed a strict documentation methodology and a dedicated registration system, helping families verify the whereabouts of their forcibly disappeared loved ones.

09

Cross-regional networks amplify impact

Continuous interaction between rural and urban activists amplifies impact by enabling two-way information flow and leveraging strategic political junctures.

Example : In Guatemala, Indigenous genocide survivors formed coordinating councils and regional networks and built cross-border rural-urban alliances, drawing on their knowledge of how patterns of human rights violations persisted across the country and over time.

10

Autonomy from political will enhances effectiveness

The true strength of movements lies in their ability to act without official support — or even in the face of resistance.

In Guatemala, the REHMI project preceded the official truth commission; in Indonesia, SKP-HAM documented the stories of over 1,300 victims of the 1965–1966 events, leading the mayor of Palu to issue a formal apology in 2012; and in Syria, victims and survivors continue documentation and advocacy efforts amid ongoing conflict. These examples show that well-organized victim- and survivor-led movements carve their own paths to justice, without waiting for favorable political conditions. This does not diminish the value of political support but highlights the importance of building resilient movements capable of generating impact under any circumstances.

Victim participation : The Tunisian experience

The Tunisian experience in transitional justice stands out as a notable example of broad victim participation. From shaping the initial vision to driving public and field initiatives, victims continue to play a role through the different stages of the process. Their engagement, both formal and informal, extended across key pillars of TJ, from truth-seeking to reparations and accountability mechanisms. Through diverse actions, individuals and groups of victims voiced their demands for recognition and justice, leaving a clear imprint on the process. Over time, however, the initial momentum faded, as frustration and disappointment grow —particularly in response to stalled accountability mechanisms.

To better understand the course of this process, the following timeline highlights the significant milestones of this ongoing journey.

February – December 2011

Two commissions were established following the revolution : the National Commission of Inquiry into Abuses Committed from 17 December 2010 until the End of Its Mandate, which heard victim testimonies and launched a communication campaign through a dedicated hotline; and the Commission of Inquiry into Corruption and Embezzlement, which collected citizens' complaints via case files and a toll-free number, documenting over 16,000 cases, a portion of which was referred to the judiciary.

On December 09–10, 2011, the Tunisian Center for Transitional Justice, three months after its establishment, held the **"Pillars of Transitional Justice" conference** to develop a roadmap inspired by international experiences. In the same month, the Tunisian Association of Democratic Women conducted field research to document testimonies on police violence during the revolution and organized a **mock trial for women** entitled "Transitional Justice for Women : What Approach?"

April 2012

After **gathering over 400 case files** from women across Tunisia, the *Nissaa Tunisiyyat* Association invited them to give testimonies, recorded on video at its headquarters. The association then held **"Loyalty Day", an informal public hearing where the women could share their stories firsthand.**

June 2012

Within the Ministry of Human Rights and Transitional Justice (established in January 2012), **a technical committee** was formed and tasked with conducting the National Dialogue. It was composed of **a ministry representative and six members, along with alternate representatives from five civil society coalitions**, each associated with a particular political orientation. These included the Tunisian Center for Transitional Justice, the Tunisian Network for Transitional Justice (including the *Nissaa Tunisiyyat* Association), and the Independent National Coordination for Transitional Justice (including the Tunisian Association of Democratic Women).

August 2012

The technical committee organized its Third National Meeting, attended by human rights organizations and victims' associations. At the meeting, the Association for Justice and Rehabilitation presented dozens of proposals regarding the TJ Law, while *Nissaa Tunisiyyat* put forward recommendations to include specific forms of abuse against women.

September - October 2012

At the regional level, the Dialogue overseen by the technical committee took place between September 16 and October 06, 2012, with one day dedicated to each governorate. The process included a public discussion involving victims and five workshops on the pillars of TJ. **Questionnaires** were also distributed to participants, later used to gauge citizens' expectations, and the listed acts of violence against women reflected those reported by women during "Loyalty Day".

2012-2013

Drafting the TJ Law was **a participatory process**, following a National Dialogue, consultations, and regional discussions with civil society and victims. **The adoption of the Organic Law in December 2013 led to the establishment of the Truth and Dignity Commission (TDC).**

2014-2016

The TDC began its work in 2014, accepting 62,720 cases by 2016, **with victims' associations supporting its work and a call center set up to stay in touch with claimants.** In 2015, a **field campaign** involving CSOs encouraged women to submit their cases, **boosting their participation from 5% to 23% in less than a year.**

November 2016

Victims started sharing their stories in public hearings organized by the TDC, with their testimonies broadcast live and resonating widely. The sessions spanned violations from 1955 to 2013, from the viewpoint of victims and their families.

March -

December 2017

Victims articulated their priorities and identified ways of obtaining redress directly through the **National Consultation on the Comprehensive Program for Reparation and Rehabilitation.**

May 2018

The Specialized Criminal Chambers began their work four years after being established, with cases referred between March 2018 and December 2019. As legal texts regulating the chambers' work do not set specific trial procedures, the provisions of the Tunisian Code of Criminal Procedure (Art. 7 and Section Six) apply. Accordingly, victims (as defined under Organic Law No. 53 of 2013) appearing before the chambers enjoy **the right to participate in trials as civil parties**, including the right to pursue proceedings, to be heard, and to claim reparations for the harm they suffered. **CSOs can also assume this role**, as exemplified by the World Organization Against Torture, notably in the cases of Faïçal Barakat (Nabeul) and Sohoun Jouhri (Tunis). Coinciding with the launch of accountability proceedings, the Civil Coalition for the Defense of Transitional Justice initiated its **"Truth Caravan"**, supported by the Office of the UN High Commissioner for Human Rights and involving numerous human rights organizations, lawyers, activists, the Tunisian Network for Transitional Justice, and the Judges' Association. The Caravan's mechanism involved early departures from the capital to targeted chambers, advocating for case owners and monitoring the progress of hearings, while organizing rights-focused activities during transit and on arrival. The Caravan followed many hearings in chambers such as Gabès, El Kef, Bizerte, Nabeul, Kasserine, and Gafsa, with its activities recorded and reported on the associations' social media platforms, particularly the Karama Association's page.

The onset of the quorum crisis : In the absence of the annual judicial rotation in 2022/2023, the chambers' composition remained relatively stable. This allowed them — despite the continued absence of alleged perpetrators — to hear numerous victim testimonies as well as the statements of some accused who did appear. However, this dynamic came to a halt with the 2023/2024 rotation, which reassigned 7 of the 13 presiding judges along with judges from all SCCs, leaving the judicial year essentially paralyzed. **This institutional disruption also reverberated through civil society's parallel efforts.** In June 2022, the *Truth Caravan* was barred from setting up its tent in front of the Nabeul Court of First Instance, despite having prior authorization from local and regional authorities. A similar ban followed in Gabès. Ultimately, the Caravan's activities ceased altogether, due to the lack of legal *quorum* following the transfer of judges without replacement, coupled with a lack of funding to cover expenses and the futility of engaging with inactive chambers.

This year, the *quorum* crisis persisted. The judicial rotation was once again suspended, with transfers instead ordered through *memoranda* from the Ministry of Justice. As a result, the chambers remained paralyzed for a second consecutive year. **Of the 13 SCCs, only the Tunis chamber continued to hold hearings**, pursuant to a March 2025 work *memorandum* issued by the President of the Tunis Court of First Instance — while all others remained inactive, more than seven years after their establishment and without having delivered a single judgment. **In parallel**, informal activity has continued through conferences, public statements, and advocacy efforts led by victims' groups and associations such as the Tunisian Network for Transitional Justice, the Karama Association for Rights and Freedoms, and the Dhikra wa Wafaa Association. Yet these efforts are **limited compared to the early years**. Victim participation has also visibly declined, with fewer opportunities for engagement and growing feelings of frustration and despair amid prolonged delays, stalled accountability mechanisms, and mounting practical obstacles.

These milestones show that victim participation has been central to Tunisia's transitional justice journey. Yet the contrast between the early momentum and today's stalled reality underscores the challenges and setbacks faced along the way, leaving victims' hopes hanging on the activation of TJ mechanisms and the delivery of the justice they await.

This Month's Survey

Voices from Tunisia's survivor community

In this issue, we share insights from the survey we conducted this month, where victims and civil society activists offered valuable reflections on the role of victims in the Tunisian TJ process.

“

United, we stand
to support the
path to justice.

”

• How did you embark on this journey ?

- Many victims began their journey toward documentation, memory preservation, and accountability through personal hardships and witnessing abuses against women and marginalized groups. Since the Revolution, participants engaged through associations and field initiatives, establishing networks to defend victims and protect their rights.
- Some victims directly contributed to drafting the transitional justice law and attended public hearings, helping shape the process from within.

• What has been the impact of participation since the TDC report ?

- The report initially sparked a “*glimmer of hope*”, but its impact quickly dimmed in the face of smear campaigns and various obstacles. Today, victims' voices remain marginalized due to a lack of political will and lengthy judicial proceedings.

• What blocks or slows victim engagement ?

- Political will is lacking, and TDC recommendations are slow to take effect.
- Resources remain limited.
- Some civil society actors and international supporters have stepped back.
- Judicial accountability is stalled, leaving perpetrators unpunished.

• How can victim participation be strengthened ?

- Uphold Organic Law No. 53 of 2013 and implement the TDC's recommendations.
- Learn from international experiences and explore innovative ways to amplify victims' voices.
- Launch new initiatives for memory preservation and documentation through digital platforms, literature, and film (e.g., prison literature).
- Encourage international partners to dedicate programs and resources to support the process and ensure its continuity.

• Which success stories inspire collective action?

- The *Dhikra wa Wafaa* Association continues to commemorate martyr Nabil Barakati annually (May 08), traveling to his hometown and the site of his death in Gaafour.
- Prison literature, including collective works by women victims, serves as a powerful tool to document and embody collective memory. Notable examples include *Salt Journals : Tunisian women on political imprisonment*, compiled by Iraqi writer Haifa Zangana, which gathers stories of Tunisian women inside and outside prison, including “*Hasna's Quffa*” by Hasna Ben Abid, along with an appendix explaining concepts such as “*Administrative monitoring*” and the “*Quffa*” — the basket women carry to loved ones in prison.

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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.*