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Public Facing Advocacy Writing

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January 14, the anniversary of President Zine El Abidine Ben Alis 2011 ouster, is a now a national holiday in Tunisia. It is also a moment to examine how things are going in the country that ignited the Arab Springthe only country whose uprising did not go off the rails.

This years anniversary coincided with a landmark in Tunisias transition: its truth commission is completing its four-year mission. In the next few weeks, the Truth and Dignity Commission (TDC), an independent state body mandated by the2013 Law on Transitional Justice, will publish its mammoth report on government repression from independence in 1956 to 2013, and recommend institutional reforms to prevent backsliding to dictatorship. The commission has referred cases to special courts that the law established to try the accused. It will recommend reparations for the thousands of victims of torture, political imprisonment, and other grave abuses, though the funds to pay for themare not yet in place.

But the commissions work, far from being heralded as a milestone to consolidate democracy, has met with ambivalence about how to deal with the traumatic past, leaving in doubt the future of transitional justice.

Truth commissions take many shapes but all start from the axiom that a collective reckoning with a nations dark past will heal wounds and contribute to a more just future. Tunisias was the only national truth commission born of the Arab uprisings, and only the second in the Middle East and North Africa. The first was MoroccosEquity and Reconciliation Commission (ERC),establishedby King Mohammed VI in 2004, to investigate abuses committed during the brutal reign of his late father, Hassan II.

The ERC was anomalous among truth commissions in that it operated in the context of regime continuity rather regime change. While it documented and acknowledged atrocities under the previous monarch and set terms for compensation, its mandate prohibited it from naming perpetrators or recommending their prosecution. The ERCs recommendations on governance, implemented only half-heartedly by the state, did little to restrain its repressive reflexes.

Tunisias truth commission, by contrast, grew out of genuine regime change, one that brought democratic rule, a progressive new constitution, and a flourishing of free speech. Another factor that worked in favor of Tunisias effort was that the political movement whose members constituted the bulk of the victims of past repressionthe Islamist Nahdha partywas part of the ruling coalition that drafted the transitional justice law.

The commission, headed by the renowned human rights activist Sihem Ben Sedrine, conducted nearly 50,000 private interviews with victims, and referred dozens of cases to the special courts. It convened public hearings for victims that were broadcast live on national television.

But following the 2014 elections, the TDC faced a drumbeat of criticism from politicians and officials, mainly those affiliated with Nidaa Tounes, the senior party in the new governing coalition. Nidaas ranks include many former members of the ruling party under Ben Ali who harbored, at best, mixed feelings toward a commission mandated to expose ugly truths about the past, including corruption.

During his successful election campaign in 2014, Tunisian President Bji Caid Essebsi, who held high posts under both Ben Ali and founding president Habib Bourguiba, declared: Im against settling scores of the past. I believe Tunisia must move forward. Soon after taking office, Essebsi introduced legislation that would in effect remove some economic crimes from the commissions purview and ensure amnesty for some corrupt former officials. His so-calledEconomic Reconciliation Lawpassed in modified form in 2017.

Tunisian Prime Minister Youssef Chahed, like Essebsi, shunned the commissions concluding session in December. Hedeclaredthat the commission had failed in its mission, criticized the special courts trials in progress, and promised to introduce a new transitional justice

law.

Even the Nahdha Party has blown hot and cold, amid political calculations and jockeying,say political observers, especially in anticipation of legislative and presidential elections this year. Nahdhas leadership joined Nidaa Tounes in supporting the contentious amnesty law for economic crimes, ensuring its passage despite dissent from some Nahdha deputies. The party chief, Rachid Ghannouchi, hascome outin favor of a general amnesty for people who acknowledge and apologize for their misdeeds.

The TDC had flaws, especially of internal management. But for most of Tunisian civil society,supportingthe commission in the face of efforts to undercut it has been a no-brainer. The commission winds down in January. It will present its final report to the government, including recommendations on reparations, and on reforming the security sector and other state institutions.

The transitional Justice law requires the government to devise a program to enact those recommendations and submit it to parliament. Will it? It has already manifested its reluctance to abolish repressive laws that remain in force, including thosepunishing speech.

The TDC will transfer the wealth of historical material it gathered either to the national archives or another specially created repository. The final destination for this chunk of Tunisias patrimony, and how it will be preserved and made available to the public, are yet to be determined.

Meanwhile, the criminal trials set in motion by TDC referrals confront numerous obstacles, including an effective inability to compel the accused and witnesses to appear. In the first special court case, involving a death in detention under torture,noneof the fourteen defendants have shown up. At least one police syndicatedenouncedthe tribunals as denigrating the security services and urged its members to shun them.

Transitional justice, in a country that once seemed a propitious setting for it, is at risk of petering out amid indifference or worse from leading politicians. If Tunisias citizenry wants to see a more robust second act for the transitional justice process, one that provides a fuller reckoning of the past, including accountability in some form for perpetrators and stronger safeguards for the future, they will have to make their demands known during the approaching election campaign.

Bahrain Death Sentences Follow Torture, Sham Trials

Moroccos Playbook to Crush Dissent