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Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

https://www.hrw.org/news/2019/01/14/eight-years-after-it-launched-arab-spring-tunisia-still-struggles-legacy

Public Facing Advocacy Writing

On Monday, Tunisians once again commemorate the anniversary of their 2011 revolution, which also inspired the broader Arab Spring uprisings around the Middle East and North Africa. This year, once again, Tunisians and others are reexamining these events, trying to tease out their larger meaning. Many still look to Tunisia as a potential model for a successful democratic transition, even as they recognize that it remains a fragile experiment. But as Tunisians mark the occasion this year, it is becoming apparent that the abuses that led to the revolution are being forgotten.

Its not that Tunisians havent tried to investigate the past. In 2013, legislators passed a law setting up a transitional justice process aimed at exposing human rights abuses by the government and assigning responsibility for abuses, to seek redress and ultimately reconciliation. In 2014, the government established the Truth and Dignity Commission to carry out this process. Like in so manyother truth commissions, such as in South Africa and Chile, its work throughout has fallen short of victims expectations.

Nevertheless, in four short years, the commission opened 62,720 files for victims and conducted 49,654 confidential interviews. They exposed crimes that had remained hidden for decades. Last May, the commission began to refer cases to 13 special courts across the country established under the transitional justice law. These special courts had jurisdiction to also hear cases against people who had already been judged in regular courts for the same crimes, given that courts that tried these cases earliermay nothave been entirely independent or equipped to deal with command responsibility.

The crimes that the commission discovered hadnt been hidden to the victims, of course. In the police state led by Zine el-Abidine Ben Ali, who was president from 1987 until his ouster in 2011, ordinary citizens could live next to the victims of torture, forced disappearance orrapeby security agents and not know their neighbors agony. The governmentrestrictedall the avenues in which citizens might exchange sensitive information: freedom of expression,press, assembly and association.

Now, the commissions mandate is coming to an end. But the government didnt wait to read its final report before criticizing its work. The political background is clear: The last national election, in 2014, brought many members of the old regimeback to power. Some of them had a vested interest in hobbling efforts to unmask those responsible for the repression and economic crimes. Today two current ministers have the same portfolios they did under Ben Ali in 2011, while at least two others served as ministers under Ben Ali in other capacities. This has contributed to a political climate extremely hostile to exhuming the past.

The most recent sign of the governments aversion to exploring the states abusive history came in December, at the commissions closing conference, to present its main findings. No government officials showed up. We regret the absence of officials from our government, officials from our parliament, officials from the presidency of our republic,saidSihem Ben Sedrine, the commissions president, in her opening remarks.

This absence was not entirely surprising. Politicians affiliated with the ruling coalition have attempted tostopthe commissions work on many occasions. Unions representing security forces havefiercely criticizedthe transitional justice process and on one occasionurgedmembers to strike until colleagues detained under accusation of torture were released. Almost all of those accused of taking part in past abuses have refused to cooperate with subpoenas to appear before the special courts.

This is a worrying sign for rule of law in Tunisia. Many Tunisians have lost faith in the state as a result of what they see as the failings of the transitional justice process. For such Tunisians, it is an open question whether the state actually represents the people, rather than merely abusing them or crushing them underfoot.

Today, sadly, the abuses of the past continue torture,according toTunisian nongovernmental groups, is still widespread, in all its manifestations. Although to a lesser degree than before, the state still restricts civil liberties for example, by prosecuting and in some cases jailing bloggers and rappers for peaceful speech under laws that have not been reformed.

The persistence of past abuses is a predictable consequence of failing to grapple with that past. Fortunately, Tunisias 2013 law on transitional justice encompassed more than just the commission. It obliges authorities to continue the work of special courts and to provide reparations to victims. But in a televisedinterviewin late December, Prime Minister Youssef Chahed said his government is preparing a new draft law on transitional justice, an indication that the government may intend to sidestep the obligations laid out in the current law.

Which parts of a nations history get remembered and which ones are to be forgotten might seem an abstract question. But getting the official history right about people who were marginalized, abused, exploited or nearly wiped out is a prerequisite to building a pluralistic and democratic political system. Tunisia is eight years on from its revolution, but its still struggling with what came before that.

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