

Amnesty International

Public Statement

Index: MDE 30/8221/2018

17 April 2018

Tunisia: Attempts to Obstruct Work of Truth and Dignity Commission undermine victims' rights and threaten transitional justice

Recent attempts by parliament in Tunisia to obstruct the work of the Truth Commission are an attempt to block accountability that victims have waited decades for, Amnesty International said today. On 26 March, the Tunisian parliament voted to prevent the Truth and Dignity Commission (the IVD) from extending its mandate by seven months.

A few days later on 29 March Minister Mabrouk Korchid, overseeing the state litigation service, issued a [statement](#) on the Ministry of State Properties' official Facebook page where he said that "the state budget should not be burdened with reparations for individual mistakes committed by some state officials in the past." He also said that his institution's cooperation with the IVD would "end when its legal mandate ends as the legislature and the law prescribe."

These attempts come just as the IVD started to refer cases of past human rights violations to criminal trial which is one of the few avenues for accountability for crimes committed by security services. Tunisia's transitional justice process has never been more at risk and the authorities should be working to ensure state agencies cooperation with the IVD instead of trying to abort its operations, Amnesty International said.

On 26 March, the Tunisian parliament held a highly [contested](#) plenary session in which it voted to block the extension of the mandate of the Truth and Dignity Commission (IVD) until the end of 2018, thereby effectively interfering in the independence of the IVD. The vote was controversial because there was disagreement within parliament as to the legality of the vote and there were a number of procedural irregularities including the lack of quorum. The Organic [Law](#) on Establishing and Organizing Transitional Justice which created the IVD provides that the mandate of the IVD can be extended once for one year through a "justified decision from the IVD to be submitted to the parliament"(article 18). On 27 March, the IVD [announced](#) in a press conference that it will continue to work until end of 2018 despite the vote of Parliament.

This is not the first attempt to undermine the work of the IVD. One of the reasons the IVD [invoked](#) in its decision to extend its mandate was the lack of cooperation by government agencies such as the Ministry of Interior and Ministry of Defence with its investigations. The Ministry of Interior has over the past two years failed to comply with the IVD's requests to access secret police records. The military justice system, which is part of the Ministry of Defence, has refused to transfer to the IVD the records of military trials related to human rights violations.

The IVD has the right under its founding law to investigate any state officials who refuse to comply with its requests for information or its summons. Article 66 of the Transitional Justice Law provides a punishment of up to six months imprisonment for anyone who deliberately hinders the IVD's work or refuses to provide requested document or information.

One of the most significant aspects of the IVD's mandate is its authority to refer cases to trial before the 13 criminal chambers specialized in transitional justice. The IVD has thus far referred two cases to the specialized judicial chambers; a case of [enforced disappearance](#) and a case of [death under torture](#). The IVD's investigative unit has been investigating hundreds of other cases of victims of violations, including

deaths in custody, torture and secret and arbitrary detention. This was one of the reasons the IVD decided it needed more time to complete its investigations and refer for prosecution.

If the IVD is not given sufficient time and the necessary cooperation to refer all of the eligible cases of perpetrators of grave human rights violations for prosecution, this would be a devastating blow to the transitional justice process and to the victims' right to justice, truth and reparation.

The IVD is also mandated to submit a comprehensive report that will include: the IVD's findings after verification and investigation; the identification of those responsible; the reasons underlying grave human rights violations and recommendations to ensure non-recurrence of such violations in the future. The report must also present recommendations on the measures to be taken to achieve national reconciliation. Article 67 of the Transitional Justice law also provides that the recommendations from the IVD must include institutional and legislative reforms and measures, such as vetting of state institutions, to ensure that individuals found responsible for corruption and human rights violations are no longer in a position to repeat their crimes. The government will be required to implement these recommendations that are the path to avoid the return to oppression and to consolidating the rule of law.

The attempt to block the IVD's work is a reflection of the prevailing environment of impunity for human rights violations in Tunisia and the lack of political will to achieve accountability. In February 2018, in response to the investigation of judicial brigade members accused of torture, the security forces union (Syndicat des Fonctionnaires de la Direction Générale des Unités d'Intervention) issued a statement calling on all security force officials and officers not to perform their functions at the Ben Arous court of first instance until the officers accused of torture were released. On the same day, a large number of security force officers occupied the court premises to pressure the judge into releasing the defendants. Last month, Amnesty International along with 15 NGOs issued a [joint letter](#) addressed to the Head of Government warning against the recurrent obstruction of justice by members of the security forces which in turn perpetuates impunity.

More than 62 000 victims of human rights violations have put their trust in the IVD to pursue their right to truth and justice for crimes that have remained unpunished for decades - to prevent the IVD from completing its mandate would be a betrayal of those victims, Amnesty International said.