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## Tunisia's transitional justice programme highlights the danger of overpromising

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The transitional justice processes in Tunisia started since Ben Ali's overthrow in 2011 have been far-reaching. Questions have been raised, however, about whether the responsible justice institutions have an unfeasible mandate. These concerns are compounded by a lack of action and suggest lessons for other countries emerging from post-authoritarian contexts.

Ten years after the Tunisian revolution, the country still struggles with how to deal with the legacy of violent and repressive rule. Following the fall of Zine el-Abidine Ben Ali's regime in 2011, Tunisia introduced a far-reaching transitional justice project with strong international support. The project was intended to deal with almost 60 years of authoritarian rule, uncovering, among other issues, human rights violations, socio-economic crimes and marginalisation, and

providing recommendations on reforms in various areas such as administration, the judiciary, the security sector, the media and the economy.

A central institution of this project was the **Tunisian Truth and Dignity Commission** that took up its work in 2014 and ran until the end of 2018. A **final report** was submitted to the Presidency, the Prime Minister and the President of the Parliament in early 2019 and eventually published in the country's official journal in 2020. However, not much has happened since then and in early 2021 it is unclear how the government plans to take up the truth commission's recommendations and implement measures such as a proposed reparations programme. Some interview partners blame the all-overshadowing COVID-19 pandemic for slow progress on the issue, but political struggles have continuously shaped and stalled the process. Nonetheless, especially at the beginning, the Tunisian transitional justice project was often lauded for putting previously peripheral issues, such as socio-economic injustice and corruption, centre stage.

## The danger of overpromising

While the far-reaching mandate addressed well Tunisia's justice problems, it came along with the danger of overpromising, since it did not fit with the capacities of transitional justice institutions. Even before the truth commission took up its work, different domestic and international actors have questioned whether the mandate was feasible. It is noteworthy that even some of those who were involved in setting up the project, and responsible for carrying out the mandate, such as international consultants or truth commissioners, were sceptical.

Corruption and socio-economic marginalisation were important pillars of authoritarian rule and remain sources of injustice in Tunisia 10 years after the revolution. Thus, it seems only logical that the Truth and Dignity Commission had a mandate for dealing with these issues. However, my interview partners during **recent research** did not all agree. A truth commissioner (who had recently defected when I interviewed them) found that it would be too much for the truth commission to deal with corruption. They argued for concentrating on more

‘traditional’ tasks of transitional justice institutions and to focus only on repression:

‘I don’t understand why corruption is effectively put on the back of the TDC. That means, the TDC should simply take care of victims of repression, in my opinion, because the mandate is just too heavy.’

Including socio-economic issues in the mandate was even classified as a populist move by another interview partner, a member of parliament.

Similarly, institutional reforms were and are still seen as essential to changing repressive structures in the country. From this perspective it made sense to ask the Truth and Dignity Commission to work on the issue and produce recommendations. But similar to the corruption issue, truth commissioners felt that this was too big of a task and that they lacked political guidance to be able to fulfil it.

## Who pushed for the expansive mandate?

The ambitious mandate followed the ideal of a holistic approach to transitional justice, promoted by international transitional justice professionals. One interview partner claimed that his colleagues ‘preach[ed this approach] like a gospel’ and different international organisations wanted the mandate to include their pet issues.

However, domestic actors were also interested in a far-reaching mandate. My interview partners mentioned two reasons: the fear of counter-revolution that should be avoided by thoroughly dealing with the past; and the ambition to design and implement an exemplary transitional justice project.

## Broader implications for other transitional justice projects in Africa and beyond

The Tunisian example points to a dilemma: addressing all relevant justice problems may lead to an overloading of transitional justice institutions. While this does not mean that one should be less ambitious in seeking justice for

violence, repression and socio-economic failures, it is necessary to be aware of problems and trade-offs that can accompany such ambitious projects. Sufficient time and material resources are key, as is continuous (political) support. Thus, it is important to consider how transitional justice projects fit into the broader context of political transition – be it political struggles, economic challenges, or simply a lot of expectations on the plate of countries undergoing political and institutional change.

While the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence has **already recognised** that overloading may be an issue for countries emerging from conflict, the Tunisian example shows that this may also be the case for post-authoritarian contexts. This does not mean that people should be less ambitious when they demand justice or set up transitional justice projects. Rather, it reminds us of the balancing act between what would be desirable and what would be feasible.

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*Photo: protest in support of Mohamed Bouazizi, “Hero of Tunisia”. Credit: Antoine Walter. Licensed under CC BY-SA 2.0.*

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