

## An interview with Member of Parliament Yamina Zoghalmi:

**It would have been more productive for the body responsible for the transitional justice path to be politically independent of any tensions.**



Ms. Yamina Zoghalmi, a Member of the People's Assembly for Ennahda Movement, criticized what she described as the failures of the transitional justice path in many aspects, but she did not hide her aspirations that the experience would continue even after the end of the Truth and Dignity Commission's term until the wounds of the past heal and the page of injustice, arbitrariness, and repression gets turned.

By the proposal provided by Ennahda movement, specifically, the one submitted by Mr. Samir Dilou, transitional justice was added to the Ministry of Human Rights. After these years, do you see that this choice was right or not?

The choice was correct, but there were errors in the course, Mr. Samir Dilou was the one who proposed adding the issue of transitional justice to the Ministry of Human Rights, and this position was adopted by Ennahda Movement, perhaps because of Mr. Samir Dilou's character as a human rights activist. But when the Ministry started to work on drafting the law, it was not formulating it alone but the civil society was also involved.

The Transitional Justice Law in Tunisia was not concerned not only with gross violations of human rights but also financial corruption, this is a unique experience in the world. This law was the product of national consultation and took around a year and a half to prepare the law, and there was support from several international partners. The path of transitional justice is not confined to the Commission but it was an integrated one that has begun before the Commission and must continue after its submission of its final report. Support was also provided by several international organizations for such national consultation on drafting the law.

If Mr. Samir Dilou was given the option to choose between the government and civil society to supervise the transitional justice

experience, I think he will choose civil society now, after 8 years of experience of transitional justice, which I considered an integrated comprehensive path that is not limited to the Truth and Dignity Commission to carry out, even after the end of the Commission's term, it is a must be the State's responsibility, I believe it is better to be supervised by civil society, and it would also be more useful for the body that is politically committed to this issue to be independent of all the attraction and tensions.



samir dilou

A large part of the civil movement abstained from participating in the dialogue, and there were accusations that Ennahda Movement controlled this dialogue, and international organizations like UNDP and the International Center for Transitional Justice were accused of adopting Ennahda movement's vision on transitional justice, and the transitional justice law was voted on at night and there were objections on it by several associations and parties. Do you see that there was a slow pace of political movement inside the parliament, which forced some parties, including Ennahda, to pass this law quickly before getting out of the ruling position?

A large group of human rights activists in Tunisia considers that the human rights field is their own and they did not accept the existence of new people who would share with them the human rights field, and therefore they abstained from participating in the dialogue on transitional justice. The law's slow passage in Parliament was the result of a political choice. The political choice, which is convinced of choosing the Revolution Immunization Act and choosing laws similar to Iraq's uprooting Act, but in a slightly lighter version, one that prevent those who joined the old regime from participating in political life and this prevention was supposed to be more than 10 years.



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We did a peaceful revolution and we supported the Constituent National Assembly, which should have removed these characters from political life such approaches existed, and they had their arguments and had those who believed in it with a firm belief and I was among them, I was one of those who proposed the Revolution Immunization Act, it was originally the Congress for the Republic political party's proposal but we developed it. We have added chapters that deal more with accountability and prevention.

Among other trends and politicians, they are those who believe that this field is a field of transitional justice after a closer look at comparative experiences in transitional justice through the Ministry of Human Rights and Transitional Justice's work, in which I participated, I have changed my conviction that Tunisia should adopt the transitional justice system as an integrated comprehensive system.

While voting on it, a number of amendments were made, such as the point related to election fraud, what's your opinion on that?

The Tunisian Transitional Justice Law had an advantage, which the fact that it was not only related to human rights violations but also to financial corruption, and at this point, Ennahda movement added two issues, forced migration and electoral fraud in the amendments that were added to the law. Serious violations cannot be resolved through reconciliation but they go directly to specialized circuits, while financial corruption issues have the possibility to be resolved through reconciliation.

There was disagreement about the way of choosing and electing members of the Truth and Dignity Commission, was there a certain quota for parties? There was a mix of party choices tied to relative coexistence and not parties' references.

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In all democratic experiments, bodies will not be fully centralized from the outset, and so we are now centralizing and balancing some other bodies such as The Constitutional Court, which should now be centralized. The members of the Truth and Dignity Commission were chosen in full conformity and consensus.

The issue of extending the Commission's term. Is Parliament responsible for the conflict that happened over the Commission's duration which started since the announcement of who will

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## head them and caused splits and divisions?

This is an independent body whose members were elected by consensus the first conflict signs appeared first between Al-Chamari and Sihem Bensedrine, and after submitting the files and when the organization started its work, there were several resignations in the organization, and some members were also exempted, but since it is an independent body the parliament did not interfere in their internal disagreements.

The debate was opened every time within parliament when the budget of the body was voted on, and if the budget of the body was not included within the state's budget, there would be no crisis and it would not had been voted on at the first place, as some MPs were forced to vote on the budget, each time the Prime Minister says that the vote should take place because it is apart from the general budget and if the Commission's budget was not voted on, there would be no voting on the State's budget as a whole.

The Parliament also intervened to fill the vacancy after a major work by a small committee within the Parliament and this request was filed for to a plenary session, but the absence of one member in the voting session caused the failure of the whole process and settled the issue of filling the vacancy, and the Parliament, with all its bloc and its trends, bears full responsibility in this matter. So far, there is the problem of the Commission's quorum and everyone bears responsibility for this.

## What do you think about the position of the Ennahda movement regarding the reconciliation law and what are the reasons behind the support of some of the movement's members for it?

The Administrative Reconciliation Law is a law proposed by the President of the Republic, who has the right to submit legal proposals and it should be noted that it was the first attempt to reconcile with the old regime in 2012, it was presented as a rescuer of the country within the framework of the Save Tunisia Group's experience. This was the first meeting between the old regime and the democratic group, but we, Ennahda movement, we have developed our deep understanding of the Tunisian political reality. The reconciliation law has been passed within the framework of the consensus. The reconciliation law has been transformed



into an administrative amnesty law in eight chapters.

There is a very difficult equation that was put before us, it is to maintain the agreement with Beji Essebsi to preserve the country's democratic experience and maintain the transitional justice system, but the reconciliation law was amended and several chapters that were subject to the great controversy were canceled.

**Do you consider the experience of the Truth and Dignity Commission and the experience of transitional justice as a whole in Tunisia to be a success?**

The many hearings contributed only to reducing the victims' burden, although the sessions were intensive and did not match the Commission's material possibilities.

The transitional justice system must end up with a comprehensive national reconciliation and turning the past pages of human rights violations in all their forms and recognize the truth. This system must also include offenders as well, because transitional justice is not only about the victim, as in some very successful transitional justice systems the executioner became an active actor and part of the system. It is certain that the system in Tunisia will be successful in some tracks and failing in others.