

Press Release

The decree-law No. 13-2022 for penal reconciliation

Following the publication of the decree-laws on March 20, 2022, in the Official Gazette of the Republic of Tunisia, the organizations signing below consider that decree-law No. 13/2022 related to the penal reconciliation does not differ in its philosophy from the administrative reconciliation law No. 49/2015 presented by the late former President Beji Caid Essebsi, which was ineffective and "did not free the administration and the spirit of initiative," but guaranteed impunity in total disrespect of international standards of transitional justice that are supposed to be based on truth disclosure, accountability, reparation, and guarantees of non-repetition, within a legal framework that respects the constitution and international standards in fighting corruption, especially the United Nations Convention against Corruption ratified by Tunisia.

The signatories of this press release consider that Corruption cases should be presented to the specialized judicial chambers and the financial and economic judicial pole and that these institutions should, in turn, be supported both financially and technically in order to speed up judicial processes related to transitional justice.

The civil coalition for transitional justice is well aware of the reasons for the slow pace of trials and their continuous delay from one session to the next, which is mainly due to the failure of the Ministry of Interior's agencies to implement subpoenas issued by specialized chambers, the rotation of their sitting judges, and the repeated requests from the defense lawyers to delay sessions in order to gain time. In addition of being a flagrant violation to the constitutional right to litigation within reasonable deadlines, these practices benefit the accused as political tides are continuously shifting as they run against transitional justice.

The decree-law No. 13-2022 for penal reconciliation, besides its procedural contradictions and legal issues (see the accompanying policy paper), perpetuates impunity and shades the truth. As only truth revelation and accountability before the judiciary are guarantees of non-recurrence of violations. This particularly resonates in a context where the culture of impunity prevails at all levels, enabled by state agencies.

While the penal settlement concluded in cases that concern the state exclusively is a matter that will benefit Tunisia, Tunisians still have a right to know how those funds were looted and how certain economic experts developed financial, legal, and judicial schemes to weaken public banks and achieve an undue interest. These operations must be revealed to the public, whether by standing before the judiciary if the cases are pending judgment or through a public apology and truth revelation in broadcasted recordings even if those covered by Decree No. 13-2022 manage to settle their situation through a reconciliation. (The video of the testimony of Mr. Imad Trabelsi in the context of truth-disclosure works is a good example).

• **Accordingly, the organizations signed below:**

- Demand the suspension of Decree No. 13/2022 related to penal reconciliation until it is made compatible with the standards of good governance, transparency through a participative approach;
- Expresses their concern about the consequences of this decree on the transitional justice process and the absence of the necessary guarantees for the continuation of the work of the specialized criminal chambers, which may disrupt their functioning and enshrine and confirm the culture of impunity;
- Condemn the policy of opacity, closure, and *fait accompli* pursued by the Presidency of the Republic since July 25 until today in the legislative process;
- Express full support for the criminal chambers specialized in transitional justice and the financial judiciary pole, which represent the only and final guarantee for the completion of the transitional justice process through issuing rulings that will present a judicial truth to the public, redress moral damages to the victims, and contribute to paving the way for achieving social reconciliation;
- Remind the Tunisian state of its legal obligations and its international commitments towards the transitional justice process, which should be the only path to recovery from past and conflicts and crises, including the economic ones.

Signatory Organizations:

1. The Tunisian League for the Defence of Human Rights
2. Tunisian Forum for Economic and Social Rights
3. Lawyers Without Borders
4. The Tunisian Magistrates associations
5. Tunisian Network for Transitional Justice
6. Al-Karama Association for Rights and Freedoms
7. The Tunisian Alliance for Dignity and Rehabilitation
8. Insaf association for Military Veterans
9. Tunisian Association for the Defence of Individual Liberties
10. The Organization of Freedom Martyr Nabil Barakati: Memory and Loyalty
11. International Alert
12. The World Organization Against Torture
13. No Peace without Justice
14. International Association for the Support of Political Prisoners
15. Tunisian Observatory of Places of Detention
16. Awfiaa Organization for the revolutions' martyrs and wounded
17. Speak Association for Freedom of Expression and Creativity
18. Renewal and Belonging Association
19. Organization Vision
20. Outcast Coalition
21. Kayan Association for Human Rights
22. The Southern Citizens Dancers
23. Aswat Nissa Association
24. The Seventh Dimension Association
25. Young Voice Association
26. Article 19 Organization
27. Youth Association in the Service of Women in Kasserine
28. WACHM association
29. NACHAZ Association
30. Association Tunisienne pour la Promotion du Droit à la Différence
31. Tunisian association for the cultural action
32. Committee for The Respect of Freedom and Human Rights in Tunisia
33. Venus Association
34. Association Museaïque