

Integrating Economic, Social, and Cultural Rights in Transitional Justice Processes: A Vehicle for Reform in the Middle East and North Africa?

September 24-26, 2014, Tunis

AGENDA

WEDNESDAY, SEPTEMBER 24, 2014

**DAY 1: Transitional Justice and Socio-Economic Justice:
Distribution, Development, and Economic Crimes**

Conference Venue: Golden Tulip El Mechtel Hotel, Tunis

08:00-08:45	Registration
09:00-09:30	<p>Welcoming Remarks</p> <p>Hafedh Ben Salah, Minister of Justice, Human Rights and Transitional Justice - Tunisia</p> <p>Mounir Tabet, Resident Coordinator of the UN System in Tunisia</p> <p>Almut Wieland-Karimi, Director, Center for International Peace Operations</p> <p>Amine Ghali, Program Director, Al Kawakibi Democracy Transition Center</p>
09:30-10:00	<p>Keynote Speeches</p> <p>Sihem Bensedrine, President, Truth and Dignity Commission - Tunisia</p> <p>Mohammed Al-Mekhlafi, Minister of Legal Affairs - Yemen</p>
10:00-10:30	<i>Coffee Break and Group Picture</i>
10:30-12:30	<p>Panel I: Transitional Justice, Rule of Law, and Development</p> <p>The opening panel aims at reflecting on the linkages between transitional justice processes and efforts to strengthen the rule of law and achieve national development goals in the context of political, social and economic transformations in the MENA region. Addressing past abuses is only one component of the broader efforts towards creating favorable conditions for long-term peace and development in the countries of transition. Support for prosecutions and other mechanisms of remedy should be done in concert with strengthening of justice and security institutions, which in turn can be vital to carry out transitional justice at the national and local level. At the same time, nationally-designated transitional justice mandates increasingly demand addressing the root causes of conflicts that led to abuses. Unaddressed deep-rooted</p>

structural violence often predates the conflict and have helped to precipitate it, increasing the risk of a relapse into violence and conflict. Understood in this context providing guarantees of non-recurrence for example, requires working long-term on social transformation akin to some of the development goals: ensuring broad political participation, equal access to economic opportunities, social inclusion and access to justice for all. The objective of the discussion will be to examine in practical terms how respective transitional justice and development goals and approaches intersect.

Facilitator: **Djordje Djordjevic**, Rule of Law, Justice and Security Advisor, UNDP New York

Input: **Roger Duthie**, Senior Associate, Research Programme, International Center for Transitional Justice, New York

Input: **Rama Mani**, Senior Research Associate at the Centre for International Studies at the University of Oxford, Councilor of the World Future Council

Input: **Paula Gaviria Betancur**, Director of the Victims' care and integral reparation Unit, Colombia

12:30-13:30

Lunch

13:30-15:00

Panel II: **Transitional Justice, Socio-Economic Justice, and Economic Crimes**

Often presented as “less grave” than physical violence, and even sometimes used by peace-builders to buy social stability, in the Arab context corruption and structural violence were among the main grievances encouraging the revolutionary movements, on a par with joblessness and violations of freedom and other civil and political rights. To assuage public opinion, post-transition governments in Egypt, Tunisia, and beyond will have to equally address issues of corruption and human rights abuses, such as torture and excessive use of force. Such initiatives raise the question of whether TJ mechanisms, as tools designed to face a legacy of mass human rights violations, are adequate to address issues of corruption and other economic crimes. Could the mandate of traditional TJ measures be modified or broadened? Or should new mechanisms be created to do so? The goal of the second panel is to map possible links between TJ strategies, socio-economic justice and the fight against economic crimes including corruption as well as exploring opportunities for mutual reinforcement between the fields.

Facilitator: **Sabine Michalowski**, Professor of Law, Director of Research, Director of the Essex Transitional Justice Network, UK

Input: **Maria Camila Morena**, Director, International Center for Transitional Justice, Colombia

Input: **Ron Slye**, Professor of Law, Seattle University School of Law, USA

Input: **Mohamed Ayedi**, Member of the Truth and Dignity Commission, Tunisia

15:00– 15:15

Coffee Break

15:15-17:00

Workshops held in parallel

Workshop I: Transitional Justice, Rule of Law, and Development

Chairperson: **Habib Belkouch**, Member of the National Human Rights Council, President of the Human Rights and Democracy Center, Morocco

Facilitator: **Zinaida Miller**, Senior Fellow, Institute for Global Law and Policy, Harvard Law School, USA

Key Questions:

- What is the relationship between transitional justice on the one hand, and rule of law and development on the other? Are there common goals and what are they?
- Can development approaches and resources be more effectively used to support transitional justice processes?
- What kind of institutional capacity development is needed to effectively support transitional justice?

- What are the victims' needs? Can development programmes that target vulnerable populations be linked up to incorporate victims of conflict and social and economic discrimination?
- How can development efforts on institutional reform contribute to tackling root-causes of conflict including undertaking a necessary socio-economic transformations?
- Can long-term development perspectives benefit transitional process in seeking justice for the past to address social and economic issues?
- Can transitional justice initiatives be better integrated into national development planning tools allowing for better coordination with rule of law activities and for provision of development resources?

Workshop II: Transitional Justice, Socio-Economic Justice, and Economic Crimes

Chairperson: Anja Mihr, Head, Rule of Law Program, The Hague Institute for Global Justice

Facilitator: Habib Nassar, MENA Director, The Global Network for Public interest law (PILnet)

Key Questions:

- What transitional justice and anti-corruption tools can be used in pre and post-transition settings to build and maintain legitimacy, fight impunity and corruption, provide redress for human rights violations and secure socio-economic justice?
- How can transitional justice and anti-corruption activities be designed for countries in transition that jointly uncover, link, make accountable, and repair past human rights abuses including socio-economic injustices caused for example by grand corruption?
- How can policies best designed to include marginalized regions?
- Expanding transitional justice mechanisms to include socio-economic violence such as grand corruption when transitional justice mechanisms are over-stretched, understaffed and under-funded: what are the risks and drawbacks?
- How can we “innovate” in addressing reparation to victims of socio-economic rights violations?
- In how far can the link between human rights violations and socio-economic violence be materialized in practical terms?
- What are the lessons learned? Which transitional justice mechanisms lend themselves best to address socio-economic crimes?
- What can the international community do to support the process?
- Is focusing on socio economic rights a way to evade the proper address of political and civil rights?

17:00-18:00 **Workshop Reports of DAY I - Plenary Discussion**

19:00 *Joint Dinner, Hotel Golden Tulip El Mechtel*

20:30 **Screening “Mémoires et Cinema”, Conference Hall**

“La mémoire noire” by *Hichem Ben Ammar*

“L’affaire Barraket Essahel” by *Ghassen Ammami*

Q & A

with Hichem Ben Ammar and Ghassen Ammami

THURSDAY, SEPTEMBER 25, 2014

DAY 2: Memorialization, History Teaching, and Artistic Expression

Conference Venue: Golden Tulip El Mechtel Hotel, Tunis

09:00–11:00	<p>Panel III: Transitional Justice and Memorialization</p> <p>The goals assigned to memorialization processes are multi-faceted and serve both private/reflective and public/educative purposes. They are oriented not only towards the past (recalling events, recognizing and honoring victims, enabling their stories to be related), but equally to the present (healing and rebuilding of trust between communities) and the future (preventing further violence through education and awareness-raising, contributing the writing of history). Memorialization processes can promote a culture of democratic engagement by stimulating discussion regarding the representation of the past and contemporary challenges of exclusion and violence. However, the multiplicity of memorial entrepreneurs means that memorialization may focus more on one goal rather than another, in some cases leading to tensions and mutual suspicion. Other goals may also be pursued, more or less openly, such as nation-building and constructing national identities.</p> <p><i>Chairperson: Jérôme Heurtaux</i>, Junior Professor, Paris-Dauphine University, Institut de recherche sur le Maghreb contemporain, Tunisia</p> <p><i>Facilitator: Eduardo Gonzalez-Cueva</i>, Director of the Truth and Memory Program, International Center for Transitional Justice, USA</p> <p><i>Input: Jan Litynski</i>, Activist, former advisor of the “Solidarity” movement, Poland</p> <p><i>Input: Naïma Senhadji</i>, Coordinator of the support program of recommendations of the Moroccan Equity and Reconciliation Commission - for archives, history and memory</p> <p><i>Input: Hayet Ouertani</i>, Psychologist, former member of the Fact-Finding Committee on Abuses committed during the Revolution, present member of the Tunisian Truth and Dignity Commission</p>
11:00-11:15	<i>Coffee Break</i>
11:15-13:15	<p>Panel IV: Transitional Justice, History Writing, and Teaching</p> <p>History teaching and writing is one aspect of memorial expression. Societies transitioning from war or dictatorship face important challenges in terms of the writing and teaching of history: indeed, it is the ability of people to have access to and have acknowledged their own cultural heritage, in terms of historical narratives, to have access to information and education and to develop critical thinking and an understanding of the realities and perspectives of others, which is here at stake. History writing and teaching is critically important for people’s identities, sense of belonging and relationships with societal others and the State, and, to that extent, it is a necessary element of any comprehensive transitional justice process, which can contribute to further the goals of trust and reconciliation.</p> <p><i>Facilitator and Input: Noura Borsali</i>, Essayist; Member of the Truth and Dignity Commission, Tunisia</p> <p><i>Input: Manuela Cavalho</i>, Ambassador for the Euroclio Foundation of History Teachers, Portugal</p> <p><i>Input: Sami Adwan</i>, History Professor at Bethlehem University, Palestine</p> <p><i>Input: Moussa Bourefis</i>, Forensic anthropologist, President of Mish'a Association of the Children of the Disappeared in Algeria</p>
13:15-14:15	<i>Lunch</i>

14:15-16:00 Workshops held in parallel

Workshop III: Transitional Justice and Access to Archives

Chairperson : **Hedi Jellab**, Director of the Tunisian National Archives

Facilitator: **Farah Hached**, President of Labo Démocratique, Tunisia

Key Questions:

- What must a policy of archives be during a transitional justice process?
- Who is legitimate to have access to archives: scholars, press, individuals?
- Can judicial courts use the national archives?
- How to establish better synergies between individual access to archives and the promotion of the right to the truth?

Workshop IV: How to Write the History of Authoritarianism?

Chairperson: **Kmar Bendana**, History Professor, Manouba University

Facilitator: **Valentin Behr**, Research Fellow, Strasbourg University

Key Questions:

- How to write an „objective“ history of authoritarian regimes in the Arab world?
- How can the scientific community analyze authoritarian regimes after their collapse (social history vs political history)?
- To avoid the repetition of past violations, in a context where historical narratives are more and more used as ideological tools, what should the objectives of history writing and teaching in transitional contexts be?
- How can one find a middle ground between the writing of a unilateral and potentially excluding “truth” about the historical past, and the acceptance of a plurality of narratives that can lead to further social division?

16:15-17:15 **Workshop Reports** – Plenary Discussion

17:30 *Departure from El Mechtel Hotel for La Marsa*

18:00-19:30 **Reception at the Résidence de France, La Marsa**

Co-hosted by

His Excellency **Mr. François Gouyette**, Ambassador of France to Tunisia

and

His Excellency **Dr. Andreas Reinicke**, Ambassador of Germany to Tunisia

FRIDAY, SEPTEMBER 26, 2014

DAY 3: Transitional Justice and Artistic Expression

Conference Venue: CLUB CULTUREL TAHAR HADDAD, 20 Rue du Tribunal, Médina de Tunis

8:30	<i>Departure from El Mechtel Hotel</i>
09:00-11:00	<p>Panel V: Memorialization and Artistic Expression</p> <p>Since the 1980s, the desire to honor victims of the past and the duty of remembrance has been demonstrated by an increase of memorial initiatives, ranging from the creation of memorials and museums, the establishment of minutes of silence and changes in street names, to thematic exhibitions of contemporary art, or organized tours to places of massacres and concentration camps. However, despite this growing importance of commemorative initiatives in the public space, the role of artistic practice is still relatively little studied. Artistic forms of memorial initiatives and their societal impact in the reconciliation process have therefore remained at the margin of the practice of transitional justice. To include artists in the process of transitional justice would imply broadening the debate about the meaning of memory itself. The objectives of this panel will be to analyze artistic representations of mass crimes and conflicts and to study the decisional process between the different actors involved in memorial initiatives (artists, governments, political parties, human rights activists, victims' associations) and the ways in which these memorial initiatives have influenced societal debates on representation of the past, collective identity and reconciliation processes.</p> <p><i>Facilitator: Ivan Bertoux</i>, Attaché culturel, Institut français de Tunisie</p> <p><i>Input: Pierre Hazan</i>, Transitional Justice Expert, Associated Professor, Université de Neuchâtel, Switzerland</p> <p><i>Input: Jocelyne Dakhli</i>, Director, Etudes à L'Ecole des Hautes Etudes en Sciences sociales, France</p> <p><i>Input: Selim Ben Hassen</i>, President, Association Al Khaldounia, Tunisia</p> <p><i>Input: Mohamed Jaziri</i>, Member, l'Organisation tunisienne pour la citoyenneté, Tunisia</p>
11:00-11:15	<i>Coffee Break</i>
11:15-13:00	<p>Wrap-up and Concluding Remarks</p> <p>Bouchechi, Lawyer, Human Rights Defender</p> <p>Taimour Mostafa Kamal, President of the Egyptian Association of Francophone Jurist (tbc)</p> <p>Farida Shaheed, Special Rapporteur in the field of cultural rights</p> <p>Farewell Addresses</p> <p>Dimiter Chalev, Representative of OHCHH - Tunisia</p> <p>Patrick Flot, Director of the French Institute - Tunisia</p> <p>Karima Dirèche, Director of the Research Institute for Contemporary Maghreb</p>
13:00	<p><i>Food & Drinks - Opening of the exhibition « Sous le jasmin » by Augustin Legall</i> <i>(produced by the Organisation Mondiale Contre la Torture)</i></p>
14:00	<i>Departure for El Mechtel</i>