

Organic law n° 2013-53 dated 24 December 2013, establishing and organizing the transitional justice (1).

In the name of the People,
The national constituent assembly having adopted,
The President of the Republic promulgates the following law :

TITLE I

DEFINITION OF TRANSITIONAL JUSTICE AND DETERMINATION OF ITS FIELD

CHAPTER I

Definition of transitional justice

Article one - The transitional justice, according to the law herein, is an integrated process of mechanisms and implementing means, in order to understand and address the past violations of human rights, by revealing the truth, accounting the perpetrators, compensating the victims and restoring them in their rights, in order to reach national reconciliation, preservation and documentation of collective memory, establishment of guaranties on non-repetition, and the transition from authoritarianism to a proper democratic system contributing to the consecration of the human rights system.

CHAPTER II

Revealing the truth and preserving the memory

Art. 2 - Revealing the truth of the violations is a right of every citizen, guaranteed by law, without prejudice to their personal information and regarding their interests and dignity.

Art. 3 - The violation, according to the law herein, is every serious and systematic infringement of human rights, by State apparatuses, groups or individuals acting on behalf of the State or under its protection, even if they do not have the status or authority enabling them to act so. It also includes every serious and systematic infringement of human rights committed by organized groups.

Art. 4 - The revelation of the truth is a set of means, procedures and investigations adopted to dissect the system of dictatorship, and this through the delimitation of all violations, their identifications, reasons, circumstances, origins and the conditions in which they have been committed and their associated effects.

In case of death, missing and enforced disappearance, it shall know the victims' fate and place and the identity of the perpetrators and those responsible for it.

(1) Preparatory works :

Discussion and adoption by the national constituent assembly during its session held on 15 December 2013.

During the revelation of the truth, it shall be taken into consideration, the specific impact of the violations committed against the elderly, women children, and persons with physical disabilities, people with special needs, sick persons and vulnerable categories of the population.

Art. 5 - The preservation of national memory is a guaranteed right to all successive generations of Tunisians, it is also an obligation entrusted to the State and its institutions or those under its supervision, and this, in order to learn from the mistakes and commemorate the victims.

CHAPTER III

Accountability and the obligation to render an account

Art. 6 - Accountability and the obligation to render an account are the set of mechanisms preventing impunity and escaping responsibility.

Art. 7 - Accountability is the responsibility of the judicial and administrative authorities and powers in accordance with the legislation in force.

Art. 8 - Shall be established by decree, specialized chambers, within the courts of first instance, serving in the courts of appeal. It is composed of judges, chosen among those who did not participate in political trials and who will receive specific training on transitional justice.

These chambers shall rule on the cases related to serious violations of human rights as fixed in the ratified international conventions and in accordance with the law herein, including the following :

- Voluntary homicide,
- Rape and any other form of sexual violence,
- Torture,
- Enforced disappearance,
- Death penalty without a guarantee of fair trial.

These chambers are committed also to examine the violations related to electoral fraud, financial corruption, misappropriation of public fund and forced migration for political reasons which shall be transferred by the commission of truth and dignity.

Art. 9 - The petitions found in the violations provided for by article 8 of the law herein, are not subject to statutory limitations.

CHAPTER IV

Prejudices reparation and rehabilitation

Art. 10 - A "victim" shall mean any person having suffered from harm as a result of violation, as stipulated by the law herein, whether it is an individual, a group of individuals or a legal entity.

Are considered as victims, the members of the family having suffered from harm due to their kinship with the victim, according to the rules of common law, as well as any person having suffered from harm while trying to help the victim or preventing his/her assault.

This definition includes every region which has been marginalized or systematically excluded.

Art. 11 - The prejudice reparation for the victims of violations is a right guaranteed by the law and the State having the responsibility to provide all forms of sufficient, efficient and appropriate compensation dealing with the gravity of the committed violations and the case of each victim.

However, the resources held by the State during the reparation shall be taken into consideration.

The reparation is a system based on material and moral compensation, rehabilitation, restitution of rights, recovery and reintegration whether in an individual or collective way and shall take into consideration the condition of the elderly, women, children, persons with physical disabilities, people having special needs, sick persons and the vulnerable categories of the population.

Art. 12 - The State shall provide an immediate support and a temporary compensation for those who need the victims and particularly to the elderly, women, children, persons with physical disabilities, people having special needs, sick persons and the vulnerable categories of the population, without waiting for decisions or provisions related to the reparation.

Art. 13 - The victims of violations of human rights, as defined by the law herein, enjoy the free access to legal recourse and the State shall cover legal costs, in accordance with the law related to the grant of judicial aid and with the law dealing with legal aid within the Administrative Tribunal.

CHAPTER V

Institutional reform

Art. 14 - The institutional reform is a process aiming at dismantling the system of corruption, repression and tyranny, and addressing in a way to ensure the non-repetition of violations, the respect of human rights and the consecration of the State under the rule of law.

The institutional reform requires, notably, the revision of legislations, vetting of State institutions and its services, in order to eliminate any author proved guilty of corruption and violations, to modernize its programs, restructuring its structures and discharging its agents in accordance with the provisions of article 43 of the law herein.

CHAPTER VI

Reconciliation

Art. 15 - The reconciliation is aiming at strengthening national unity, achieving justice and social peace, building a rule of law State and restoring confidence of the citizen towards the institutions of the State.

Reconciliation does not mean in any way impunity or absence of accountability required from perpetrators of serious violations of human rights.

TITLE II

COMMISSION OF TRUTH AND DIGNITY

CHAPTER I

General provisions

Art. 16 - Is established, an independent commission called "commission of truth and dignity" endowed with legal personality and financial and administrative autonomy headquartered in Tunis. It may hold its meetings wherever, on the Tunisian territory.

The "Truth and Dignity Commission" shall be referred to in the law herein as the "Commission."

It may also, if needed, transfer its headquarter to any other region in the territory of the Republic.

Art. 17 - The Commission's work shall cover the period extending from 1st July 1955 up to the promulgation of this law.

Art. 18 - The duration of the activity of the commission has been fixed at four (4) years, as from the date of the appointment of its members, renewable once for one year after a justified decision delivered by the commission which shall be submitted to the assembly charged of legislation, three months before the completion of its mandate.

CHAPTER II

The composition of the commission

Art. 19 - The commission is composed of fifteen (15) members which representativeness rate of each of both sexes may not be inferior to one third, chosen by the Assembly charged of legislation, among the personalities known for their neutrality, impartiality and competence.

Art. 20 - Among the members, the commission shall compulsory include:

- Two representatives of the victims' associations and two representatives of the associations for the defense of human rights, chosen as candidates by their associations.

- The other members are chosen among the individual candidatures falling within the scope of transitional justice, as for law, social and human sciences, medicine, documentation, information and communication.

The list of the members shall compulsory comprise a magistrate, administrative judge, a lawyer, a specialist in Religious Sciences and a financial expert.

Art. 21 - The candidature for membership of the commission shall meet the following conditions :

- To have the Tunisian nationality,
- To be thirty (30) years old at least on the date of candidacy,
- To be competent, independent, neutral and impartial,
- Have no criminal record for intentional offense against honor,

- Have no record of fraudulent bankruptcy,
 - Have not been dismissed for any reason offending honor,
- Art. 22 - It is prohibited for every candidate to :
- Be member in the National Constituent Assembly,
 - Have held any responsibility in a political party,
 - Have assumed a position in the parliament or the Government, as from 1st July 1955,
 - Have served as Governor, general secretary of governorate, first delegate, delegate, mayor or any other executive position within a public establishment or enterprise or a local collectivity as from 20 March 1956,
 - Have held a partisan responsibility on the national, regional or local scale, on the national territory or abroad, within the dissolved Democratic Constitutional Rally,
 - Be involved in the appeal to the former president with the view of running for the presidential elections in 2014,
 - Be a magistrate who participated in political trial,
- The list of candidates shall be published in the official site of the National Constituent Assembly.

Art. 23 - Is established, a special commission within the National Constituent Assembly to examine the candidacies and shall proceed to the designation of the commission members. It is chaired by the president of the National Constituent Assembly or by one of both vice-presidents.

The parliamentary groups and deputies which do not belong to a parliamentary group are represented in the special commission's composition as follows:

- One member for each group composed of thirty deputies or less. If the parliamentary group includes more than thirty members, it shall be represented by two members, and if it includes sixty deputies it shall be represented by three members.

The special commission' composition shall be fixed within a deadline of ten days as from the publishing of the law herein. It holds its first meeting within a deadline of one week after fixing its composition.

The candidatures for membership in the commission of truth and dignity are opened by decisions of the president of the special commission, published in the Official Gazette of the Republic of Tunisia, fixing the deadlines of candidatures deposit and its method as well as the legal required conditions and the supporting documents of the candidature, in accordance with the provisions of the law herein.

The special commission chooses, by consensus, fifteen (15) candidates among the candidatures submitted to the office of the Assembly in compliance with the provisions of the law herein.

The list fixed by consensus, shall be submitted to the plenary meeting to be adopted by the majority of present members which number may not be less than one third of the members.

In case consensus could not be reached over the whole members' list, within ten days following the administrative selection, all candidacies meeting the required conditions, shall be submitted to the plenary meeting to be voted. The vote shall be carried out by the majority of the 3/5, in two rounds, otherwise by the absolute majority. The members of the commission shall be chosen among the candidates having obtained the highest number of votes.

In the event of a tie, obtained by two candidates, the oldest shall be elected.

Art. 24 - Every application for candidacy shall be accompanied with a sworn statement certifying the accuracy of the information given by the candidate. Every candidate who has given false information shall be discharged from the post of member in the commission.

Every candidate is bound to mention the mission entrusted to him/her during the five years before the submission of candidature, as well as every representation that he/she had assumed for a natural person or a legal entity before that date.

Art. 25 - An objection may be raised against one of the candidates within the commission mentioned above in article 23 of the law herein, and this, within a deadline of one week, as from the date of publishing the announcement of the list in the official site of the National Constituent Assembly, before being transferred for vote to the plenary meeting.

The commission rules on the litigations, within a deadline of one week starting from the date of submitting the objection after having heard the defense of the candidate subject of objection. In case of approval of the aforesaid objection, the concerned candidate shall be replaced among the other candidates to the post of member in the commission, in accordance with the provisions of the law herein.

The decisions of the commission related to the objections are full and final, in any form whatsoever, even by way of recourse for misuse of authority.

Art. 26 - The members of the commission shall be appointed by decree, within a maximum deadline of fifteen (15) days, as from the date of delivering the list to the departments of the Presidency of the Government.

The abovementioned decree comprises a meeting of the members, within a maximum deadline of fifteen (15) days, as from the date of its promulgation. The members of the commission chose, by consensus, the president of the commission and two vice-presidents. In case the consensus could not be reached, the selection shall be done by the absolute majority of present members at the first plenary meeting chaired by the oldest member, attended by the youngest among those who do not apply for the presidency of the commission.

Art. 27 - The President and members of the Commission shall swear the following oath before taking office :

“I swear by Almighty God that I shall perform my duties neutrally, loyally, faithfully and honorably, without discrimination based on gender, color, language, religion, opinion, belonging or region, that I m committed to not disclose information covered by professional secrecy and that I shall respect the dignity of the victims as well as the objectives for which this Commission has been established.”

They shall take the oath before the President of the Republic, within a maximum deadline of 7 days after choosing the candidates.

Art. 28 - The President and the members of the Commission shall perform their duties on a full-time basis. During their term of office, they may not occupy any other parliamentary or representative position or plan.

The Commission's members shall receive wages allowances to be determined by virtue of an order that shall be published in the official gazette. The members of the commission shall receive allowances fixed by decree that must obligatory be published in the Official Gazette of the Republic of Tunisia.

Art. 29 - During their active duty within the commission, the president and the members of the latter may not:

- Perform any professional activity
- Use their office in any advertisement related to financial, industrial, commercial or professional projects.

The commission is authorized to take the measures deemed necessary, in case of violation of the provisions of the article herein, and this, in accordance with its internal rules.

Art. 30 - The commission shall establish an executive body under its direct authority and which organization and operating methods shall be fixed in the commission internal regulation and published in the Official Gazette of the Republic of Tunisia.

The executive body consists of central departments charged of administrative and financial affairs, as well as regional offices and specialized committees that the commission shall establish and place directly under its supervision, as far as the issues related to its competence are concerned.

The commission is authorized to have resort to assist persons with experiences and specialties, and this a contract or a request for secondment, on condition that they shall meet the conditions mentioned in articles 21 and 22 of the law herein except for the condition of age.

The executive body members are appointed by decision of the commission, in accordance with the provisions of the internal regulation, and shall be published in the Official Gazette of the Republic of Tunisia.

CHAPTER III

The duties assigned to the members and agents of the commission

Art. 31 - The members of the commission shall be bound by the obligation of professional secrecy. It is prohibited to disclose the commission works or publish it apart from reports and communiqués emanating from the commission.

This concretion is also applicable to the agents and collaborators of the commission.

Every member or agent of the commission is bound to preserve the confidential nature concerning all the documents, communiqués, testimonies, information and data dealing with the cases of the commission jurisdiction.

These provisions are also applicable to the resigning member.

The supporting evidences and documents held by the commission may be removed or examined only by the concerned parties and the accused persons. In all other case, the prior authorization from the commission or the Tribunal is required.

Art. 32 - All members of the commission shall draw-up a declaration on honor concerning their assets and those of their spouses and children, before their taking office within the commission.

The declaration on honor is considered as a precondition in taking the office, and shall be remitted to the court of auditors in accordance with law n° 87-17 dated 10 April 1987, related to the declaration on honor of the assets of the members of the Government of some categories of public officials.

The declaration on honor is considered as a condition of performing duties.

Art. 33 - The members and employees of the commission shall avoid any attitude or behavior likely to affect the reputation of the commission.

Art. 34 - Neither the president nor the members of the commission may be prosecuted, for crime or offense in relation with their mission or performance of their duties within the commission, only in case waived immunity voted by the two thirds of the commission's members.

However, in case of flagrante delicto, the concerned member may be apprehended and the commission shall be immediately informed.

Art. 35 - The members, the officials and the collaborators of the commission are considered as public officials, according to the provisions of article 82 of the Penal Code. The State is required to protect them against any threats or violations for which they could be targeted during their active duties within the commission, whatsoever, or even after the end of their duties.

Any violation against one of them is equivalent to a violation against a state official, in the performance of his/her duty, and shall be liable to the penalties provided for in the Penal Code.

Art. 36 - The officials of the commission shall be recruited by a contract or on the basis of a secondment.

The seconded officials shall receive their salaries and allowances fixed by decree.

Art. 37 - The president and the members of the commission shall carry on their tasks during the mandate of the commission.

Every member of the commission may submit his/her resignation, in writing, to its president.

Every member of the commission may be dismissed, by a decision from the commission and made by the majority of the two thirds, and this, in case of unjustified absence, at three consecutive occasions or six non consecutive occasions, during the commission's meetings, or yet, in case of physical disability, act prejudicial to the reputation of the commission or any serious breach of professional duties as referred to in the law herein.

In case of resignation, dismissal or death of one of the members of the commission, he/she shall be replaced by another member having the same discipline by the assembly charged of legislation in accordance with the same methods and procedures mentioned above in article 23 of the law herein.

In case of vacancy in the post of president of the commission, the duties of the president are entrusted to the oldest vice-president, till the designation of a president among the members of the commission, in accordance with the procedures fixed in article 26 of the law herein.

CHAPTER IV

Missions and attributions of the commission

Art. 38 - The commission shall perform its missions and attributions with neutrality and total independence, in accordance with the provisions and principles mentioned in title I of the law herein.

No one is authorized to interfere in the commissions' activities or influence its decisions.

Art. 39 - The commission shall provide the following missions:

- Holding private or public hearings, for the benefit of the victims of violations and for any other reason linked to its activities.

- Investigating the cases of enforced disappearances remained without effect, the evidence of submitted communiqués and complaints and determining the future of the victims.

- Collecting data, detecting, documenting, confirming and archiving the violations in order to constitute a data bases and draw-up a unified register of the victims of violations.

- Delineating the responsibilities of the Government agencies or any other parties, in the violations concerned with the provisions of the law herein, clarifying the reasons and proposing solutions avoiding the repetition of such violations in the future.

- Drawing-up a global, individual and collective program, in order to compensate the victims of violations that shall be based on the following :

- ❖ The confession of what has been endured by the victims, and taking measures and compensation decisions for their benefit, taking into consideration all previous administrative and legal decisions and measures taken for the benefit of the victims,
- ❖ Determining the required criteria to compensate the victims of violations,
- ❖ Delimiting the terms of payment of allowances, taking into consideration the compensation estimates,
- ❖ Taking urgent and temporary measures of support and compensation for the benefit of the victims.

Art. 40 - The commission shall be endowed with the following attributions, in order to perform its mission :

- Having access to the public and private archives, disregarding the prohibitions provided for by the legislation in force,

- Receiving the requests and complaints related to violations, and this during a period fixed at one year, as from the start-up of the commission's activities. The commission may however, extend this period for a maximum period of six months,

- Examining all the violations subject to the law herein, and this by all necessary means and mechanisms, by guaranteeing the rights of defense,

- The convocation of every person whose presence is deemed necessary to hear from him/her. Accordingly, no excuse of immunity may be set forth, to evade this call,

- Adopting all appropriate actions in order to protect witnesses, victims, experts and all those who are heard, whatever their status may be, concerning the violations subject of the provisions of the law herein, on one hand, the guaranties' plan of safety precautions, protection from criminality and violations, and on the other hand, terms of confidentiality, in cooperation with the relevant departments and structures,

- Resorting to the assistance of public officials for the performance of the missions of investigation, instruction and protection,

- Asking the administrative and financial authorities, as well as public commissions and every natural person or legal entity, to provide documents and information held by them,

- Having access to the cases referral to courts, issued sentences or decisions concerning them,

- Asking for information within official institutions of foreign countries, with regard to the international conventions and agreements concluded for this purpose, as well as collecting all information from the victims, witnesses, civil servants or others, in other countries in coordination with the relevant authorities.

- Achievement of findings in the public and private locations, as well as the accomplishment of searches and seizures of documents, securities and used blunt instruments that could be related to the violations examined by the commission in order to establish the reports. The commission has the same attributions than that of judicial police, without prejudice to the necessary legal procedures.

- Resorting to every measure or instrument which could help revealing the truth.

Art. 41 - Is established, a fund called “fund for dignity and rehabilitation of victims of oppression”.

The organization, the operating methods and the financing of this fund shall be fixed by decree.

Art. 42 - The commission shall transmit to the Public Prosecutor the cases in which serious violations of human rights are confirmed.

The commission shall be informed of all subsequent measures taken by the judiciary.

The cases transmitted to the Public Prosecutor shall not be opposed by the principle of *res judicata*.

Art. 43 - The commission is charged of :

1- Drafting appropriate recommendations and suggestions as for political, administrative, economic, security, legal, media, educational, cultural reforms and of administrative vetting, preventing recurrence of repression, tyranny, violation of human rights and misuse of public monies.

2- Proposing measures likely to be taken in order to encourage national reconciliation and preserve the individuals’ rights and particularly, those of woman, children, persons with special needs and vulnerable social groups,

3- drafting recommendations, suggestions and measures intended to consolidate democratic structure and contribute to the establishment of the rule of law,

4- establishing a commission called “commission of public officials’ examination and institutional reform” which composition and progress of works shall be fixed by the commission’s internal rule and which is required to accomplish the following missions :

- ❖ Proposing practical suggestions aiming at reforming the institutions involved in corruption and violations,
- ❖ Proposing suggestions aiming at vetting the administration and all the sectors required a vetting.

The commission shall issue to the relevant authorities, recommendation for revocation, dismissal or mandatory retirement, applied to every person holding a state’s high office, including judicial offices, if it is proven that the concerned person :

a) Has submitted to the dissolved democratic constitutional rally (RCD) or to the political police, reports or information having caused damages or violations in the sense of the law herein.

b) Has intentionally perpetrated actions causing a support or assistance for the misappropriation of public funds and this, for the persons submitted to the provisions of decree-law n° 2011-13.

c) Is responsible for the violations in the sense of the law herein.

Art. 44 - The commission shall recommend taking necessary measures in order to preserve national memory concerning the victims of violations. It may also, implement activities required for this purpose.

Art. 45 - Shall be established within the commission, a “commission for arbitration and conciliation” charged of examining and ruling on the violations’ cases, in the sense of the law herein, after obtaining a consent from the victim, and on the basis of rules of justice, equity and international adopted standards, and this, notwithstanding the extinction of the right of action and prescription of penalties.

In case of serious violations, the decision of the commission does not prevent the accountability from perpetrators of violations. This decision shall be taken into consideration in the estimation of sentences.

The commission for arbitration and conciliation shall also examine the settlement requests dealing with the cases of financial corruption. The submission of this request does not suspend the examining of the case and the public action is discontinued only after implementation of the provisions of the aforesaid settlement.

The implementation of the provisions of settlement in the financial corruption cases, delivered to the commission, involves the termination of prosecution or the end of trial or the suspension of the enforcement of the punishment. However, the prosecution, the judgment or the sentence shall be resumed if it is proven that the perpetrator of the violations has intentionally hidden the truth or has not declared what he/she illegally took.

The state shall obligatory be a principal party in the cases submitted to the commission for arbitration and conciliation.

Art. 46 - The performance of the commission for arbitration and conciliation is made on the basis of a convention of arbitration and conciliation :

- At the request of the victim including the State having been subject of the damages.

- At the request of the party to which the violation has been imputed, after consent of the victim.

- With approval of the state in the cases of financial corruption, if the case deals with public funds or with establishments’ funds or in which the state has a direct or indirect participation in the capital.

- Upon a transfer from the national commission of struggle against corruption, on the basis of a convention of arbitration and conciliation among the concerned parties.

Shall be considered as conditions to approve the arbitration and conciliation request, the written confession of the claimant of conciliation about the facts that he/has perpetrated and the explicit apologies, according to a modal fixed by decision of the commission.

In case the request for conciliation deals with financial corruption, it shall compulsory include statements of the facts causing an illegal gain and its realized value. The request is enclosed to the documents proving the veracity of the claims for conciliation.

The requests shall, compulsory, mention the approval of the arbitral award, which is considered as final and may not be subject of appeal, or reversal or appeal for misuse of authority.

Art. 47 - The parties to an arbitral dispute may not abstain to participate in public hearings sessions, if the commission asks to. The conciliation procedures are suspended in case of non-compliance with the provisions of the article herein.

Art. 48 - The referral to the commission is considered as suspensive of time limits. The examining of the disputes by judicial authorities while it is pending before the commission is interrupted by adopting necessary measures and procedures in order to avoid impunity during the period of transfer till the execution of the arbitral award and this, according to the exception provided for by paragraph 2 of article 46 dealing with the financial corruption cases.

The commission or the most diligent party is bound to inform the judicial authority charged of the case, that it is also submitted to the commission.

Art. 49 - The arbitral award shall comprise the following :

- A detailed statement of the facts, the date, the place, the legal description and the legal applicable texts,

- The affirmation or the negation of the existence of violations and the validating and invalidating evidences,

- The determination of the level of seriousness of the violations in case it has been proven and charged to the perpetrator,

- The determination of the nature, of the nature, of the harm and its repairing methods.

Art. 50 - The arbitral award carries the executory formula once signed by the First President of the Court of Appeal of Tunis, within a deadline of three (3) days, as from the date of its submission. The arbitral award shall be considered as final and not subject to appeal, reversal or appeal for misuse of authority.

Art. 51 - The State departments, the public agencies, the commissions, the local collectivities, the public establishments and enterprises, as well as all civil servants are bound to provide the president of the commission with statements comprising all the confirmed and reported facts and all gathered information during their active duty, and which fall within the attributions of the commission or which are likely to help achieving his/her missions in best possible conditions.

The aforesaid documents and information shall be remitted directly to the commission, on the initiative of the departments and the abovementioned parties or upon a request from the commission if needed.

Art. 52 - Every natural person or legal entity shall provide the commission with all the documents or statements dealing with confirmed and reported facts or with what they have been through as well as all the gathered information and which falls within the attributions of the commission.

An official receipt shall be remitted to any person having provided documents, complaints or information to the commission.

Art. 53 - The commission shall fix the organizing and progressing procedures of the hearing sessions by respecting the specificity of the victims, notably; women, children, the categories with special needs and vulnerable groups, as well as those responsible of violations, and by providing the respect of their physical and moral integrity.

Art. 54 - The professional secrecy may not be opposed to the commission's requests to obtain information, regardless of the nature or capacity of the natural person or legal entity in possession of the required information or documents. The trustees of these confidential documents may not be punished for disclosing such information to the commission.

Art. 55 - In case the revealed documents are likely to be subject of destruction or existence of consistent evidences of perpetrated violations falling within the commission, the president may order the adoption of necessary preventive measures in order to preserve the aforesaid documents and evidences and prevent the perpetrators of violations from transferring, replacing, running, transporting or destroying funds and properties subject of the crime.

CHAPTER V

The progress and organization of the commission' works

Art. 56 - The commission shall carry out the following preparatory works, within a maximum deadline of six (6) months following the date of the members' appointment :

- Elaborating the internal rule which shall be published in the Official Gazette of the Republic of Tunisia,
- Introducing an Executive Directorate,
- Drawing-up an Action Plan during its performance,

- Drawing-up of a work agenda for at least one year,
- Drawing-up manuals of simplified procedures to facilitate the progress of its works, in all the fields of competence,
- Drawing-up a global communication plan in cooperation with national media,
- Introducing a data base,
- Achieving all necessary activities for the performance of its missions.

Art. 57 - Without prejudice to the provisions of the law herein, the internal rule of the commission provides the rules of exercise of its works, the mechanisms of its administrative, financial and technical operating, as well as the methods of making decisions.

Art. 58 - The president of the commission chairs the meetings and represents the commission vis-à-vis the third parties. He/she may delegate his/her power of signature or some of his/her authority to his/her two vice-presidents or to one of the members of the commission and if necessary, to one of the executives of the commission after consent of the members.

The president of the commission is also its organizer.

Art. 59 - The commission shall meet upon a call from its president or a third of its members. Its meetings are valid only in presence of two thirds of the members.

Art. 60 - The deliberations of the commission are confidential and its decisions shall be made by consensus, failing that, by an absolute majority of present members. In case of equal votes, the president has the casting vote.

The commission may call the members of the specialized commissions or the regional office, and every person whose presence is deemed necessary, to attend its works without having the right to vote.

Art. 61 - It is prohibited for every member of the commission to participate in the deliberations on cases involving a natural person or a legal entity and in which he/she holds a personal benefit or in which he/she has a family relationship or link or any other kind of obligations or contracts.

The president and the members of the commission are bound to inform about any conflict of interest during their mandate within the commission.

Art. 62 - Every natural person or legal entity having interest from the case submitted to the commission, may submit an objection against any member of the commission, and this, by a written-reasoned document delivered to the president of the commission.

The commission rules on the objection request within a deadline of one week as from the date of submission of the aforesaid request, and this by a majority of the present members. The member subject of objection has not the right to vote.

The decision of the commission for this purpose is not subject to any appeal, even in case of abuse of authority.

Art. 63 - The law herein grants to the commission, the power to make decision on the progress and achievement of its activities. It confers full prerogatives to accomplish its obligations provided for by the law herein.

CHAPTER VI

The commission's budget

Art. 64 - The commission is endowed with an autonomous budget consisting of :

- Annual funds charged to the State budget,
- Grants, donations and legacies granted to the commission by national and international agencies,
- All the resources that may be put at the disposal of the commission,

However, it is prohibited for the commission to accept conditioned donations or grants.

The commission shall prepare its budget before transferring it to the relevant governmental party for approval.

The rules of scheduling and keeping of accounts of the commission are not submitted to the public accountancy code.

The commission shall appoint an auditor for a period of two non-renewable years, chosen among chartered accountants registered on the Order of Chartered Accounts of Tunisia.

The commission is submitted to the control of the court of auditors.

Art. 65 - All the contracts of the commission shall be concluded and implemented in accordance with the principles of competition, equality and transparency.

CHAPTER VII

Penal sanctions

Art. 66 - Shall be punished by a six month sentences and a fine of an amount of two thousand dinars, any person who:

- Carries out any action before the commission showing a disregard for the court,
- Willfully obstructs the commission's works,
- Does not come up to testify after a call from the commission or prevents the access to the claimed document or information,
- Reveals any confidential information found during his/her active duty within the commission.

The provisions of Penal Code are applicable to any person giving a false testimony to the commission, presenting falsified documents or destroying any document dealing with the investigations or procedures provided for by the law herein.

CHAPTER VIII

Conclusion of the Commission's work

Art. 67 - The commission shall draw-up the reports regarding its activities, as follows:

1/- annual reports

2/- a comprehensive and final report covering the period starting from the establishment of the commission till the end completion of its works, comprising:

- Confirmed facts after verifications and investigations

- Determination of responsibilities

- Reasons of violations provided for by the law herein and the recommendations guaranteeing that further occurrence of such violations

- The measures to be adopted to encourage national conciliation and preservation of individual rights, mainly women, children, people with special needs and vulnerable social categories.

- Recommendations, proposals and procedures intended to reinforce the democratic structure and contribute to the establishment of the rule of law.

- Recommendations and proposals related to political, administrative, economic, security, legal, media, educational, cultural reforms and other types of reforms considered appropriate to avoid the occurrence of oppression, tyranny, and violation of human rights and mismanagement of public funds.

The commission's reports shall be remitted to the President of the Republic, to the President of the Assembly charged of legislation and to the President of the Government.

The commission's reports are put at the disposal of the public. It shall be published in the Official Gazette of the Republic of Tunisia.

Before the conclusion of its works, the commission shall demonstrate due diligence to enable publishing and broadcasting the results by all means.

Art. 68 - The commission's works are completed at the end of the limited period provided for by the law herein. The commission entrusts all the documents and references to the National Archives or to an institution preserving the national memory established for this purpose.

Art. 69 - No member of agent of the commission, or any person having achieved a mission at the request of the commission, are considered responsible for the content of the reports, the conclusions the opinions or recommendations expressed in the implementation of the provisions of the law herein.

Art. 70 - Within a deadline of one year, as from the publishing date of the comprehensive report of the commission, the Government shall draw-up a plan and work program in order to fulfill the recommendations and suggestions provided by the commission. The aforesaid plans and programs are submitted to the deliberation of the assembly charged of legislation.

The assembly shall supervise the performance of the commission in achieving the working program and plan through a parliamentary committee which shall be established for this purpose and which shall collaborate with the concerned associations to make effective the recommendations and suggestions.

The present law shall be published in the Official Gazette of the Republic of Tunisia and implemented as law of the State.

Tunis, 24 December 2013.

The President of the Republic
Mohamed Moncef Marzougui