

Draft Organic Law on
The Foundations and Organization of Transitional Justice
Title I: Definition and Field of Competence of Transitional Justice

Chapter I: Definition of Transitional Justice

Article 1:

Transitional Justice in accordance with this law is an integrated process of mechanisms and means adopted to understand and address past human rights violations by revealing their reality and hold accountable those responsible for them, make up for the harm done to the victims and rehabilitate them to achieve national reconciliation, preserve and document collective memory, establish guarantees of non-repetition of violations and go from a state of despotism to a democratic system that contributes to enshrine human rights.

Chapter II: Unveiling the Truth and Preserving Memory

Article 2:

Unveiling the truth about violations is a right guaranteed by the law for all citizens, taking into account the interest of victims and their dignity without prejudice to the protection of personal data.

Article 3:

Violation in accordance with this law is a serious or systematic abuse of any human rights carried out by State agencies, groups, individuals on behalf of or under the protection of such State agencies, even if it they do not have the status or prerogatives entitling them to do so. It also includes all serious or systematic abuses against any human right carried out by organized groups.

Article 4:

The unveiling of the truth includes all means, procedures, and research used to dismantle the system of despotism by identifying and recording all violations and finding out their causes, conditions, sources, circumstances, and consequences, and in cases of death, loss, and forced disappearance, founding out the fate of victims, their whereabouts, and the identity of the perpetrators of those acts, and those responsible for them.

When unveiling the truth, the specificity of the impact of violations on the elderly, women, children, disabled people, people with special needs, the sick, and vulnerable groups shall be taken into account.

Article 5:

Preserving the national memory is a right for all successive generations of Tunisians. It is a duty assumed by the State and all its institutions or those under its supervision to draw lessons and perpetuate the memory of victims.

Chapter III: Accountability**Article 6:**

Accountability is all the mechanisms that prevent impunity or denial of responsibility.

Article 7:

Accountability comes within the competence of the judicial and administrative authorities under applicable law.

Article 8:

Specialized judicial districts shall be established by decrees in courts of first instances set up in appellate courts. These judicial districts shall be composed of judges chosen from among those who were not involved in politically motivated trials. These judges shall be especially trained in transitional justice.

The said judicial districts shall be responsible for considering cases relating to serious violations of human rights provided for in ratified international conventions and in this Law. Such violations include:

- Premeditated murder;
- Rape and any form of sexual violence;
- Torture;
- Forced disappearance; and
- Death Penalty without fair trial guarantees.

These districts also consider cases of: offences relating to vote rigging, financial corruption, misappropriation of public funds, inducing forced emigration for political reasons, referred to them by the Commission.

Article 9:

Legal actions resulting from the violations mentioned in Article 8 of this Law are not limited by lapse of time.

Chapter IV: Reparation and Rehabilitation**Article 10:**

A victim is any person harmed as a result of being exposed to violation as defined in this Law, whether it is an individual, group, or legal person.

Any family member who sustains harm because of kinship with the victim as defined by public law and any person harmed as a result of his intervention to assist the victim or prevent violation shall be considered as a victim.

This definition includes any area that suffered systematic marginalization and exclusion.

Article 11:

Reparation for victims of violations is a right guaranteed by the law. The State is responsible for providing adequate and effective forms of reparation commensurate with the gravity of the violation and the situation of each victim, taking into account the resources available to the State at the implementation stage.

Reparation is a system based on material and moral compensation, rehabilitation, apology, recovery of rights, reintegration. It may be individual or collective and takes into account the situation of the elderly, women, children, disabled persons, people with special needs, the sick, and vulnerable groups.

Article 12:

The State shall provide immediate care and temporary compensation to victims who need them, especially the elderly, women, children, disabled persons, people with special needs, the sick, and vulnerable groups, without waiting for the issuing of decisions or rulings on reparation.

Article 13:

The State shall defray the costs of legal proceedings in all human rights cases provided for in this Law for the benefit of victims under the laws on legal aid and judicial assistance before the administrative court.

Chapter V: Reform of Institutions

Article 14:

The reform of institutions aims to dismantle and deal with the system of corruption, oppression and despotism so as to ensure non-recurrence of violations, respect for human rights, and the rule of law.

The reform of institutions requires includes the review of legislation, the removal from State institutions and agencies of those found responsible for corruption and abuses, the modernization of methods and restructuring of State institutions and agencies, and the retraining of their agents in accordance with the provisions of Article 43 of this Law.

Chapter VI: Reconciliation

Article 15:

Reconciliation aims to promote national unity, achieve social justice and peace, establish the rule of the law, and restore the confidence of citizens in State institutions.

Reconciliation does not mean impunity and unaccountability of those responsible for violations.

Title II: The Truth and Dignity Commission

Chapter I: General Provisions

Article 16:

There shall be established an independent body called “The Truth and Dignity Commission” (hereinafter called “The Commission). The Commission shall have legal personality, financial and administrative independence. It shall be headquartered in Tunis and may sit anywhere within the territory of the Republic.

The headquarters of the Commission may be transferred, if need be, to any place within the territory of the Republic.

Article 17:

The work of the Commission shall cover the period from 1 July 1955 to the enactment of this Law.

Article 18:

The duration of the term of the Commission is four (4) years, beginning from the appointment of the Members of the Commission. This duration may be extended once for one (1) year by a reasoned decision of the Commission that shall be submitted to the legislative assembly three (3) months before the end of its term.

Chapter II: Composition of the Commission

Article 19:

The Commission shall be composed of fifteen (15) Members, provided the proportion of either gender shall not be less than a third. The Members shall be selected by the Legislative Assembly from among personalities well-known for their neutrality, integrity, and competence.

Article 20:

The Commission shall include:

- Two representatives of victims’ associations and two representatives of human rights associations, nominated by their associations.
- The remaining Members shall be selected among individual candidates in the disciplines related to transitional justice such as law, social sciences and humanities, medicine, archives, information, communication, and shall include a judicial judge, an administrative judge, a lawyer, a jurisconsult, and a finance specialist.

Article 21:

Applicants for membership in the Commission shall fulfil the following requirements:

- Tunisian nationality;
- Thirty (30) years of age by the date of candidacy;
- Competence, independence, neutrality, and integrity;
- No criminal record for intentional immoral crime;
- No fraudulent bankruptcy; and
- No dismissal for immoral behaviour.

Article 22:

The following shall not be candidates for membership in the Commission:

- Members of the National Constituent Assembly;
- Officials in political parties;
- Parliamentarians or Government officials from 1 July 1955;
- Governors of a province, Secretary General of a province; Principal Delegate, Delegate, Mayor, or any Executive in an institution or public enterprise or a local authority from 20 March 1956;
- Party official at the national, regional, or local level, at home or abroad, of the dissolved Constitutional Democratic Rally;
- Anyone proven to have called on the former President to run for the presidency; and
- Judges who were involved in politically motivated trials.

The list of the candidates shall be published on the official site of the National Constituent Assembly.

Article 23:

A Special Committee shall be set up at the National Constituent Assembly chaired by the Speaker of the Assembly or a Deputy Speaker. This Committee shall be responsible for screening applications for membership and seeking agreement on the Members of the Truth and Dignity Commission.

The representation of Groups and deputies who do not belong to any Group in the Special Committee shall be as follows:

One (1) Member for every Group composed of up to thirty (30) deputies; two (2) Members for Groups of thirty-one (31) to sixty (60) deputies; and three (3) Members for Groups of more than sixty (60) deputies.

For deputies who do not belong to any Group: one (1) Member for up to thirty (30) deputies ; two (2) Members for thirty-one (31) to sixty (60) deputies; and three (3) Members if they exceed sixty (60) deputies.

The composition of the Special Committee shall be established within ten (10) days of the publication of this Law. The Special Committee shall hold its first meeting within one (1) week of its setting up.

Application for membership in the Truth and Dignity Commission shall be declared open by a decision of the President of the Special Committee published in the Official Gazette of the Republic of Tunisia setting the deadline for submitting applications for membership, the method for filing applications, the legal requirements to be fulfilled by applicants and documents to be provided along with the membership application in accordance with this Law.

The Committee shall select by consensus fifteen (15) applications for membership submitted to the Bureau of the Assembly taking into account the requirements set forth in Article 20 of this Law. It shall submit this shortlist to the plenary for validation by a majority of the Members present who form at least a third of the Members.

If the Committee does not reach a consensus on the whole list within ten (10) days of the administrative screening of the files of all candidates who fulfil the requirements, the applications shall be submitted to the plenary for voting by a majority of three-fifths (3/5) of the Members of the Assembly in two rounds, or failing that, by absolute majority. The Members of the Commission shall be selected from among the applicants who obtain the most votes.

If two candidates obtain an equal number of votes, the eldest shall be chosen.

Article 24:

The application for candidacy shall be accompanied by a statement on the validity of the information provided by the candidate who shall be barred from membership of the Commission in case he submits false information.

Every candidate shall report the positions he held in the last five (5) years preceding his application for membership in the Commission and any mandate he held for a legal or natural person before that period.

Article 25:

Objection to one of the candidates is possible before the Committee referred to in Article 23 of this Law within one week from the date of the announcement of the list in the official website of the Assembly and before the list is forwarded to the plenary for a vote.

The Committee shall decide on the objections within a week from the date of the objection after hearing the defence of the contested candidate. In case the objection is accepted, the contested candidate is replaced by one of the other candidates for membership in the Commission in accordance with this law.

The decisions of the Committee on objections are final and are not subject to review or appeal in any way, even under the claim of abuse of power.

Article 26:

The Members of the Commission shall be appointed by decree within fifteen (15) days from the date of submission of the list to the Office of the Prime Minister. This decree provides that the Members shall meet within fifteen (15) days of its issue. The Members shall choose by consensus the President of the Commission and two deputies, or, failing that, by absolute majority of the Members at the first meeting chaired by the eldest Member assisted by the youngest Member among those who are not candidates for the presidency of the Commission.

Article 27:

Prior to assuming their duties, the President and the Members of the Commission shall take the following oath:

[Translated from Arabic]

“I swear to God Almighty that I will discharge my duties with impartiality, sincerity, honesty, and honour, without discrimination on grounds of gender, colour, language, religion, opinion, affiliation, or region; and I commit myself to safeguard professional secrecy and respect the dignity of the victims and the objectives for which the Commission was established.”

They take the oath before the President of the Republic within seven (7) days of their installation.

Article 28:

The President and the Members of the Commission shall exercise their duties on a full-time basis and shall not hold any other position of authority or a parliamentary or representative term.

The Members of the Commission are entitled to indemnities determined by a decree published in the Official Gazette of the Republic of Tunisia.

Article 29:

During their term in office, the President and the Members of the Commission shall not:

- Engage in any professional activity;
- Use their status in any advertisement on financial, industrial, commercial, or professional projects.

The Commission may take appropriate measures in case of violation of the provisions of this Article in accordance with its rules of procedure.

Article 30:

The Commission shall set up an executive body placed under its direct authority. The organization and operation of this body shall be determined by the rules and procedures of the Commission and published in the Official Gazette of the Republic of Tunisia.

The executive body shall be endowed with central services that handle administrative and financial matters, as well as regional offices and specialized committees set up by the Commission and placed under its direct supervision to address issues that come within its competences.

The Commission may seek assistance from experts and specialists on a contractual or secondment basis provide that they meet the requirements set out in Articles 22 and 23 of this Law, except for the age requirement.

The Members of the executive body shall be appointed by a decision of the Commission in accordance with the requirements of its rules of procedure and published in the Official Gazette of the Republic of Tunisia.

Chapter III: Duties of the Members and Agents of the Commission**Article 31:**

The Members of the Commission are bound by professional secrecy and the obligation of discretion and shall not disclose or publish anything about the activities of the Commission other than the reports and information published by the Commission.

The same applies to agents and persons who deal with the Commission.

Any Member or agent of the Commission shall preserve the confidentiality of any document, data, testimony, information or materials on issues dealt with by the Commission. These provisions also apply to any resigning Member.

Access to data and documents in the possession of the Commission is prohibited except for persons concerned by them or persons blamed on their basis. In other cases, such access can only be granted by the Commission or a court of justice.

Article 32:

All Members of the Commission shall make a sworn declaration to the President of the Court of Auditors stating their assets and those of their spouses and children before they assume their duties at the Commission in accordance with Law No. 87-17 of 10 April 1987 on the sworn declaration of assets of Members of the Government and certain categories of public officials.

The declaration shall be considered as a condition for taking up office.

Article 33:

The Members and agents of the Commission shall avoid any conduct or behaviour likely to affect respect for or the authority of the Commission.

Article 34:

The Members of the Commission, including the President of the Commission, shall not be prosecuted for a felony or misdemeanour committed in the course of or in connection with the exercise of their duties unless their immunity is lifted by a majority of two-thirds of the Members of the Commission.

Nevertheless, in case of flagrante delicto the Member concerned may be arrested and in such case the Commission shall be immediately informed.

Article 35:

The Members and agents of the Commission and persons who work with it shall be considered as public officials in accordance with the Article 82 of the Penal Code. The State shall protect them from all threats or assaults to which they may be subjected in the course of or in connection with the performance of their duties at the Commission whatever their type or after the end of their duties.

An assault on one of them is considered as an assault on a public official in the performance of his duties and is punishable in accordance with the Penal Code.

Article 36:

Agents are recruited by the Commission through contracts or secondment. Seconded agents shall receive their original salaries in addition to allowances defined by decree.

Article 37:

The President and the Members of the Commission shall perform their duties for the duration of the Commission's work.

Any Member of the Commission may submit his resignation in writing to the President of the Commission.

Any Member of the Commission may be dismissed by a decision adopted by a two-thirds majority in case of absence without excuse three times in a row or six times intermittently from the sessions of the Commission in one (1) year, or proven incapacity or commission of an act affecting respect for the Commission, or a serious breach of his professional duties under with this Law.

In the event of resignation, dismissal, or death of a Member of the Commission, the Legislative Assembly shall replace such Member by another Member having the same competences in accordance with the procedure set out in Article 23 of this Law.

In case of a vacancy of the position of the President of the Commission, the eldest of his deputies shall take over the duties of the President until the appointment of a President from among the Members of the Commission in accordance with the procedures set out in Article 26 of this Law.

Chapter IV: Functions and Powers of the Commission

Article 38:

The Commission shall exercise its functions and powers with impartiality and full independence in accordance with the provisions and principles contained in Title I of this Law.

No one shall interfere in the work of the Commission or influence its decisions.

Article 39:

The Commission shall perform the following functions:

- Hold sessions in public or behind closed doors to hear victims of violations or for any purpose related to its activities;
- Investigate cases of forced disappearances of persons whose fate is unknown on the basis of declarations and complaints submitted to the Commission and determine the fate of the victims;
- Collect data and identify, establish, and document violations to set up a database and establish a unified register of victims of violations;
- Determine the responsibilities of State agencies or any other parties in the violations covered by the provisions of this Law; elucidate the causes and suggest remedial measures to prevent their recurrence in the future;
- Develop a comprehensive programme for individual and collective compensation of victims of violations based on:
 - Recognition of violations suffered by victims and adoption of decisions and measures of reparation for the benefit of victims, taking into account all decisions and previous administrative or judicial actions taken for the benefit of victims;
 - Standards for compensating victims;
 - Ways of disbursing compensation funds, taking into account assessments for compensation;
 - Temporary and urgent measures of information and compensation for the benefit of the victims.

Article 40:

For the performance of its duties, the Commission shall have the following powers:

- Have access to public and private archives notwithstanding any prohibitions provided for in applicable legislation;
- Receive complaints and petitions on violations for one year from the start of its activity. The Commission may extend this period for a maximum of six months;
- Investigate all violations covered by the provisions of this Law by all means and mechanisms it deems necessary to ensure the rights of the defence;
- Summon any person whose testimony or interrogation it deems useful. Immunity may not be invoked to reject such request;
- Take all appropriate measures for the protection of witnesses, victims, experts, and all persons heard by the Commission, whatever their status, with regard to violations under this Law, and take security precautions and measures of protection from criminalisation and assault and preserve confidentiality, in collaboration with the relevant specialised structures and units;
- Seek the assistance of public authority agents to carry out its functions relating to the inquiry, investigation, and protection;
- Request administrative and judicial authorities and public institutions, as well as any legal or natural person to provide it with documents or information in their possession;
- Have access to cases brought before judicial authorities and judgments or rulings issued by the latter;
- Request information from foreign official bodies and NGO's in accordance with the international treaties and agreements concluded for this purpose and gather any information from victims, witnesses, government officials and others from other countries in coordination with the competent authorities;
- Visit public and private premises, carry out inspections, seize documents, movables, and instruments used in relation to investigated violations, draw up reports on its work, with the same prerogatives of the judicial police with the necessary judicial procedural safeguards in this matter; and
- Resort to any action or mechanism to enable it to unveil the truth.

Article 41:

There shall be established a fund called "The Fund for Dignity and Rehabilitation of Victims of Despotism" whose rules of organization, management, and funding shall be set by decree.

Article 42:

The Commission shall refer to the Public Prosecution proven cases of serious violations of human rights and shall be informed of all actions taken subsequently by the judiciary on that matter.

The referred cases shall not be opposed on grounds of judicial review.

Article 43:

The Commission shall undertake the following:

1. Formulate recommendations and proposals for political, administrative, economic, security, judicial, media, educational, and cultural reforms, as well as for screening the administration to prevent a return to oppression, despotism, human rights violations, and mismanagement of public funds;
2. Propose measures that can be taken to promote national reconciliation and the protection of individual rights, in particular the rights of women, children, people with special needs, and vulnerable groups;
3. Formulate recommendations, proposals, and measures to enhance democracy-building and contribute to the establishment of the rule of law;
4. Set up a Committee called “The Committee of Functional Investigation and Institutional Reform”. The rules of procedure of the Commission shall determine its composition and operation. It shall perform the following tasks:
 - * Submit practical proposals to reform institutions involved in corruption and violations;
 - * Submit proposals for scrutiny of the administration and all sectors that require such operation.

The Committee shall provide relevant authorities with recommendations to discharge, dismiss, or send to compulsory retirement any person who holds a high ranking position in government if he is found to have:

- a- Submitted reports or information to the dissolved Democratic Constitutional Rally or the Secret Police which caused harm or violations provided for in this Law;
- b- Intentionally performed an act which supported or helped persons referred to in Decree-Law No. 2011-13 on misappropriation of public funds; or
- c- Committed violations provided for in this Law.

Article 44:

The Commission recommends the adoption of all measures it deems necessary to preserve national memory on victims of violations and may also organise activities necessary for this purpose.

Article 45:

A Committee for Arbitration and Reconciliation shall be set up within the Commission. It shall consider and decide on cases of violations in accordance with this Law after obtaining the consent of the victim and on the basis of the rules of justice, equity, and accepted international standards, regardless of the termination of an action and invalidation of punishment. In cases of serious violations, the decision of the Committee shall not preclude accountability of perpetrators of violations, but the decision of the Committee shall be taken into account for the determination of punishment.

The Committee for Arbitration and Reconciliation shall also consider requests for reconciliation in cases of financial corruption but these requests shall not suspend the examination of the cases and the public action shall only be terminated pursuant to the implementation of the reconciliation provisions.

The implementation of the reconciliation provisions regarding financial corruption cases brought before the Committee shall induce the termination of public action or the suspension of the trial or the execution of the punishment. But the trial or the punishment shall resume if the perpetrator of the violations is found to have deliberately hidden the truth or deliberately failed to declare everything he took unlawfully.

The State shall be an original party to the cases submitted to the Arbitration and Reconciliation Committee.

Article 46:

The Arbitration and Reconciliation Committee shall take action on the basis of an Arbitration and Reconciliation Convention:

- At the request of the victim, including a prejudiced State ;
- At the request of the alleged perpetrator of violation on the condition of consent of the victim;
- With the approval of the State and in cases of financial corruption if the matter deals with public funds or assets of institutions in whose capital the State directly or indirectly holds a stake;
- Referral from the National Anti-Corruption Commission on the basis of an arbitration and reconciliation agreement between the parties concerned.

The written recognition by the person who requests reconciliation of acts he committed and his frank apology are requirements for acceptance of the request for arbitration and

reconciliation which shall be presented in a format to be established by a decision of the Committee. If the request for reconciliation deals with financial corruption, it shall state the facts that resulted in illegal benefits and the value of such benefits. The request shall be buttressed with evidence proving the truthfulness of the person who requests reconciliation.

The applicant shall accept the arbitration decision and consider that it is final and not subject to invalidation or appeal for power abuse.

Article 47:

The parties to the arbitrated dispute shall not refrain from attending public hearings if the Commission requests them to do so. The reconciliation proceedings shall be suspended if the provisions of this article are not observed.

Article 48:

Appearance before the Committee ends the limitation period. The consideration by judiciary authorities of disputes referred to them, while taking steps and measures to prevent sanctions evasion throughout the period of implementation of the reconciliation, and examined by the Committee shall be suspended until the execution of the arbitration decision, while taking into consideration the exception mentioned in the second paragraph of Article 46 on financial corruption cases.

The Commission or the most diligent party shall inform the judicial authority in charge of the case that this latter has been referred to the Committee.

Article 49:

The arbitration decision shall mention the following:

- A detailed presentation of facts, the dates of their occurrence, their legal description, and the legislation that applies to them;
- A statement on the existence or absence of breaches and evidence proving or disproving the same;
- Determination of the seriousness of breaches if they are proven, and assignment of responsibilities; and
- Determination of the type of damages, their cost, and ways of remedying them.

Article 50:

The arbitration decision shall become enforceable upon its signing by the Chief Justice of the Appellate Court of Tunis within three (3) days after its filing.

The arbitration decision is final. It shall not be appealed to, invalidated, or the subject of a power abuse claim.

Article 51:

The various government departments, public bodies, committees, local authorities, public institutions and undertakings, and all public agents shall provide the President of the Commission with statements including all information and data they obtained or learned while exercising their duties, which fall within the scope of the Commission or are likely to help this latter perform its missions as best as it could.

Such information and data shall be provided directly to the Commission at the initiative of the above departments or parties or upon the Commission's request, as the case may be.

Article 52:

Any legal or natural person shall provide the Commission with documents or statements containing information in their possession and that fall within the scope of the Commission's mandate.

Receipts shall be given for any documents, complaints, or information communicated to the Commission.

Article 53:

The Commission shall determine the procedures for organizing the hearings while taking into consideration the specificities of the victims, especially women, children, persons with special needs, vulnerable groups, and offenders, and ensure their physical and mental integrity.

Article 54:

Requests made by the Commission for information or documents shall not be rejected on grounds of professional secrecy whatever the capacity of the legal or natural person holding such information or documents. The persons entrusted with such confidential information shall not be punished for their disclosure to the Commission.

Article 55:

The President of the Commission may, if documents are discovered and there are concerns about their potential destruction or if there is serious evidence on the commission of breaches that fall within the mandate of the Commission, authorise the adoption of precautionary measures necessary to protect such documents and evidence and to prevent the authors of those breaches from converting, changing, disposing of, transferring, or destroying the assets and property subject of the offence.

Chapter 5: Operation and Organization of the Commission**Article 56:**

The Commission shall perform the following preparatory acts within six (6) months of the appointment of its Members:

- Establish the Rules of Procedures and publish them in the Official Gazette;

- Set up an Executive Directorate;
- Develop a Plan of Action for the whole duration of its term;
- Develop a programme of work for at least one (1) year;
- Develop simplified procedural guides for its operation in all its fields of competence;
- Develop a comprehensive information plan with the support of the national media;
- Set up a database; and
- Carry out all activities it deems necessary for the fulfilment of its missions.

Article 57:

The Rules of Procedures of the Commission shall determine its operational rules, management, administrative, financial, and technical mechanisms, and decision-making process in accordance with the provisions of this Law.

Article 58:

The President of the Commission ensures its proper operation, sets the date and venue of its meetings, and prepares the agenda of meetings after consulting the Members of the Commission.

The President chairs the sessions of the Commission and represents it with third parties. He may delegate some of his powers and signature to his deputy, to a Member of the Commission or, in case of need, to an officer, with the approval of the Members.

The President of the Commission is the Senior Authorizing Officer of the Commission.

Article 59:

The Commission meets when convened by its President or at the request of one-third (1/3) of its Members. The proceedings of the Commission shall only be valid if at least two-thirds (2/3) of the Members are presents.

Article 60:

The deliberations of the Commission are secret and decisions are made by consensus, or if this is impossible, by absolute majority of its Members present. In the event of a tie, the President shall have a casting vote.

The Commission may invite Members of specialized committees or regional bureaus and any person whose presence it deems would be beneficial for the proceedings of the session, provided they do not have the right to vote.

Article 61:

No Member of the Commission may take part in the deliberations on any matter relating to a legal or natural person with which or which whom he has a personal benefit or family relationship or any other type of commitment or contract.

The President and the Members of the Commission shall declare any conflict of interests as long as they are Members in the Commission.

Article 62:

Any natural or legal person that has an interest regarding any matter submitted to the Commission may declare any of its Members unreliable by addressing a reasoned written letter to the President of the Commission.

The Commission decides on such a declaration within a week of its filing. The decision shall be made by a majority of the Members present without the participation of the contested Member in the vote.

The decision of the Commission shall not be appealable even on the grounds of abuse of power.

Article 63:

This Law grant the Commission the power to make decisions to conduct and fulfil its various missions and exercise all its competences under this Law.

Chapter 6: Budget of the Commission

Article 64:

The Commission shall have an independent budget funded from:

- Annual appropriations from the Government budget;
- Donations, contributions, and subsidies granted to the Commission by national or international organizations; and
- Any resources that may be allotted to the Commission.

Conditional donations and contributions shall not be accepted.

The Commission prepares its budget and submits it to the relevant government authority before submitting it to the legislative authority for approval.

The rules of budget disbursement and bookkeeping shall not be subject to the Code of Public Accounting.

The Commission shall appoint an auditor for a non-renewable period of two (2) years from among chartered accountants listed by the Association of Chartered Accountants of Tunisia.

Article 65:

All contracts of the Commission shall be entered into and executed in accordance with the principles of competition, equity, and transparency.

Chapter 7: Penal Sanctions

Article 66:

Any person who:

- Commits before the Commission any act considered as contempt of court if committed at court,
- Intentionally impedes the work of the Commission,
- Intentionally fails to comply with the summons of the Commission to give testimony or impedes access to required documents or information,
- Discloses any confidential information he obtained while exercising his duties at the Commission,

shall be punishable by a maximum sentence of imprisonment of six (6) months and a fine of two thousand (2,000) dinars.

The provisions of the Criminal Code shall apply against any person who gives false testimony to the Commission or provides this latter with forged documents or destroys any document or material relating to investigations and procedures provided for in this Law.

Chapter 8: Termination of the Work of the Commission

Article 67:

The Commission shall draw up reports on its activities as follows:

1. Annual Reports;
2. A Final Comprehensive Report from the establishment of the Commission to the termination of its missions including:
 - The facts it established after ascertainment and investigation;
 - Allocation of responsibilities;
 - The reasons that led to offences under this Law and recommendations to avoid repetition of the same offences in the future;
 - Measures that must be taken to promote national reconciliation, the protection of the rights of individuals, especially the rights of women, children, people with special needs, and vulnerable groups;
 - Recommendations, proposals, and measures that promote democracy-building and the rule of law; and
 - Recommendations and proposals on political, administrative, economic, security, judicial, information, educational, cultural, and other reforms that the Commission deems necessary to prevent the return to oppression, despotism, human rights abuses, and misappropriation of public funds;
 - The reports of the Commission shall be submitted to the President of the Republic and the Speaker of the Legislative Assembly, and the Prime Minister;
 - The reports of the Commission shall be made public and published in the Official Gazette of the Republic of Tunisia. The Commission shall seek to publish the

results and disseminate them as broadly as possible with all means and ways before the termination of its missions.

Article 68:

The work of the Commission shall end when the duration of the Commission set by law ends. The Commission shall hand over all its documents to the National Archives or to a specialized institution in charge of keeping national memory set up for this purpose.

Article 69:

The Members and agents of the Commission, or any person who carried out his duties entrusted to him by the Commission, shall not be responsible for any contents of reports, findings, opinions, or recommendations expressed pursuant to this Law.

Article 70:

Within one (1) year of the publication of the comprehensive report on the Commission, the Government shall develop a plan of action and programmes of work to implement the recommendations and proposals issued by the Commission. The plan of action and programmes of work shall be submitted to the legislative Assembly for deliberation.

The Legislative Assembly shall monitor the extent of the implementation of the Plan of Action and the Programme of Work through the creation of an Ad Hoc Parliamentary Committee that shall seek the assistance of relevant associations for the implementation of the recommendations and proposals of the Commission.
