

Republic of Tunisia
Ministry of Human Rights and Transitional Justice
Technical Commission Organizing the National
Dialogue on Transitional Justice



Organic Law on Establishing and Organizing Transitional Justice

First: On Defining Transitional Justice and its Area of Competence

Part 1: In terms of defining transitional justice

Article 1: In this law, Transitional Justice shall mean an integrated process of mechanisms and methods used to understand and deal with past human rights violations by revealing their truths, and holding those responsible accountable, providing reparations for the victims and restituting them in order to achieve national reconciliation, preserve and document the collective memory, guarantee the non-recurrence of such violations and transition from an authoritarian state to a democratic system which contributes to consolidating the system of human rights.

Part 2: In terms of revealing the truth and preserving the memory

Article 2: Revealing the truth about the violations is a right guaranteed by law to every citizen taking into consideration the respect of the victims' interest and dignity and the protection of private information.

Article 3: In this law, violation shall mean any gross or systematic infringement of any human right committed by the State's apparatuses or by groups or individuals who acted in State's name or under its protection, even if they do not have the capacity or authority to do so. Violation shall also cover any gross or systematic infringement of any human right committed by organized groups.

Article 4: Revealing the truth shall consist of a series of methods, procedures and research used to dismantle the authoritarian system by identifying and determining all the violations as well as determining their causes, conditions, sources, surrounding circumstances, and repercussions. In cases of death, missing persons, and enforced disappearance, it shall uncover the fate and whereabouts of the victims as well as the identity of the perpetrators and those responsible for such acts.

The particularity of the violations' impact on the elderly, women, children, those with special needs and vulnerable groups of society, and the sick shall be taken into account when revealing the truth.

Article 5: Preservation of national memory is a right for Tunisia's coming generations and it is a duty that the State and all its institutions or those falling under its supervision should carry out in order to learn lessons from the past and commemorate the victims.

Part 3: In terms of accountability

Article 6: Accountability encompasses these of mechanisms which prevent impunity and escaping responsibility.

Article 7: Accountability falls within the remit of the judicial and administrative commissions and authorities pursuant to the law in force.

Article 8: Specialized judicial Chambers should be created by a decree within courts of first instance in the headquarters of appeals courts, and shall consist of judges chosen among judges who have never participated in trials of a political nature, and who will receive special training in the field of transitional justice.

The aforementioned Specialized Chambers should be entrusted in adjudicating cases related to gross violations of human rights as specified in international agreements ratified by Tunisia and in this law. Among these violations are the following:

- Deliberate killing,
- Rape and any form of sexual violence,
- Torture,
- Enforced disappearance,
- Execution without fair trial guarantees.

These judicial units shall be entrusted also in adjudicating cases referred to it by the Truth and Dignity Commission, which are related to election fraud, financial corruption, misuse of public funds, and pushing individuals to forced migration for political reasons.

Article 9: Lawsuits resulting from the violations stipulated in Article 8 of this law shall not be subject to prescription.

Part 4: In terms of reparation and rehabilitation

Article 10: In this law, a victim shall mean any individual, group or legal entity having suffered harm as a result of a violation.

Under the Public Law, shall also be considered as victims family members who were harmed as a result of their kinship to the victim as well as any person who was harmed while intervening to help the victim or to prevent the violation.

This definition shall include every region which was marginalized or which suffered systematic exclusion.

Article 11: Reparation for victims of violations constitutes a right guaranteed by law and the State shall take sufficient and efficient reparations measures in line with the seriousness of the violation and the situation of every victim. The State's available capacities should be taken into consideration when implementing reparations.

Reparation is a system based on moral and material compensation, rehabilitation, apology, restoration of rights, and reintegration. It may be individual as well as collective and shall take into consideration the situation of the elderly, of women, of children, of the disabled and individuals with special needs, patients as well as of vulnerable groups.

Article 12: The State shall provide immediate care and temporary compensation to all the victims in need thereof, particularly the elderly, the women, the children, the disabled and individuals with special needs, the sick and vulnerable groups, without waiting for the reparations decisions or judgments to be issued.

Article 13: In accordance with this Law, victims of human rights violations shall be entitled to a free of charge petition/claim, the fees of which shall be borne by the State pursuant to the Law on Judiciary Aid and the Law Related to Judiciary Aid before the Administrative Court.

Part 5: In terms of institutional reform

Article 14: Institutional reform aims at dismantling and rectifying the system of corruption, oppression and tyranny so as to guarantee the non-repetition of the violations, the respect of human rights as well as the establishment of a State of Law.

Institutional reform namely includes revising the legislations, vetting State institutions and utilities where responsibility for corruption and violations has been proven as well as updating and restructuring their methodologies and rehabilitating their staffs, in accordance with article 43 of this law.

Part 6: In terms of reconciliation

Article 15: Reconciliation aims at consolidating national unity, achieving justice and social peace, building a State of Law and restoring the citizen's confidence in State institutions.

Reconciliation shall not mean impunity and lack of accountability for those responsible for violations.

Second: On the Establishment of the Truth and Dignity Commission

Part 1: General provisions

Article 16: An independent commission shall be established and shall be called the "Truth and Dignity Commission". It shall constitute a legal entity with financial and administrative independence, headquartered in the capital Tunis. Its sessions may be held anywhere in the territory of the Republic. The "Truth and Dignity Commission" shall be referred to hereunder as the "Commission."

It may also, if need be, transfer its headquarters to any other region in the territory of the Republic.

Article 17: The Commission's work shall cover the period extending from 1 July 1955 up to the issuance of this law.

Article 18: The Commission's term is set to four years as of the date of nominating its members, and this term can be renewed one time only up to one year upon justified decision from the commission to be submitted to the legislative council before three months of the end of the Commission's term.

Part 2: In terms of the Commission's composition

Article 19: The Commission shall consist of 15 members provided that each gender is represented by one third of the members at least. The Commissioners shall be chosen by the legislative council from among personalities known for their neutrality, integrity and competence.

Article 20: The Commission shall obligatorily include:

- Two representatives of victim groups and two representatives of human rights organizations nominated by their organizations.
- The remaining members shall be chosen from among individual candidates with specializations related to the field of transitional justice such as law, social sciences, humanities, medicine, archiving, media and communication. Among the members there should be a civil court judge, an administrative judge, a lawyer, a specialist in religious sciences, and a specialist in financial affairs.

Article 21: A candidate for the membership of the Commission shall:

- Hold the Tunisian nationality,
- Be 30 years old and above by the date of candidacy,
- Enjoy competence, independence, neutrality and integrity,
- Not have a criminal record for deliberate crime involving moral turpitude,
- Not have previously declared fraudulent bankruptcy,
- Not have been dismissed for honor-related causes.

Article 22: A candidate for the membership of the Commission may not:

- Be a deputy of the National Constituent Assembly,
- Hold any responsibility in a political party,
- Have held a parliamentary position or any position in the governments in the period extending from 1 July 1955,
- Have held the position of governor, secretary general of a governorate, first delegate, delegate or mayor, or any executive position in a public institution or establishment or a local community during the period extending from 20 March 1956,
- Have held a national partisan or local or regional responsibility, locally or abroad, in the dissolved Constitutional Democratic Rally,
- Have been proven to be a supporter of the former president with the view of running for the presidential elections in 2014.
- Be a judge who had participated in trials of political character.

A list of the candidates should be published on the official site of the National Constituent Assembly.

Article 23: A special committee should be established within the legislative council, chaired by the council's president or one of his two deputies, to oversee files of nominees files and for vetting nominees, and to seek reaching consensus on selecting members of the commission.

The representation of parliamentarian blocs and parliament members, who do not belong to blocs in the special committee, should be organized as follows:

One representative for each bloc consisting of thirty members or less; if the bloc members are more than thirty, it shall be represented by two members; if the bloc members are more than sixty, it shall be represented by three members. Parliament members who do not belong to any bloc shall be represented by one member if their number is thirty or less; and two members if their number is more than thirty; and three members if their number is more than sixty.

The composition of the special committee should be set within ten days of publishing this law. The committee should hold its first meeting within one week after setting its composition.

Nomination for the membership of the Truth and Dignity Commission commences by a decision issued by the chair of the Special Committee and published in the official gazette. This decision should stipulate dates of submission of nominations, forms of submissions, the necessary legal conditions, and required documents in accordance to this law.

The special committee should choose members of the commission by consensus from the nominations submitted to the Office of the Council, while taking into account the requirements stipulated in article 20 hereof. The committee shall submit the agreed upon list of nominees which should be approved by a majority of the attending members of the council, provided that a minimum of one third of the Council's members are in attendance.

If the committee was not able to reach consensus on a complete list of members of the commission within 10 days after the administrative vetting of nominations, the committee shall refer the files of all eligible candidates to a plenary session of the council. The Council will choose members of the commission by three fifths majority vote in two voting rounds. If this majority was not attained then by absolute majority of the attending members. Members of the commission will be the candidates who get greatest number of votes.

In the case of equal number of votes, the older candidate shall be chosen.

Article 24: The application for candidacy shall obligatorily include a declaration on the candidate's honor that the submitted information are true. Whoever is proven to have submitted false information will be discharged from the Commission membership.

Every candidate must declare all position he/she had filled in the last 5 years prior to his/her nomination to the Commission, in addition to every representation he/she has made for a natural person or legal entity before that date.

Article 25: An objection to the choice of a candidate may be raised before the committee mentioned in Article 23 hereof within a week of announcing the list on the Assembly's official site and before referring it to the general session for voting.

The committee shall decide on the objections within a week from the objection's date after listening to the candidate, who has been objected to, defending him/herself. In the event that the objection is accepted, the candidate being objected shall be replaced from among the remaining candidates pursuant hereto, and in accordance with the provisions of this law.

The decisions of the committee on the objections shall be final and cannot be reviewed or appealed by any means even in claim of abuse of power.

Article 26: The Commission members shall be appointed by virtue of an order within 15 days maximum from the date of referring the list to the prime minister's office. This order shall include an invitation for the members to meet within 15 days maximum from the date of its issuance to choose by consensus a president and two vice-presidents from among them. If they fail to reach an agreement, then it shall be by absolute majority of the members during the first session chaired by the eldest member who is helped by the youngest male and youngest female members who are not running for the position of president of the commission.

Article 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 shall observe 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 of 7 days after choosing the candidates.

Article 28: The President and 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 to be determined by virtue of an order that shall be published in the official gazette.

Article 29: Throughout their term of office, the President and members of the Commission may not:

- Carry out any professional activity
- Use their capacity in any declaration related to financial, industrial, commercial or professional projects,

The Commission may take the measures it deems appropriate in the event of the breach of the provisions of this article pursuant to its by-laws.

Article 30: The Commission shall establish an executive body that reports directly thereto, whose organization and operation are determined in the Commission’s by-laws and is published in the Official Gazette of the Republic of Tunis.

The executive body shall consist of a central administration in charge of the administrative and financial affairs, of regional offices as well as of committees established by the Commission, specialized in the topics covered by the Commission and reporting directly thereto.

The Commission may resort to any expert or specialist by contracting or by a joining request under the law in force and provided that they satisfy the conditions stipulated in Article s 21 and 22 hereof, excluding the condition of the age.

The members of the executive body shall be nominated by virtue of a decision taken by the Commission pursuant to its by-laws and published in the Official Gazette of the Republic of Tunisia.

Part 3: In terms of the obligations of the Commission members and staff

Article 31: The Commission members shall maintain professional secrecy and are prohibited from disclosing or publishing the Commission’s works other than in the reports and data published by the Commission.

Such a prohibition shall be applicable to the Commission’s staff and those working with it.

All Commission members and staff shall maintain the confidentiality of all the documents, data, testimonies, information or materials brought to their knowledge concerning issues falling within the remit of the Commission. This prohibition should apply to resigned members as well.

The corroborations and documents in the Commission's possession may only be obtained or examined by the parties concerned therewith and by those answerable according thereto. In the other cases, they may not be obtained or examined without its authorization, or by a court order.

Article 32: All the Commission members shall, on their honor, declare their properties as well as the properties of their spouses and children before they proceed with their tasks within the Commission. This declaration is to be made before the Head of the Accounting Department pursuant to the provisions of the Law 17 of the year 1987 dating 10 April 1987 and which is related to declaration of government members and functionaries on their honor of their profits.

Such a declaration shall be considered as a condition for proceeding with their tasks.

Article 33: The Commission members and staff shall avoid any conduct or behavior that may prejudice the Commission's standing and dignity.

Article 34: The President of the Commission and its members may not be prosecuted for a felony, a misdemeanor or an activity related to their work for the Commission or in connection with the performance of their tasks, unless the Commission lifts the immunity of the member concerned by a two-thirds majority vote.

However, in the event that the concerned member is caught red-handed, he may be arrested and the Commission shall be immediately informed thereof.

Article 35: The Commission members, staff and workers shall be considered as civil servants by virtue of Article 82 of the Penal Code. The State shall ensure their protection against any threats or attacks which they may face during or after performing their tasks for the Commission whatever these may be.

An attack against any of them shall be considered as an attack against a civil servant performing his tasks and shall be subject to the sanctions stipulated by the Penal law.

Article 36: The Commission's staff should be recruited by contracting or by secondments and they should be paid their basic salaries and bonuses to be determined by virtue of an order.

Article 37: The President and members of the Commission shall continue performing their tasks throughout the Commission's term.

Every Commission member may submit his resignation in writing to the President of the Commission.

Any Commission member may be discharged by virtue of the Commission's decision taken by a two-thirds majority of its members in the event of his unjustified absence from the Commission's sessions for three consecutive times or six inconsecutive times every year or if he is proven incapable or to have committed an act which affects the Commission's standing or to have breached the professional obligations incumbent upon him by virtue hereof.

In the event of a Commission member's resignation, discharge or death, another member from the same specialization shall be chosen to replace him by the legislative council in accordance with the same procedures stipulated in article 23 hereof.

In the event of a vacancy in the position of President of the Commission, the older Vice-President shall take on the President's duties until a new president is appointed from among the Commission members according to the procedures stipulated in Article 26 hereof.

Part 4: In terms of the Commission's Duties and Prerogatives

Article 38: The Commission shall exercise its tasks and powers with full neutrality and independence pursuant to the provisions and principles stipulated in the first part hereof.

Nobody may interfere in the Commission's works or influence its decisions.

Article 39: The Commission shall undertake to:

- Holding private or public hearings for victims of violations and for any purpose related to its activities
- Examine the cases of enforced disappearance where the fates of the victims are unknown based on the declarations and complaints to be submitted thereto, as well as determine the fates of the victims
- Gather the data as well as track, count, verify and document the violations to create the needed database, and establish a unified record of victims of violations
- Determine the responsibility of the organs of the State or any other parties for the violations stipulated herein, clarify its reasons and propose the remedies that prevent the recurrence of such violations in the future
- Develop a comprehensive individual and collective program for reparations for victims of violations. This program should be based on:
 - Acknowledge the violations suffered by the victims and take reparations decisions in favor of the victims, taking into account all the previous administrative and judicial decisions and measures taken in their favor
 - Set the necessary criteria for victims' compensation
 - determine compensation payouts taking into account the allocated resources for compensation
 - Take immediate victim protection and compensation measures

Article 40: The Commission shall enjoy the following powers which shall enable it to complete its tasks:

- Have access to public and private archives, regardless of all restrictions contained in the applicable legislation
- Receiving complaints and petitions related to the violations which may be accepted for one year as of the beginning of the Commission's activity, renewable for a period of six months maximum
- Investigate all the violations stipulated herein using all the means and mechanisms it deems necessary while ensuring the defense rights
- Summoning every person whose testimony it deems useful, and immunity shall not apply in this case
- Taking all the necessary measures in collaboration with the competent services and structures to protect the witnesses, victims and experts as well as all those it hears

regardless of their position in relation to the violations stipulated herein in order to guarantee their security and protect them from incrimination and from attacks as well as to maintain secrecy

- Resorting to the public authority staff to execute its tasks related to inspection, investigation and protection
- Requesting the administrative and judicial authorities, the public commissions as well as any other natural person or legal entity to provide it with the documents or information they have in their possession
- Examining the lawsuits brought before judiciary committees as well as the judgments or decisions issued by them
- Requesting information from official foreign authorities and non-governmental organizations in accordance with the relevant international conventions and treaties and gathering any information from the victims, witnesses, civil servants and other parties from other countries in coordination with the concerned authorities
- Carrying out inspections in private and public places as well as searches and confiscating documents, movables and tools used in relation to the violations subject of its investigations, and construct a record for its activities. The Commission is empowered with the powers of judicial police taking into account the necessary procedural safeguards in this regards.
- Resorting to any procedure or mechanism which may contribute to revealing the truth

Article 41: A fund shall be created under the name of “Fund for the Dignity and Rehabilitation for Victims of Tyranny”. This fund will be run and organized by a decree that will be issued for this purpose.

Article 42: The Commission shall refer to the Public Prosecution the cases in which commitment of gross human rights violations is proven and shall be notified of all the measures which are subsequently taken by the judiciary.

The cases referred shall not be opposed by the principle of res judicata.

Article 43: The Commission shall undertake the following tasks:

- 1- Draft recommendations and proposals related to the political, administrative, economic, security, judicial, media, educational and cultural reforms and the administration vetting and other recommendations and suggestions it deems appropriate to avoid the return to oppression and tyranny, to human rights violations and to misuse of public funds.
- 2- Suggest measures which can be taken to encourage national reconciliation and the protection of the rights of individuals, in particular women and children’s rights as well as the rights of those with special needs and vulnerable groups.
- 3- Draft recommendations, proposals and measures that promote democracy and contribute to the establishment of the rule of law.
- 4- Establish a committee to be called “the Committee for Vetting Public Servants and Institutional Reform”, whose composition and functioning is to be set by the commission’s bylaws. The Committee undertakes the following tasks:
 - Propose practical suggestions to reform institutions that participated in corruption and violations.

- Propose practical suggestions for vetting public administration and all sectors that require vetting.

The committee issues recommendations to the competent authorities, for exemption or dismissal or obligatory retirement of any individual that occupies one of the senior posts of the state, including judiciary posts, if it was proven that he/she:

- a) Submitted reports or information to the dissolved Constitutional Democratic Rally, or the political police, which led to harm or violation as prescribed hereof.
- b) Performed an intentional act resulted in a support or assistance to persons subject to the provisions of Decree Number 13 of 2013 in looting public money.
- c) Proven to be responsible of committing violations as prescribed hereof.

Article 44: The committee shall recommend taking all the measures it deems appropriate for preserving the national memory of the victims of violations and may carry out the necessary activities.

Article 45: A technical committee for arbitration and reconciliation should be established within the commission to be entrusted with reviewing cases and issuing judgments in regards to violations prescribed hereof, with the approval of victims and in accordance with principles of justice and fairness, and the recognized international standards, regardless of statute of limitations. In cases of grave violations, the decision of this committee does not preclude prosecution of perpetrators. However, courts shall take the committee's decision in consideration when deciding punishment.

The committee for arbitration and reconciliation shall also consider requests for reconciliation related to cases of financial corruption. The request shall not suspend litigations; statutes of limitations shall not apply until the implementation of the terms of reconciliation judgment.

The implementation of the terms of reconciliation judgments in cases related to financial corruption entails suspension of litigation or suspension of executing the sentence. However, litigation or punishment shall be resumed if it was proven that the perpetrator of a violation has deliberately hidden the truth, or deliberately did not report all what he/she has taken unlawfully.

The State shall obligatorily be a principal party in every arbitration dispute presented to the committee for arbitration and reconciliation.

Article 46: The technical committee for arbitration and reconciliation undertakes to arbitrate and reconcile based on an arbitration and reconciliation agreement:

- At the request of the victim including the affected state,
- At the request of the party to which the violation is imputed on condition of the victim's approval,
- With the State's approval in cases of financial corruption, if the case is related to public funds or to funds of institutions that receive State contributes to their capital, directly or indirectly.
- Referred by the National Anti-Corruption Commission based on an arbitration and reconciliation agreement between the involved parties.

The person who submits a request for reconciliation and arbitration should acknowledge his guilt in writing and offer a clear apology, as a condition for accepting the request. The acknowledgement and apology should be regulated by a decision issued by the commission. If the request is related to financial corruption, it should also include a description of events that led to the unlawful benefits

and the monetary value of these benefits. The request should also be accompanied by supporting documentation that proves the allegations of the requester.

The agreement shall obligatorily stipulate that the arbitration award shall be accepted and shall be considered as a final decision which may not be nullified or appealed by any means or claim of abuse of power.

Article 47: The parties to an arbitration dispute may not refrain from participating in the public hearings if the Commission so requests. Reconciliation measures will be halted in case of non-commitment to the provisions of this article.

Article 48: Standing before the committee shall interrupt any prescription. Judicial commissions shall no longer look into disputes referred thereto while taking all actions and measures necessary to ensure there is no impunity for the duration of the implementation of the reconciliation provisions which are being examined by the committee until the issuance of the arbitration award, while taking into account the exception stipulated in Paragraph 2 of Article 46 related to financial corruption.

The Commission or the keenest parties should inform the judiciary in charge of the case that it [the Commission] is handling it as well.

Article 49: The arbitration award shall stipulate the following:

- Detailed statement of facts, the dates of their occurrence and their legal description as well as the applicable legal texts.
- Verifying the commitment of violations and providing supporting and opposing evidence,
- Determining the extent of the seriousness of the violations if proven to be committed and identifying those responsible,
- Determining the nature of the inflicted harms as well as ways for repairing them.

Article 50: The arbitration award shall have an executive character once signed by the First President of the Court of Appeal in Tunisia within three days maximum from the date of its submission.

The arbitration award shall be final and cannot be reviewed or appealed by any means even in the claim of abuse of power.

Article 51: The different State services, public bodies and commissions, local communities, public institutions and establishments as well as all the civil servants shall provide the president of the Commission with declarations including all the information and data which they have received and could obtain while performing their tasks and which fall within the scope of the Commission's duties or may help the latter perform the tasks with which it was entrusted to the best of its ability.

These data and documents shall be directly submitted to the Commission on the initiative of the mentioned services and parties or at the Commission's request if need be.

Article 52: Every natural person or legal entity may provide the Commission with all the documents or declarations about [the information] they received or what they were subjected to, and the information they could obtain and which falls within the scope of the committee's duties.

Whoever provides the committee with documents, complaints or information shall obtain receipts thereof.

Article 53: The Commission shall be in charge of setting the procedures for holding and managing the hearings while respecting the privacy of the victims, particularly women, children, those with special

needs, and vulnerable groups as well as the parties responsible for the violations, and guaranteeing their physical and psychological safety.

Article 54: The Commission's requests to obtain information or documents may not be faced by professional secrecy obligations, regardless of the nature or capacity of the natural person or legal entity in possession of the information or documents being requested by the Commission. Those entrusted with such secrets shall not be punished for revealing them to the Commission.

Article 55: The President of the Commission may, when s/he discovers documents which s/he fears may be destroyed or in the presence of serious evidence of committed violations falling within the Commission's remit, allow necessary precautionary measures to preserve these documents and evidence and to prevent the perpetrators of these violations from replacing, disposing of, transferring or destroying the funds and properties subject of the crime.

Part 5: In terms of the Commissions flow of work and organization

Article 56: The Commission shall, within the six months maximum following the nomination of its members, undertake the following preparations:

- Develop its by-laws which shall be published in the Official Gazette,
- Establish an executive management (or administration)
- Develop a work plan for its entire term,
- Develop a work program for a period of one year minimum,
- Develop streamlined operation procedural manuals in all its areas of competence,
- Develop a comprehensive media plan, in coordination with national media,
- Develop a database,
- Carry out all the activities it deems necessary.

Article 57: The Commission shall develop by-laws to organize its rules of operation, its administrative, financial and technical operating mechanisms as well as its decision-making process in line with the provisions of this law.

Article 58: The President of the Commission shall ensure the smooth operation of the Commission, set the date and venue of its meetings and prepare the agenda of these meetings in consultation with the Commission members.

The President of the Commission shall preside over its sessions and represent it before third parties. The President may delegate some of his powers or his signature authority to the Vice-Presidents, to one of the Commission members or, if need be, to one of the Commission's staff after the approval of the members.

The President of the Commission shall constitute the principal authority for ordering the payment of revenues and expenses.

Article 59: The Commission shall meet upon convocation by its President or by one-third of its members and its meetings shall only be valid in the presence of two-thirds of its members.

Article 60: The Commission's deliberations shall be confidential and its decisions shall be taken by consensus or, if this proves to be impossible, by absolute majority of the attending members with the President having a casting vote in the event of votes being equally divided.

The Commission may invite the members of the technical committees or regional offices and anybody else whose presence at the meetings it deems useful to keep up with the session's works, but without giving them the right to vote.

Article 61: No member of the Commission can take part in any discussions over an issue related to a natural person or legal entity, if the member has a personal benefit or family relationship or any type of commitments or contracts.

The president and members of the Commission should declare any conflict of interests all throughout the period of their membership in the commission.

Article 62: Any natural person or legal entity concerned in a case submitted to the Commission may challenge any of its members by submitting a justified letter to the President of the Commission.

The Commission shall decide on the challenging request within a week from their receipt, by a majority vote of the attending members. The challenged member shall not participate in the voting.

The Commission's decision cannot be reviewed or appealed by any means even in the claim of abuse of power.

Article 63: The Commission shall by virtue hereof be authorized to take decisions to manage and complete its different tasks, and shall have full powers to carry out its duties stipulated herein.

Part 6: In terms of the Commission's budget

Article 64: The Commission shall have an independent budget which consists of the following:

- Annual funds allocated from the government budget,
- Donations and gifts granted to the Commission from local or international organizations,
- All the resources which can be allocated to the Commission,

Knowing that conditioned gifts and donations may not be accepted.

The Commission shall prepare its own budget and shall present it to the competent government authority before being submitting it to the legislative authority for ratification.

The rules of budget spending and account keeping shall not be subject to the Public Accounting Code.

The Commission shall appoint an auditor for a non-renewable term of two years from among the certified accountants listed on the Tunisian Certified Accountants Register, and the Commission shall be subject to the Accounting Department's supervision.

Article 65: All the Commission's contracts shall be concluded and executed according to principles of competition, equality, and transparency.

Part7: In terms of penal sanctions

Article 66: Shall be punished by imprisonment for a term of six months maximum and by a fine of two thousand Dinars whoever:

- Carries out a work which constitutes in the event of occurring in court a contempt thereof,
- Hinders the Commission's work on purpose,
- Does not respond to the committee's summons to testify, or obstructs obtaining a needed document or information,
- Discloses any confidential information he has obtained during his work for the Commission.

The provisions of the Penal Code shall be applicable to whoever gives false testimony before the Commission, provides it with forged documents or destroys any document or material related to any of the investigations or procedures stipulated herein.

Part 8: In terms of the conclusion of the Commission's work

Article 67: The Commission shall prepare the following reports on its activities:

- 1- Annual reports.
- 2- A comprehensive report covering the period from the Commission's establishment until the end of its tasks. This report shall include:
 - The Commission's findings after verification and investigation,
 - The identification of responsibilities,
 - The reasons underlying the violations stipulated herein and the recommendations to ensure the non-recurrence of such violations in the future,
 - The measures to be taken to encourage national reconciliation and the protection of the rights of individuals, in particular women, children, those with special needs, and vulnerable groups,
 - The recommendations, proposals and measures that promote democracy and contribute to the establishment of a State of Law,
 - The recommendations and proposals related to the political, administrative, economic, security, judicial, media, educational, cultural and other reforms it deems appropriate to avoid the return to oppression and tyranny, to human rights violations and to misuse of public funds,

The commission's reports shall be submitted to the president of the republic, the president of the legislative council, and the prime minister.

The reports submitted by the Commission shall be made public through its publishing in the Official Gazette of the Republic of Tunisia. The commission should disseminate and distribute the result as wide as possible, and before it ends its work.

Article 68: The Commission's works shall be concluded at the end of its term stipulated by law and the Commission shall submit all the documents and files in its possession to the national archive or shall place them at an institution entrusted with the preservation of national memory.

Article 69 : The Commission members and employees as well as any other person having performed the tasks entrusted by the Commission shall not be held liable for any report contents, conclusions, points of view or recommendations expressed by virtue hereof.

Article 70: The government shall, within a year from issuing the comprehensive report by the Commission, prepare a plan and work programs for implementing the recommendations and proposals presented by the Commission, and submit these to the legislative council for discussion.

The legislative council shall monitor the extent to which the commission is implementing the plan and the work program. This task should be assigned to a special committee in the parliament with help from relevant organizations, so as to exert pressure to implement the recommendations and suggestions of the commission.
