

TEXTS: TUNISIA'S POLITICAL TRANSITION

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Editor's Note: In Tunisia, where the Arab Spring uprisings began in 2010, the National Constituent Assembly voted 200 to 12 with four abstentions on January 26, 2014, to approve a new constitution. President Moncef Marzouki signed it into law the next day.

2014 Constitution of the Republic of Tunisia

Source: Tunisia Live (unofficial English translation)

In the Name of God, the Merciful, the Compassionate

Preamble

We, the representatives of the Tunisian people, members of the National Constituent Assembly,

Taking pride in the struggle of our people to gain independence and to build the state, to eliminate autocracy and achieve its free will, in response to the objectives of the revolution of December 17, 2010 to January 14, 2011, of freedom and dignity, and out of loyalty to the blood of our blessed martyrs and the sacrifices of Tunisian men and women over generations, and to break with oppression, injustice and corruption;

Expressing our people's commitment to the principles of Islam and its open and moderate objectives, on sublime human values and the principles of universal human rights, inspired by our civilizational heritage accumulated over successive epochs of our history, and from our enlightened reformist movements that are based on the foundations of our Islamic-Arab identity and to the acquisitions of human civilization, and adhering to the national gains achieved by our people;

With a view to building a participatory, democratic, republican regime, where the state is civil; where sovereignty is granted to the people through peaceful rotation of power through free elections, and on the principle of the separation of powers and balance between them; guaranteeing the right to association based on pluralism, neutrality of administration and good governance representing the basis of political competition; and where the state guarantees the supremacy of the law, respect of freedoms,

human rights, independence of the judiciary, equality of rights and duties between all male and female citizens, and fairness between all regions;

Based on the dignified status of humankind; enhancing our cultural and civilizational affiliation to the Arab-Islamic nation, on the basis of national unity that is based on citizenship, brotherhood, solidarity, and social justice; with a view to supporting Maghreb unity as a step towards achieving Arab unity, integrating with the Muslim and African nations, and cooperating with the peoples of the world; supporting the oppressed everywhere, and the people's right to self-determination, and supporting just liberation movements at the forefront of which is the Palestinian liberation movement; and standing against all forms of occupation and racism;

Being aware of the necessity of contributing to the safety of the environment and the protection of the environment to ensure the sustainability of our natural resources and the sustainability of a safe life for coming generations; and achieving the will of the people to be the makers of their own history, believers in knowledge, work, and creativity as sublime human values, seeking to become pioneers, and aspiring to contribute to civilization, on the basis of the independence of national decision-making, world peace, and human solidarity;

We, in the name of the people, draft this constitution with God's blessings.

Chapter 1: General Principles

Article 1: Tunisia is a free, independent, sovereign state; its religion is Islam, its language Arabic, and its system the Republic. This article cannot be amended.

Article 2: Tunisia is a civil state based on citizenship, the will of the people, and the supremacy of law. This article cannot be amended.

Article 3: Sovereignty belongs to the people, who are

the source of powers, and shall be exercised through their freely-elected representatives and by referendum.

Article 4: The flag of the Tunisian Republic is red and bears in its midst a white circle in which is inscribed a five-pointed star surrounded by a red crescent, as provided for by law.

The national anthem of the Tunisian Republic is “Defenders of the Homeland,” in accordance with the provisions defined by law.

The motto of the Tunisian Republic is: freedom, dignity, justice, and order.

Article 5: The Republic of Tunisia is a part of the Arab Maghreb and works towards achieving its unity and takes all measures to ensure its realization.

Article 6: The state protects religion, guarantees freedom of belief and conscience and religious practices, protects sanctities, and ensures the neutrality of mosques and places of worship away from partisan instrumentalization.

The state is committed to spreading the values of moderation and tolerance, and to protect the sacred and prevent it from being attacked, and is also committed to prohibit charges of apostasy (*takfir*) and incitement to hatred and violence, and to combat them.

Article 7: The family is the basic structure of society and the state shall protect it.

Article 8: Youth are an active force in building the homeland. The state seeks to provide the necessary conditions for developing the capacities of youth and realizing their potential, and strives to give them responsibility and expand their contribution to social, economic, cultural, and political development.

Article 9: Protecting the unity of the homeland and defending its sanctity is a sacred duty for all citizens. National service is a duty according to regulations and conditions established by the law.

Article 10: Paying taxes and bearing responsibility for public expenditure are an obligation in accordance with a fair and equitable system. The state shall put in place the necessary mechanisms for the collection of taxes, preventing corruption, and combating tax evasion and fraud. The state shall ensure the proper use of public funds and take the necessary measures to spend it according to the priorities of the national economy. It works to prevent bribery or anything that undermines national sovereignty.

Article 11: Those who become in charge of the presidency, the head of government or membership of the cabinet, or membership of the National Assembly, or membership of any of the independent

constitutional bodies, or any senior public positions, must declare their assets according to the regulations of law.

Article 12: The state shall seek to achieve social justice, sustainable development and balance between regions, in reference to development indicators, based on the principle of positive discrimination, and to ensure proper utilization of national resources.

Article 13: The state commits to support decentralization and apply it throughout the country within the framework of unity of the state.

Article 14: Public administration is at the service of citizens and the public interest, and is organized and operates in accordance with the principles of impartiality, equality and the continuity of public services, and the rules of transparency, integrity, efficiency, and accountability.

Article 15: The state guarantees the impartiality of educational institutions away from partisan instrumentalization.

Article 16: Only the state may establish armed forces and national security forces, as per the law and in service of the public interest.

Article 17: The national army is a republican army and is an armed military force based on discipline that is composed and structurally organized in accordance with the law. The army’s duty is to defend the nation, its independence, and the unity of its territory. It must remain completely impartial. The national army supports the civil authorities in accordance with the provisions set out by law.

Article 18: The national security forces are republican forces assigned the duty of maintaining security and public order, ensuring the protection of individuals, institutions, and property, and law enforcement, while ensuring that freedoms are respected and within the frame of total impartiality.

Article 19: International agreements approved and ratified by the Chamber of Deputies shall be superior to laws and inferior to the constitution.

Chapter 2: Rights and Liberties

Article 20: All citizens, male and female alike, have equal rights and duties, and are equal before the law without any discrimination. The state guarantees to citizens, male and female, individual and collective rights, and provides them with conditions for a dignified life.

Article 21: The right to life is sacred and shall not be prejudiced except in exceptional cases regulated by law.

Article 22: The state protects human dignity and

physical integrity, and prohibits all types of moral and physical torture. Crimes of torture must not be subject to statute of limitations.

Article 23: The state protects the right to privacy and the sanctity of domiciles, and the confidentiality of correspondence and communications, and personal information. Every citizen has the right to choose a place of residence and to free movement within the country and the right to leave the country.

Article 24: No citizen shall be stripped of his/her nationality, exiled, extradited, or prevented from returning to his/her country.

Article 25: The right to political asylum shall be guaranteed as prescribed by law. Surrendering political refugees shall be prohibited.

Article 26: A defendant shall be presumed innocent until proven guilty in a free trial where he/she is granted all guarantees of the right of defense throughout all phases of prosecution and trial.

Article 27: Punishments are individual and are not to be imposed unless by virtue of a legal provision issued prior to the occurrence of the punishable act, except in the case of issuance of a more favorable provision for the defendant.

Article 28: No person may be arrested or detained unless *in flagrante delicto* or by virtue of a judicial order. The person placed under arrest must be immediately informed of his/her rights and the relevant charges. The person may request the services of a lawyer. The period of arrest and detention are to be defined by law.

Article 29: Every prisoner shall have the right to humane treatment that preserves his/her dignity. In executing a freedom-depriving punishment, the state shall take into account the interests of the family and shall guarantee the rehabilitation and reintegration of the prisoner into society.

Article 30: Freedom of opinion, thought, expression, media, and publication shall be guaranteed.

These freedoms shall not be subject to prior censorship.

Article 31: The state guarantees the right to information and the right to access information. The state works to guarantee access to communications networks.

Article 32: Academic freedoms and freedom of scientific research shall be guaranteed.

The state shall seek to provide the necessary resources to develop scientific and technological research.

Article 33: The rights to election, voting, and candidacy are guaranteed, in accordance with the law. The state seeks to guarantee women's representation in elected councils.

Article 34: The freedom to establish political parties, unions, and associations is guaranteed. Parties, unions and associations must abide, in their internal charters and activities, by the constitution, the law, financial transparency and the rejection of violence.

Article 35: The right to join and form syndicates is guaranteed including the right to strike. This does not apply to the national army.

Article 36: The right to peaceful assembly and demonstration shall be guaranteed.

Article 37: Health is a right for every person. The state shall guarantee preventative health care and treatment for every citizen and provide the means necessary to ensure the safety and good quality of health services.

The state shall ensure free health care for those without support and those with limited income. It shall guarantee the right to social assistance as specified by law.

Article 38: Education shall be mandatory until at least the age of sixteen. The state shall guarantee the right to free public education at all stages and shall seek to provide the necessary means to achieve a high quality of education and training, as it shall work to embed youth in the Arab-Islamic identity and strengthen and promote the Arabic language and expand its usage, and openness to foreign languages and cultures, and dissemination of the culture of human rights.

Article 39: Work is a right for every citizen, male and female alike. The state shall take the necessary measures to ensure the availability of work on the basis of competence and fairness. All citizens, male and female alike, shall have the right to adequate working conditions and to a fair wage.

Article 40: The right to property shall be guaranteed, and it shall not be interfered with except in accordance with the cases and conditions stipulated by law. Intellectual property rights are guaranteed.

Article 41: The right to culture shall be guaranteed. The right to creativity shall be guaranteed. The state shall encourage cultural creativity and support national culture in its authenticity, diversity, and renewal, insofar as it promotes the values of tolerance, rejection of violence and an openness to different cultures and a dialogue between civilizations. The state shall protect cultural heritage and guarantee the right of future generations to it.

Article 42: The state shall promote sports and shall seek to provide all the facilities necessary for the exercise of physical and leisure activities.

Article 43: The right to water shall be guaranteed. Conservation and the rational use of water shall be a duty of the state and society.

Article 44: Contribution to a sound climate and the right to a sound and balanced environment shall be guaranteed. The state shall provide the necessary means to eliminate environmental pollution.

Article 45: The state commits to protecting women's achieved rights and seeks to support and develop them. The state guarantees equal opportunities between men and women in the bearing of all the various responsibilities in all fields. The state seeks to achieve equal representation for women and men in elected councils (parity). The state takes the necessary measures to eliminate violence against women.

Article 46: Children are entitled to dignity, health, moral upbringing, and education from their parents and the state. The state must provide all forms of protection to all children with no discrimination, according to the best interest of the child.

Article 47: The state shall protect persons with disabilities against all discrimination. All citizens with disabilities shall benefit, according to the nature of their disability, from all measures that guarantee their full integration into society. The state shall take all necessary measures to realize this right.

Article 48: The law shall specify the restrictions related to the rights and freedoms guaranteed in this constitution and their enjoyment on the condition that such restrictions shall not compromise the essence of these rights and freedoms. Such restrictions shall only be imposed where necessary in a civil, democratic society and with the purpose of protecting the rights of others or where required by public order, national defense, public health or public morals, while ensuring any restrictions are proportionate to the intended objective. Judicial authorities shall ensure that rights and freedoms are protected from all violations. No amendment may undermine the human rights and freedoms guaranteed within this constitution.

Chapter 3: Legislative Powers

Article 49: The people exercise legislative power through their representatives in the People's Chamber or through referenda.

Article 50: The headquarters of the Chamber of Deputies shall be located in the capital, Tunis. In the event of exceptional circumstances, the chamber may hold its sessions in any other place in the republic.

Article 51: The Chamber of Deputies of the people shall enjoy financial and administrative independence within the framework of the state budget.

The Chamber of Deputies shall set its rules of procedure and ratify them by an absolute majority of the members of the chamber.

The state shall provide to the chamber sufficient human and material resources to allow representatives to fulfill their obligations.

Article 52: Candidacy of the Chamber of Deputies shall be a right to every voter who has acquired Tunisian nationality at least ten years prior and is no younger than twenty-three years of age on the day of candidacy, provided that they are not subject to any form of deprivation specified by the law.

Article 53: Every Tunisian citizen aged over eighteen years shall be entitled to vote in accordance with the conditions set by the election law.

Article 54: Members of the Chamber of Deputies shall be elected in secret, direct, free, transparent, fair, and general elections in accordance with the electoral law. The electoral law must guarantee the right to voting and representation in the chamber for Tunisians of the diaspora.

Article 55: The Chamber of Deputies shall be elected for five years, within the last sixty days of the term of their mandate.

In the event of failure to hold the elections as a result of imminent danger, the mandate of the Chamber shall be extended by law.

Article 56: The Chamber of Deputies shall hold an ordinary session starting in October of every year and ending in July, provided that the first session of the mandate of the Chamber of Deputies shall begin during the fifteen-day period following the announcement of the final results of the elections, by invitation from the speaker of the preceding chamber. In the event that the beginning of the first session of the mandate of the Chamber of Deputies coincides with the recess thereof, an extraordinary session shall be held until the granting of a vote of confidence to the government.

The Chamber of Deputies shall, during its recess, convene an extraordinary session upon the request of the president of the republic, the prime minister, or one-third of the members in order to look into a specified agenda.

Article 57: Every member in the Chamber of Deputies shall, upon assuming his or her functions, swear the following oath: "I do solemnly swear to God that I will work to serve the nation

with sincerity, that I will abide by the provisions of the constitution and total loyalty to Tunisia.”

Article 58: The Chamber of Deputies shall elect a speaker from amongst its members in its first session.

The Chamber of Deputies shall form standing and special committees. Their responsibilities shall be established and distributed on the basis of proportional representation.

The Chamber of Deputies may form investigation committees. All authorities shall assist such committees in undertaking their missions.

Article 59: The opposition shall be an integral element of the chamber of deputies and shall enjoy the rights that enable it to undertake its tasks in parliamentary work. The opposition is granted an appropriate and effective representation in the Chamber’s committees and internal and external activities. The opposition is assigned the presidency of the finance committee, rapporteur of external relations committee, and has the right to establish and head an investigation committee annually. The opposition’s duties include active and constructive contribution in parliamentary work.

Article 60: The process of voting in the Chamber of Deputies shall be done in person and may not be delegated.

Article 61: Legislative initiative shall be exercised through proposals for laws by no less than ten deputies, or through draft laws by the president of the republic, or by the prime minister.

The head of the government is exclusively competent to present draft laws relating to the ratification of treaties and the draft budget law.

Draft laws shall be given priority.

Article 62: Proposed laws or amendments presented by deputies shall not be admitted if their ratification would cause prejudice to the state’s financial balance as determined by the budget law.

Article 63: The Chamber of Deputies shall, by an absolute majority of its members, ratify draft organic laws, and shall, by a majority of the members present, ratify normal draft laws, provided that such a majority is no less than one-third of the members of the chamber.

No draft organic law shall be presented to the Chamber of Deputies for deliberation unless a fifteen-day period has passed since the date of referral of such law to the competent committee.

Article 64: Laws relating to the following areas are deemed ordinary laws:

—Classification of public institutions and facilities and the provisions regulating sales thereof.

—Citizenship.

—Civil and commercial obligations.

—Procedures taken before various types of courts.

—Specifying felonies and misdemeanors and the punishments applicable thereto, in addition to violations resulting in a penalty involving deprivation of freedom.

—General pardon.

—Regulation of taxation rules, percentages and procedures for collection thereof.

—Regulations of currency issuance.

—Loans and financial obligations of the state.

—Regulation of senior public officials.

—Declaration of earnings.

—Basic guarantees given to civil and military employees.

—Organization of the ratification of treaties.

—Laws of finance and balancing of the state budget, and the ratification of development plans.

—The fundamental principles of property laws, rights in rem, education, scientific research, culture, public health, the environment, land and urban planning, energy, the labor law, and social security.

Laws relating to the following areas are deemed organic laws:

—Ratification of treaties.

—Organization of justice and the judiciary.

—Organization of the media, press, and publication.

—Organization and funding of parties, trade unions, associations, and professional organizations and bodies.

—Organization of the national army.

—Organization of the internal security forces and customs.

—Election law.

—Extension of term of the parliament according to Article 55.

—Extension of presidential term according to Article 74.

—Freedoms and human rights.

—Personal status laws.

—Fundamental duties of citizenship.

—Local authorities.

—Organization of constitutional commissions.

—The organic budget law.

All matters which do not form part of the domain of laws shall be part of general regulatory powers.

Article 65: The law determines the state’s resources and its expenses in conformity with the provisions set out in the organic budget law.

The Chamber of Deputies shall ratify the draft finance laws and the balancing of the budget in accordance with the terms stipulated under the organic budget law.

The draft finance law shall be presented to the Chamber no later than October 15 and shall be ratified no later than December 10.

The president of the republic may return the draft finance law to the Chamber for a second reading within two days following ratification by the chamber. In this case, the chamber meets to deliberate a second time within three days to exercise their right of response.

The parties listed in the first section of Article 117, during the three days following the ratification of the draft finance law by the chamber when they deliberate a second time after the draft finance law is returned to them, or after the expiration of the term to exercise the right of response without its exercise, in such a case such parties can contest the unconstitutionality of the provisions of the draft finance law before the constitutional court, which shall issue its decision no later than five days of such contestation being lodged.

If the court rules that the provisions are unconstitutional, it shall communicate its decision to the president of the republic, who in turn communicates it to the president of the Chamber of Deputies, all of which shall be completed within two days of the date of the court's decision. The Chamber shall ratify the draft finance law within the three days following its being informed of the decision of the constitutional court.

If the court rules that the provisions are constitutional or in case of ratification a second time after its return to the Chamber or upon the expiration of the term for response and contestation without either of these occurring, the president of the republic shall ratify the draft finance law within two days. In all cases, the law shall be ratified no later than December 31.

If the draft finance law is not ratified by December 31, the law can be implemented where it relates to expenditures, in installments of three months, subject to renewal by a presidential order, and revenues shall continue to be collected in accordance with the laws in force.

Article 66: Commercial treaties and treaties related to international regulations, to borders of the state, to financial obligation of the state, to the status of individuals, or to provisions of a legislative nature shall be submitted to the Chamber of Deputies for ratification.

Treaties shall not be deemed enforceable unless upon their ratification.

Article 67: No member of the Chamber of Deputies may be prosecuted for a civil or criminal matter, arrested, or tried for expressing opinions or proposals or undertaking acts that are related to the performance of their parliamentary functions.

Article 68: If the member maintains criminal immunity in writing, he/she may not be prosecuted or arrested during his/her term of office for a criminal charge unless immunity is lifted. In the event of *in flagrante delicto*, the member may be arrested and the Chamber of Deputies shall immediately be notified on the provision that the member be released as soon as the bureau of the chamber so requests.

Article 69: In the event of the Chamber's dissolution or during its recess, the president of the republic may issue decrees with the approval of the prime minister to be submitted for ratification to the Chamber during its subsequent ordinary session. The Chamber of Deputies may with three-fifths of its members delegate authority for a limited period and for a certain purpose to the prime minister, for a maximum duration of three months, to issue decree-laws to be submitted for ratification to the Chamber upon the end of the period mentioned. The electoral law is excluded from this process.

Chapter 4: Executive Authority

Article 70: Executive authority is exercised by the president of the republic and a government which is presided by the prime minister.

Article 71: The president of the republic shall be the head of state, shall represent its unity and guarantee its independence and continuity, and shall respect the constitution.

Article 72: The official seat of the presidency of the republic shall be the capital Tunis. In the event of exceptional circumstances, the headquarters may be transferred to any other location in the republic.

Article 73: Running for the position of president of the republic shall be a right entitled to every male and female voter who holds Tunisian nationality since birth, whose religion is Islam.

The day of filing the application, the candidate must be a minimum of thirty-five years old. If the candidate has a nationality other than the Tunisian nationality, he or she must submit an application committing to abandon the other nationality if elected president.

The candidate must have the support of a number of members of the Chamber of Deputies or heads

of elected local municipal group councils or voters designated in accordance with the terms specified by the election law.

Article 74: The president of the republic shall be elected for a five-year period during the last sixty-day period of the presidential term by means of general, free, fair, transparent, direct, and secret elections, by an absolute majority of valid votes.

In the event of failure of any candidate to achieve an absolute majority in the first round, a second round shall be organized during the two weeks following the announcement of the final results of the first round. The two candidates having won the highest number of votes during the first round shall run in the second round.

In the event of the death of one of the candidates during the first round, or being prevented from continuing by force majeure, nominations shall be re-opened and new dates for elections shall be set. In the event of the withdrawal, death, or prevention by force majeure of any of the candidates in the runoff, he/she is replaced by the candidate with the next highest number of votes in the first round. In the event of failure to hold the elections on the set dates as a result of imminent danger, the term of presidency shall, by virtue of a law, be extended. No one can occupy the post of presidency for more than two terms, whether consecutive or otherwise. In the case of resignation, the term counts as a full term. The number of presidential terms may not be amended or increased.

Article 75: The elected president of the republic shall, before the Chamber of Deputies, swear the following oath: "I do solemnly swear by God Almighty to maintain the independence of Tunisia and the safety of its territories, to respect its constitution and legislation, to safeguard its interests, and to remain loyal to it."

The president of the republic may not hold a party political post while president.

Article 76: The president of the republic is responsible for representing the state. He is responsible for determining the general state policies in the domains of defense, foreign relations, and national security related to protecting the state and national territory from internal and external threats, after consulting the prime minister.

He is also responsible for:

—Dissolving the Chamber of Deputies in accordance with the constitution's provisions, provided it is not within the first six months following the

Chamber's vote of confidence on the government following parliamentary elections, and that it is not in the last six months of the presidential or Chamber's terms.

—Presiding the national security council, to which the prime minister and president of the Chamber of Deputies are invited.

—Being the commander-in-chief of the armed forces.

—Declaring war and establishing peace, upon the approval by a majority of the Chamber of Deputies by three-fifths of its members, as well as sending troops abroad with the approval of the president of the Chamber of Deputies and of the prime minister provided that the Chamber shall convene with a view to deciding on the matter within a period of no more than sixty days from the date of the decision to send troops.

—Taking measures that are required by a state of emergency, and to declare such measures in accordance with Article 79.

—Ratifying treaties and authorizing their publication.

Article 77: The president of the republic undertakes the following appointments through presidential orders:

—Appointing and dismissing the general mufti of the Tunisian republic.

—Appointing and dismissing individuals with respect to senior positions in the presidency of the republic and affiliated institutions. These senior positions are determined by law.

—Appointing and dismissing individuals with respect to senior military and diplomatic positions and positions related to national security, after consulting the prime minister. These senior positions are regulated by law.

—Appointing the governor of the central bank upon a proposal from the prime minister. The parliament must approve the appointment by absolute majority of members. The governor shall be dismissed in the same manner or upon the request of a third of members of the Chamber of Deputies and by approval of the absolute majority of the members.

Article 78: The president of the republic may address the Chamber of Deputies.

Article 79: In the event of imminent danger threatening the nation's institutions or the security or independence of the country in such a manner preventing the normal operation of the entities of the state, the president of the republic may undertake any measures necessitated by the circumstances, after consultation with the prime minister and the president of

the Chamber of Deputies and informing the head of the constitutional court. The president shall announce the measures in an address to the nation.

The measures shall aim to secure the normal reoperation of the public authorities as soon as possible. The Chamber of Deputies shall be deemed in a state of continuous session throughout such period. In such event, the president of the republic cannot dissolve the Chamber of Deputies and cannot bring a motion of censure against the government.

After the elapse of a thirty-day period as of the implementation of the measures, and at any time after such, the president of the Chamber of Deputies or thirty of the members thereof shall be entitled to resort to the constitutional court with a view to verifying whether the circumstances specified in Paragraph 1 of the present article still exist. The court shall issue the decision thereof publicly within a period no later than fifteen days.

The measures cease to bear effect upon the termination of the reasons causing the existence thereof. The president of the republic shall, to that effect, address the nation.

Article 80: The president of the republic shall seal and approve the publication of laws in the official gazette of the Tunisian republic within a period of no more than fifteen days as of receipt thereof from the constitutional court if there is no contestation before the constitutional court. Except for draft constitutional laws, the president of the republic is entitled, during a period of ten days as from the receipt of a draft law from the president of the Chamber of Deputies, to return the draft law to the Chamber for a second reading. In the case of ordinary laws, the draft law must be ratified by an absolute majority of the members of the Chamber, and in the case of organic laws, by a majority of three-fifths of its members. On ratification by the Chamber, the president of the republic shall seal and approve its publication within a period of no more than fifteen days as of receipt thereof from the constitutional court.

Article 81: The president of the republic may, in exceptional circumstances, submit for a referendum, the draft laws related to ratification of treaties, or to rights, freedoms, or personal status, which were ratified by the Chamber of Deputies that are not in contradiction with the constitution based on the ruling of the constitutional court. The submission for referendum shall be deemed a waiver of the right to return the draft law. If the

result of the referendum is the ratification of the draft law, the president of the republic shall seal and publish the draft law within a period exceeding no more than fifteen days as of the date of announcement of the results of the referendum.

The electoral law shall regulate the means of conducting the referendum and announcing its results.

Article 82: The president of the republic may, in the event of a temporary inability to perform his tasks, temporarily delegate his powers to the prime minister for a maximum period of thirty days, renewable once. The president of the republic shall inform the president of the Chamber of Deputies of the temporary delegation of powers.

Article 83: In the event of the position of president of the republic becoming temporarily vacant for reasons that prevent the president of the republic from delegating his powers, the constitutional court shall promptly meet and acknowledge the temporary vacancy of the office, and the prime minister shall undertake the tasks of the president of the republic. The period of temporary vacancy may not exceed sixty days.

Should the temporary vacancy exceed the sixty-day period, or if the president of the republic submits a written resignation to the president of the constitutional court, or in the event of death or absolute incapacity, or for any other reason that causes a permanent vacancy, the constitutional court shall promptly meet and acknowledge the permanent vacancy and notify the president of the Chamber of Deputies who shall, on a temporary basis, immediately undertake the tasks of the president of the republic for a duration of no less than forty-five days and no more than ninety days.

Article 84: In the event of permanent vacancy, the interim president of the republic shall take the oath set out in the constitution before the Chamber of Deputies, and in case it is necessary before the Chamber's bureau or before the constitutional court in case the Chamber is dissolved.

Article 85: The person undertaking the tasks of the president of the republic, during the temporary or permanent vacancy of the office, shall exercise presidential tasks. He shall not be entitled to propose amending the constitution, resort to a referendum, dissolve the Chamber of Deputies. During the interim presidential period, a new president for the republic shall be elected for a full presidential term. No motion of censure against the government may be presented.

Article 86: The president of the republic enjoys judicial immunity throughout his/her mandate. All statutes of limitations and other deadlines are suspended, and judicial procedures can be recommenced after the end of his/her term.

The president of the republic cannot be prosecuted for acts that were carried out in the context of performing his/her functions.

Article 87: A majority of the members of the Chamber of Deputies may initiate a request to bring an end to the president of the republic's mandate for the deliberate violation of the constitution, detailing their arguments, and it must be approved by two-thirds of members. In such event, the matter is referred to the constitutional court for determination. In the event of condemnation, the constitutional court must render an order of removal of the president of the republic from office. This shall not mean immunity from criminal prosecution when necessary. Where the president has been removed from office under these circumstances, he is not entitled to run in any other elections.

Chapter 5: The Government

Article 88: The government shall be composed of a prime minister, ministers, and under-secretaries of state selected by the prime minister. The ministers of foreign affairs and defense shall be selected by the prime minister, and in the case of the ministers of foreign affairs and defense, in consultation with the president of the republic.

Within one week of the date on which the final election results are declared, the president of the republic shall assign the candidate of the party or the election coalition having won the largest number of seats in the Chamber of Deputies to form the government within a one-month period extendable only once. If two or more parties or coalitions have the same number of seats, then the nomination should be made based on the numbers of votes that were cast in the election.

If the specified period of time elapses without the formation of the government or in the event of failure to receive the vote of confidence of the Chamber of Deputies, the president of the republic shall, within ten days, consult with the parties, coalitions, and parliamentary blocs to entrust the person most capable of constituting a government within a period of no more than one month.

If a four-month period elapses from the date of appointing the first candidate and the members of the Chamber of Deputies fail to grant confidence

to the government, the president of the republic is entitled to dissolve the Chamber of Deputies and to call for new legislative elections to be held within at least forty-five days and not more than eighty days. The government shall present a summary of its program to the Chamber of Deputies to gain confidence by an absolute majority of its members. When the government gains the confidence of the Chamber, the president of the republic shall immediately appoint the prime minister and members of the government.

The prime minister and the members of government shall be sworn in before the president of the republic in accordance with the following oath: "I swear by Almighty God to work for the benefit of Tunisia, to respect the country's constitution and its legislation, to defend its interests and remain loyal to it."

Article 89: Membership of the government and of the Chamber of Deputies may not be combined. The elections law shall regulate the process of filling vacancies. The prime minister and the members of the government may not be employed in any other profession.

Article 90: The prime minister sets the state's general policy and shall ensure its execution.

Article 91: The prime minister is responsible for the following:

—Creating, amending and dissolving ministries and bureaus of state, as well as determining their mandates and powers after discussion with the Council of Ministers.

—Removing one or more members of the government or receiving the resignation of one or more members of the government, after consultation with the president of the republic if the minister of defense or foreign relations is concerned.

—Creating, amending or dissolving public institutions, public entities and administrative departments as well as regulating their mandates and powers after discussion with the Council of Ministers, except for those under the authority of the president of the republic, which shall be created, amended or dissolved by way of a proposal by the president of the republic.

—Appointing and dismissing individuals from senior civil positions. These positions are determined by law.

The prime minister shall inform the president of the republic of the decisions taken within the powers mentioned above.

The prime minister governs the administration and concludes international agreements of a technical nature. The government ensures the implementation

of laws. The prime minister may delegate some of his powers to ministers. If the prime minister is temporarily unable to carry out his tasks, he shall delegate his powers to one of the ministers.

Article 92: The prime minister is the head of the Council of Ministers. The Council of Ministers meets by convocation by the prime minister, who sets its agenda.

The president of the republic heads the Council of Ministers in the domains of defense, foreign relations, and national security relating to the defense of the state and national territory from internal and external threats, and he may also attend other meetings of the Council of Ministers. When he attends meetings of the Council of Ministers, he shall preside over them. All draft laws shall be discussed in the Council of Ministers.

Article 93: The prime minister shall exercise general regulatory powers and shall issue individual decrees that shall be signed after discussion with the Council of Ministers. Decrees issued by the prime minister are referred to as governmental decrees. Regulatory decrees shall be signed by the competent minister. The prime minister shall sign the regulatory orders issued by ministers.

Article 94: The government shall be held accountable before the Chamber of Deputies.

Article 95: Each member of the Chamber of Deputies has the right to submit written or oral questions to the government in accordance with the Chamber's internal rules of procedure.

Article 96: Votes may be taken on a motion of censure brought against the government, after at least one-third of the members of the Chamber of Deputies make a justified request to the president of the Chamber of Deputies. The voting process shall not take place except after the lapse of a fifteen-day period as from the date that the request was presented to the president of the Chamber.

Withdrawal of confidence in the government shall be conditional upon the approval of an absolute majority of the members of the Chamber of Deputies and upon the presentation of an alternative candidate for the position of prime minister whose candidacy shall be ratified in the same voting process. The president of the republic shall entrust the candidate with the task of forming a government, in accordance with the provisions of Article 88. In the event of failure to attain the specified majority, a motion of censure may only be reintroduced against the government after the lapse of a six-month period. The Chamber

of Deputies may withdraw confidence in a member of the government after a justified request is submitted to the president of the Chamber by no less than a third of the members. Withdrawal of confidence shall be by an absolute majority of votes.

Article 97: If the prime minister resigns, the entire government is considered to have resigned. The resignation shall be submitted in writing to the president of the republic who notifies the president of the Chamber of Deputies.

The prime minister may propose to the Chamber of Deputies to give a vote of confidence to the government to continue its work. The vote shall be by an absolute majority of the members of the Chamber of Deputies. Should the Chamber not renew confidence in the government, it shall be deemed to have resigned. In either case, the president of the republic shall assign the person who is most capable to form a government in accordance with the provisions of Article 88.

New Article After 97: The president of the republic may request the Chamber of Deputies to vote on a vote of confidence for the government to continue its tasks, a maximum of two times in a presidential term. Such a vote would be by absolute majority of the members of the Chamber. If the Chamber does not give a vote of confidence to the government in such an event, it would be considered to have resigned and the president of the republic shall task the most capable person with forming a government within thirty days in accordance with paragraphs (1), (5), and (6) of Article 88.

If the set period expires without the formation of a government, or if it does not gain a vote of confidence from the Chamber of Deputies, the president of the republic may dissolve the Chamber and call early legislative elections in a period not before forty-five days and no later than ninety days. If the Chamber of Deputies grants the government a vote of confidence on two occasions when requested by the president of the republic, the latter shall be deemed to have resigned.

Article 98: If, for any reason other than resignation or withdrawal of confidence, the post of prime minister is permanently vacant, the president of the republic shall task the candidate nominated by the ruling political party or coalition to form a government within one month. If this period lapses without a government having been formed, or it fails to receive a vote of confidence, the president shall task the most capable person with forming a

government, which shall be put to a vote of confidence by the Chamber in accordance with the provisions stipulated in Article 88.

The outgoing government shall continue its activities under the supervision of one of its members, to be selected by the Council of Ministers and appointed by the president of the republic, until the new government takes over.

Article 99: Any disputes arising with respect to the powers of the president of the republic and of the prime minister shall be referred to the constitutional court. The court shall rule on the dispute within one week based on a request presented by the most concerned of the parties.

Article 100: The judiciary is an independent authority that ensures the prevalence of justice, the supremacy of the constitution, the sovereignty of law, and the protection of rights and freedoms.

Judges are independent. No power shall be exercised over their rulings other than the power of the law.

Article 101: A condition of being a judge is the possession of competence. He must abide by impartiality and integrity. He shall be held accountable for any shortcomings in the performance of his duties.

Article 102: Judges shall enjoy immunity against criminal prosecution and may not be prosecuted or arrested unless their immunity is lifted. In the event of *in flagrante delicto*, a judge may be arrested and the judicial council shall be notified with a view to decide on the request to lift the immunity.

New Article After 102: The legal profession is a free independent profession that contributes to the establishment of justice and the defense of rights and liberties. Lawyers enjoy the legal guarantees that protect them and enable them to fulfill their functions.

Article 103: Judges shall be nominated by virtue of an order made by the president of the republic with the assent of the Supreme Judicial Council. Senior judges shall be nominated by virtue of a presidential order after consultation with the prime minister, based on the sole opinion of the Supreme Judicial Council. Senior judicial posts shall be determined by law.

Article 104: No judge may be transferred without his/her consent or dismissed, and no judge may be suspended, expelled, or subjected to disciplinary punishment except in such cases and in accordance with the guarantees provided for by law and by virtue of a justified decision issued by the Supreme Judicial Council.

Article 105: Every individual shall be entitled to a fair trial within a reasonable period. Litigants shall

be equal before the judiciary. The right to litigation and the right to defense shall be guaranteed. The law shall facilitate access to justice and those without financial means shall be granted financial legal assistance. The law shall guarantee litigation on two levels. Court sessions shall be public unless the law decides otherwise and the sentence shall only be announced in a public session.

Article 106: Any interference with the judicial process is prohibited.

Article 107: Classifications of courts shall be established by virtue of law. No exceptional courts or exceptional procedures that may prejudice the principles of fair trial may be established or adopted.

Military courts are specialized courts dealing with military crimes and with crimes committed by members of the military. The law shall regulate the structure, organization, procedures, and internal regulations of the military courts, their applicable procedures and the internal regulations of military judges.

Article 108: Judgments shall be issued in the name of the people. Failing to execute or impeding the execution of a sentence without legal grounds is prohibited.

Article 109: The Supreme Judicial Council is composed of four bodies, which are the Judiciary Council, the Administrative Judicial Council, the Financial Judicial Council, and the Judicial Councils Organization. Two-thirds of each of these entities are composed of judges, the majority of whom are elected, as well as judges appointed by capacity, while the remaining third shall be composed of specialized independent individuals. The majority of the composition of these bodies shall be elected. Elected members shall undertake their functions for a single six-year term. The Supreme Judicial Council shall elect its president from amongst its most senior judges.

A law shall regulate the mandate, structure, and organization of each of the four entities as well as the procedures applicable to each.

Article 110: The Supreme Judicial Council shall enjoy administrative and financial independence and shall manage itself, and shall prepare its draft budget and discuss it before the competent committee of the Chamber of Deputies.

Article 111: The Supreme Judicial Council shall ensure the judiciary's sound performance and respect for its independence. The conference of the three judicial councils shall propose reforms

and express opinions with respect to proposals and draft laws related to the judiciary that are presented to it. Each of the three councils shall decide on the professional conduct of judges and on disciplinary measures.

The Supreme Judicial Council shall submit an annual report to the speaker of the Chamber of Deputies, the president of the republic, and the prime minister, by the month of July. The report shall be published. The Chamber of Deputies shall discuss the annual report in a plenary session of dialogue with the Supreme Judicial Council.

Article 112: The judiciary is composed of the Court of Cassation, appellate courts, and courts of first instance. The public prosecution is part of the judicial justice system, covered by the guarantees provided to the judicial justice system in the constitution. Judges in the public prosecution system shall practice their tasks within the framework of the penal policy of the state according to the procedure set out by the law.

The Court of Cassation shall prepare an annual report and submit it to the president of the republic, the president of the Chamber of Deputies, the prime minister and the head of the Supreme Judicial Council. The report shall be published. A law shall regulate the judicial system, its mandate, its procedures, as well as the statute of the judges.

Article 113: The administrative judiciary is composed of the Supreme Administrative Court, administrative courts of first instance, and administrative courts of appeal. The administrative judiciary has jurisdiction over any abuse of power by the administration as well as administrative disputes. The administrative judiciary shall, in accordance with the law, exercise consultative functions.

The Supreme Administrative Court shall prepare a general annual report to be submitted to the president of the republic, the president of the Chamber of Deputies, the prime minister, and the president of the Supreme Judicial Council. A law shall regulate the organization of the administrative judiciary, its mandate, its procedures, as well as the statute of its judges.

Article 114: The financial judiciary is composed of the Court of Audit with its different bodies.

The Court of Audit shall have jurisdiction to supervise the sound spending of public funds in accordance with the principles of legality, efficiency, and transparency. The financial judiciary shall decide on the accounts of public auditors.

The financial judiciary evaluates the expenditure of public funds and punishes any mismanagement in that regard. The financial judiciary shall assist the legislature and the executive in supervising the enforcement and sealing of financial laws.

The Court of Audit shall prepare a general annual report to be submitted to the president of the republic, the president of the Chamber of Deputies, the prime minister, and the president of the Supreme Judicial Council. The report shall be published. The Court of Audit shall, when necessary, prepare special reports that may be published. A law shall regulate the organization, mandate, and procedures of the Court of Audit as well as the statute of its judges.

Article 115: The constitutional court is an independent judicial body that is composed of twelve competent members, three-quarters of whom are legal experts having no less than twenty years experience.

The president of the republic, the Chamber of Deputies, and the Supreme Judicial Council shall each appoint four members, three-quarters of whom must be legal experts. The nomination is for a single nine-year term. One-third of the members of the constitutional court shall be renewed every three years. Any vacancies in the court shall be filled by the same means adopted during appointment, taking into account the nominating party and the specialization. The members of the court shall elect a president and a vice president of the court from among its members who are legal experts.

Article 116: It shall be prohibited to combine membership of the constitutional court with undertaking any other employment or post.

Article 117: The constitutional court is the sole body competent to oversee the constitutionality of the following:

—Draft laws, upon the request of the president of the republic, the prime minister, or thirty members of the Chamber of Deputies.

—Constitutional draft laws submitted to it by the president of the Chamber of Deputies as specified in Article 142 or to determine whether the procedures of amending the constitution have been respected.

—Treaties presented to it by the president of the republic before they are ratified by law.

—Laws referred to it by courts as a result of a request filed by a litigator, in accordance with the procedures provided for by law, to claim the unconstitutionality thereof.

—The Chamber of Deputies' rules of procedure presented to it by the president of the Chamber.

The constitutional court is also responsible for the other tasks that are granted to it by the constitution.

Article 118: Decisions in the constitutional court shall be taken by a majority and the president of the court shall, in the event of a split vote, cast the deciding vote. Decisions issued by the constitutional court shall explain their reasoning, shall be binding upon all authorities, and shall be published in the official gazette of the Tunisian republic.

Article 119: Any draft law that is in violation of the constitution shall be referred to the president of the republic and from the president to the Chamber of Deputies to be reconsidered and amended in accordance with the decision issued by the constitutional court. The president of the republic shall, prior to the law's ratification, return the law to the constitutional court to consider its constitutionality within a one-month period.

Article 120: In the event the constitutional court takes up a claim of unconstitutionality, the court shall be limited to examining the issues that have been put before it. It shall render its decision within three months, which can be renewed only once and by virtue of a decision setting out its reasoning. If the constitutional court determines that the law is unconstitutional, the law shall, within the limits specified by the court, no longer be applied.

Article 121: A law shall govern the organization of the constitutional court and the procedures it should follow as well as the guarantees enjoyed by its members.

Chapter 6: Independent Constitutional Bodies

Article 122: The independent constitutional commissions shall seek to support democracy. All institutions of the state must facilitate their work. These commissions shall enjoy legal personality as well as financial and administrative independence. These commissions shall be elected by the Chamber of Deputies by qualified majority, and shall submit an annual report to it, with the report of each commission being discussed in a special plenary of the Chamber. The composition of these commissions as well as representation within them and the method of their election, their regulations, and ways of holding them accountable shall be governed by law.

Article 123: The Electoral Commission shall be entrusted with the management and organization

of elections and referenda, and overseeing all their phases. The commission shall ensure the soundness, integrity, and transparency of the election process, and announce the results.

The commission has regulatory power in the areas that are related to its mandate.

The commission shall be composed of nine independent, impartial members possessing competence, who undertake their work for one six-year term. One-third of its members shall be replaced every two years.

Article 124: The Audio-Visual Communication Commission shall oversee the growth and development of the audio-visual communication sector and seek to guarantee freedoms of expression and of the media and the existence of pluralistic and fair media. The commission shall have regulatory power in matters related to its mandate and must be duly consulted on relevant draft laws.

The commission shall be composed of nine independent, impartial members possessing competence and integrity who undertake their work for one six-year term. One third of its members shall be replaced every two years.

Article 125: The Human Rights Commission shall oversee the extent to which human rights and freedoms are respected, and promote human rights and freedoms. The commission shall propose reforms to develop the human rights framework and must be consulted on draft laws that are related to its mandate. The commission shall conduct investigations into violations of human rights with a view to settlement or referral to the competent authorities. The commission shall be composed of independent and impartial members who possess competence and integrity. They undertake their functions for one six-year term.

Article 126: The Commission for Sustainable Development and the Rights of Future Generations shall be consulted on draft laws related to economic, social, and environmental issues and on development plans. The commission shall have the right to give its opinion on issues related to its mandate. The commission shall be composed of members possessing competence and integrity. They undertake their functions for one six-year term.

Article 127: The Commission for Good Governance and Anti-Corruption contributes to policies of good governance, preventing and fighting corruption and monitoring their implementation and dissemination of their culture, and

strengthen the principles of transparency, integrity, and accountability. The commission shall be in charge of monitoring cases of corruption within the public and private sectors, investigating and confirming them, and submitting them to the competent authorities. The commission must be consulted on draft laws related to its specialization and can give its opinion on general regulatory texts related to its mandate. The commission is composed of independent impartial members possessing competence and integrity, who undertake their missions for one six-year term. One-third of the members must be renewed every two years.

Chapter 7: Local Government

Article 128: Local government shall be based on decentralization. Decentralization shall be embodied in local authorities composed of municipalities, districts, and regions covering the entire territory of the republic in accordance with a distribution set by law. Special categories of local authorities may be established by law.

Article 129: Local authorities shall enjoy legal personality as well as financial and administrative independence. They shall manage local interests in accordance with the principle of free administration.

Article 130: Local authorities shall be managed by elected councils. Municipal and regional councils shall be elected by virtue of general, free, secret, fair, transparent, and direct elections.

District councils shall be elected by the members of the local and regional councils. The electoral law shall guarantee the representation of youth in local authority councils.

Article 131: Local authorities shall enjoy autonomous powers, powers shared with the central authority, and powers delegated to them from the central government. The joint and delegated powers shall be distributed in accordance with the principle of subsidiarity. Local authorities shall enjoy regulatory power in exercising their mandates. Regulatory decisions of the local authorities shall be published in the official gazettes of local authorities.

Article 132: Local authorities shall have self-generated resources and resources that are provided to them by the central government. These resources shall be appropriate for the powers that are assigned to them by law. All powers that are created or transferred by the central government to the local authorities shall be coupled with the

corresponding resources required. The financial system of local authorities shall be governed by law.

Article 133: The central government shall guarantee the provision of additional resources to local authorities in order to consolidate the principle of solidarity, and to adopt the mechanism of coordination and balance. The central government shall seek equivalence between local resources with local burdens.

Article 134: Local authorities shall have the freedom to dispose of their resources within the framework of the approved budget in accordance with rules of good governance and under the financial judiciary's supervision.

Article 135: Local authorities shall, with respect to the legality of their work, be subject to *a posteriori* oversight.

Article 136: Local authorities shall adopt the mechanisms of participatory democracy and the principles of open governance to ensure broader participation by citizens and civil society in development programs and land management and the monitoring of their implementation, in accordance with the law.

Article 137: Local authorities may cooperate and enter into partnerships with each other in order to implement programs or undertake activities of common interest. Local authorities may also build foreign relations for partnership and decentralized cooperation. Rules for cooperation and partnership between authorities shall be regulated by law.

Article 138: The Supreme Council of Local Authorities shall be a representative structure for all local authorities' councils, and its headquarters shall be outside the capital. The Supreme Council of Local Authorities shall examine matters related to development and balance between regions and shall render an opinion with respect to draft laws related to local planning, budget, and financial issues. The head of the Supreme Council of Local Authorities may be invited to attend discussions of the Chamber of Deputies. The composition and tasks of the Supreme Council of Local Authorities shall be regulated by law.

Article 139: The administrative judiciary shall decide on disputes related to the jurisdiction arising among local authorities and between the central government and local authorities.

Chapter 8: Amendment of the Constitution

Article 140: The president of the republic, or one-third of the members of the Chamber of Deputies,

shall have the right to propose an amendment to the constitution. A proposal initiated by the president of the republic shall have priority.

Article 141: Removed

[Editor's note: Article 141 was removed from the final version of the constitution after a compromise was reached between Ennahda and opposition parties. Debates about the article had raised concerns that statutes pertaining to Islamic law would diminish the authority of civil law in the country.]

Article 142: Each proposal to amend the constitution shall be submitted by the president of the Chamber of Deputies to the constitutional court to ensure that such proposition is not related to an article to which the constitution has banned any amendment. The Chamber of Deputies shall study the proposed amendment with the approval of the absolute majority of the members required for any amendment.

With the exception of the terms set out in Article 141, the constitution shall be amended upon the approval of two-thirds of the members of the Chamber of Deputies. The president has the right to submit the amendment to a referendum and it shall be approved in this case by attaining an absolute majority.

Article 143: This constitution's preamble is deemed an integral part of the constitution.

Article 144: The constitution's provisions shall be interpreted as a harmonious whole.

Article 145: After approving the complete constitution according to Article 3 of the constitutional law No. 6 of the year 2011 dated December 16, 2011, related to the temporary organization of public authorities, the National Constituent Assembly shall convene an extraordinary general session where the constitution shall be ratified by the president of the republic, the president of the National Constituent Assembly, and the prime minister. The president of the National Constituent Assembly shall give permission to publish the constitution in a special issue of the official gazette of the Tunisian republic, and the constitution comes into effect upon its publication. The president of the National Constituent Assembly shall announce the date of publication in advance.

Chapter 9: Transitional Provisions

Article 146: Provisions of Articles 5, 6, 8, 15, and 16 of the provisional organization of public authorities continue to be applied until the election of the Chamber of the People's Deputies.

Provisions of Article 4 of the Provisional Organization of Public Authorities continue to

be applied until the election of the Chamber of Deputies. However, once the constitution enters into effect, no proposed law presented by deputies can be accepted unless it relates to the electoral process, the transitional justice system, or the bodies that emerge out of the laws ratified by the National Constituent Assembly.

Provisions of Articles 7, 9 to 14, and 26 of the Provisional Organization of Public Authorities continue to be applied until the election of the president of the republic in accordance with Article 73 and subsequent articles of the constitution.

Provisions of Articles 17 to 20 of the Provisional Organization of Public Authorities continue to be applied until the first government receives a vote of confidence from the Chamber of Deputies.

The National Constituent Assembly continues to exercise its legislative, oversight, and electoral prerogatives approved in the constituent law on the Provisional Organization of Public Authorities or in current laws until the election of the Chamber of Deputies.

The following provisions come into effect in the following manner:

—Chapter three which is related to legislative power, except articles 52, 53, 54, and the second part of chapter four which relates to the government: these shall come into effect on the day of announcing the final results of the first legislative elections.

—Section one of chapter four which relates to the president except articles 73 and 74: Shall come into effect on the day of announcing the final results of the first direct presidential elections. Articles 73 and 74 do not come into effect unless in the case of the president of the republic who is elected through direct elections.

—Section two of chapter five which relates to judicial, administrative, and financial justice, except Articles 105 to 108, come into effect upon the completion of the formation of the Supreme Judicial Council.

—Provisions of section two of chapter five relating to the constitutional court, except Article 115, come into effect upon the completion of appointment of members of the first composition of the constitutional court.

—Provisions of chapter six relations to the constitutional bodies come into effect after the election of the People's Deputies.

—Provisions of chapter seven which relates to local authority come into effect when the laws it cites go into effect.

Presidential and legislative elections shall be held in the period starting from four months after the establishment of the High Independent Electoral Commission and no later than the end of 2014. Nomination for the first direct presidential elections is made by a number of National Constituent Assembly members according to the number set for members of the Chamber of Deputies or a number of registered voters, either to be set by the electoral law.

Within a period no longer than six months after the date of legislative elections, the Supreme Judicial Council must be established, and the constitutional court shall be created within one year of those elections. In the case of partial renewal of members of the constitutional court, the Audio-Visual Communications Commission, and the Good Governance and Anti-Corruption Commission is done by drawing lots between the first members of the board, with the exception of the board's president. Within three months following the ratification of the constitution, the National Constituent Assembly shall create a temporary committee specifically for verifying the constitutionality of draft laws, to be composed of:

—The first president of the Court of Appeal, as president.

—The first president of the Administrative Court, as member.

—The first president of the Accounts Department, as member.

—Three members within a legal specialization, to be appointed by the speaker of the National Constituent Assembly, the president of the republic, and the prime minister, respectively.

No other court is entitled to oversee the constitutionality of laws. The temporary committee's functions expire with the creation of the constitutional court. The temporary commission overseeing judicial justice continues its functions until the complete formation of the Supreme Judicial Council. The Independent Commission for Audio-Visual Communication [HAICA] continues its functions until the election of the Audio-Visual Communications Commission.

The state commits to implementing the transitional justice system in all its domains within the time framework set by related legislation, and in this regard, no claim of retroactivity of laws or the existence of a previous pardon or the binding force of double jeopardy or statute of limitations or punishment, may be admitted.

New Article: The Military Court continues to exercise the powers granted to it by the current laws until the latter are amended in accordance with the provisions of Article 107.

And God is the grantor of success.