

decrees - laws

Decree-law n° 2011-14 dated 23 March 2011, relating to the provisional organization of the public authorities.

The President of the Republic by Interim,

On a proposal from the Prime Minister,

Considering that the Tunisian people is sovereign and exercises his sovereignty through his representatives elected with direct, free and fair vote,

Considering that the people has expressed during the revolution of 14 January 2011, his will to exercise his full sovereignty within the framework of a new constitution,

Considering that the current situation of the State after the final vacancy of the Presidency of the Republic on 14 January 2011, as noticed by the constitutional council in its declaration published in the Official Gazette of the Republic of Tunisia dated 15 January 2011, does no longer allow the regular operation of the public authorities and that the full implementation of the constitution provisions has become impossible.

Considering that the President of the Republic stands sees to the national independence, integrity of the territory and the respect of the law and the implementation of the treaties, and that he sees to the regular operation of the public authorities and ensures the continuity of the State,

After the deliberation of the council of Ministers.

Issues the following decree-law:

Article one - The public authorities in the Republic of Tunisia shall be provisionally organized in accordance with the provisions of the decree-law herein, until a national constituent assembly elected with universal, free, direct and secret vote according to an electoral system chosen for this purpose, takes its functions.

Chapter 1

General provisions

Art. 2 - Shall come to an end according to the decree-law herein, the following councils:

- The Chamber of Deputies,
- The Chamber of Advisors,
- The economic and social council,
- The constitutional council,

The secretaries general or those in charge of the administrative and financial affairs of these councils ensure the administrative and financial management until the settlement of the institutions which will replace them according to the new constitution.

Art. 3 - The Administrative Tribunal and the Court of Auditors shall exercise their prerogatives according to the laws and regulations in force related to their organization, attributions and procedures which are applicable to them.

Chapter II

The legislative power

Art. 4 - The legislative texts shall be enacted in form of decrees-laws. The President of the Republic by Interim shall enact the decrees-laws after the deliberation in the council of Ministers and shall see to their publication in the Official Gazette of the Republic of Tunisia.

Art. 5 - Shall be taken in form of decrees-laws, the texts related to:

- The authorization of ratification of the treaties,
- The amnesty, human rights and fundamental freedoms,
- The electoral system, press, media and communication and edition,
- The organization and financing of the political parties, to the associations, to the non-governmental organizations and to the professions,
- The fight against terrorism and money laundering,
- The development of the economy,
- The right to work, social security and health,
- The finance and tax,
- The system of property and to the real rights,
- The education, higher education and culture,
- The confrontation of catastrophes and imminent risks and to take exceptional measures,
- The procedure concerning the different jurisdiction orders and to the determination of the crimes and offences and to the punishments applicable to them as well to the criminal infractions sanctioned by a custodial sentence ,
- Fundamental guaranties granted to civil servants, civil agents and militaries,
- The nationality, civil status and to the obligations,
- The general methods of implementation of the decree-law herein,

And in a general way, any matter falling within the scope of law.

Chapter III

The executive power

Art. 6 - The executive power is exercised by the President of the Republic by Interim assisted by a provisional Government run by a Prime Minister.

Section one - The President of the Republic by Interim

Art. 7 - The President of the Republic by Interim sees to the implantation of the decrees-laws exercises the regulatory general power and may delegate all or part of it to the Prime Minister.

The decrees of regulatory nature shall be countersigned by the Prime Minister and the concerned Government member.

Art. 8 - The President of the Republic by Interim remains on duty until the establishment of the national constituent assembly.

Art. 9 - The President of the Republic by Interim is entrusted with the following duties:

- The high command of the armed forces,
- The ratification of the treaties,
- Right of pardon,
- Declaration of war and conclusion of peace after deliberation in the council of Ministers,
- The appointment of the Prime Minister and the other Government members on proposal from the Prime Minister,
- The presidency of the council of Ministers,
- The termination of services of the Government or one of its members on a proposal from the Prime Minister,
- The accreditation of the diplomats by the foreign powers. The representatives of the foreign powers are accredited by the President of the Republic by Interim,
- The appointment to the higher civil and military positions on a proposal from the Prime Minister. The President of the Republic may delegate to the Prime Minister the power to appoint some persons to these positions.

Art.10 - In case of provisional impediment, the President of the Republic by Interim may delegate by decree, his powers to the Prime Minister.

In case of vacancy of the Presidency of the Republic by Interim by reason of death, resignation or absolute impediment, the Prime Minister is immediately invested with the functions of the Presidency of the State by Interim, if the vacancy of the Presidency of the Republic by Interim coincides with the vacancy of the Prime Minister position, the provisional Government shall elect one of its members who is immediately invested with the functions of the Presidency of the State by Interim.

Art. 11 - The President of the Republic by Interim may not present his candidacy neither to the national constituent assembly nor to any other election following the promulgation of the new constitution.

Art. 12 - The official seat of the Presidency of the Republic shall be fixed in Tunis and its suburb. However, in exceptional circumstances, it may provisionally be transferred to another place of the territory of the Republic.

Section II - The provisional Government

Art.13 - The provisional Government sees to the management of the State affairs as well as to the proper operation of the public services. The Prime Minister shall run and coordinate its action; he holds the administration and the police force and he may take the place, if necessary, of the President of the Republic by Interim in the presidency of the council of Ministers or any other council.

Art.14 - The Ministers see, within the sector related to his authority, to the management of the central administration and to the supervision of the public establishments and enterprises in accordance with the laws and regulations in force.

The administration comprises also regional and local departments within the scope of decentralization which organization, management and supervision are governed in accordance with the laws and regulations in force.

Art. 15 - The Prime Minister and the other members of the provisional Government may not submit their candidacy to the national constituent assembly.

Section III - The local collectivities

Art. 16 - The municipal councils, regional councils and structures to which the law confers the quality of local collectivities shall manage the local affairs within the conditions provided for by the law.

Section IV - The judicial power

Art. 17 - The judicial power shall be organized and run and shall exercise its competences in accordance with the laws and regulations in force.

Section V - Final Provisions

Art. 18 - The decree-law herein ceases to be applicable as soon as a national constituent assembly takes its functions and fixes another organization of the public authorities.

Art.19 - The decree-law herein shall be published in the Official Gazette of the Republic of Tunisia and shall come into force as from 15 March 2011.

Tunis, 23 March 2011.

The President of the Republic by interim
Fouad Mebazaâ