

## **Organic Law n°2019-9 of 23 January 2019 amending and completing the organic Law n°2015-26 of 7 August, 2015 related to combating terrorism and preventing money laundering**

**Article 1** – This basic law aims at facing up to terrorism and money laundering and prevention from them and supports also international effort in this field in the framework of international, regional and bilateral agreements ratified by the Republic of Tunisia.

**Article 2**- Public authorities in charge of the enforcement of this law have to comply with constitutional guarantees and international, regional and bilateral treaties ratified by Tunisia in the area of human rights and refugee protection and international humanitarian law.

**Article 3** - The following terms mean in accordance with this law what follows:

- **Consensus:** any conspiracy created for any period of time whatever the number of its members to commit one of the crimes provided for in this law without requiring the existence of a structural organization or a specific and official distribution of roles between its members or that requires that their membership in it lasts.
- **Organization:** a group with an organizational chart made up of three people or more created for any period of time and acting in concerted effort with the intention of committing one of the crimes provided for in this law inside or outside the national territory.
- **A terrorist:** Any person who commits or attempts to commit deliberately terrorist crimes provided for in the law through any means, directly or indirectly, or takes part to them or organizes or incites others to commit them or joins deliberately a group of persons acting with a common purpose to commit a terrorist crime to support such a crime or is aware of the intention of the group to commit the terrorist crime.
- **Terrorist organization:** Any group of terrorists that commits or attempts deliberately to commit any of the terrorist crimes provided for in the law through any means, directly or indirectly, or participates as an accomplice or organizes or directs others to commit intentionally or joins deliberately a group of persons acting with a common purpose to commit a terrorist crime to support such a crime or being aware of the intention of the group to commit the terrorist crime.
- **Transnational crime:** the crime is considered transnational in the following cases:
  - If committed in the national territory and in one foreign country or more,
  - If committed within the national territory and its preparation, planning, management or supervision has been carried out in one foreign country or more,
  - If committed in a foreign country and its preparation, planning, management or supervision has been carried out in the national territory,
  - If committed in the national territory by a structure or organization that carries out criminal activities in one country or more,
  - If committed in the national territory and gave rise to effects in a foreign country or committed in a foreign country and gave rise to effects in the national territory.

- **National territory:** Land, sea and airspaces over which the State carries out its sovereignty or jurisdiction pursuant to ratified international treaties.

The national territory also includes aircraft registered within the State's territory and vessels flying with its flag wherever.

- **Aircraft in a state of flying:** the plane is considered in a state of flying from the moment of closing all its outside doors after passengers are on board till the moment of opening one of those doors for their disembarking. In case of emergency landing the aircraft continue to be considered in a state of flying until competent authorities start taking their responsibility over the aircraft and persons and cargo on board.
- **Aircraft operating:** an aircraft is considered in a state of operating starting from the moment people working at the airport or the crew start proceeding to preparing it for flying till twenty-four hours are over from any of its landing. The state of operating concerns in any case the full time when the plane is in a state of flying.
- **Persons enjoying international protection:** The following persons when being in a foreign country:
  - The Head of the State or a member of a body that carries out the functions of the Head of the State under the Constitution of the State concerned and also his family's members when accompanying him.
  - The Head of Government or Minister for Foreign Affairs and his accompanying family members.
  - Any representative or employee of the State or an employee or a person accredited to an intergovernmental international organization and family members accompanying him, in cases where he enjoys under international law the right to special protection.
- **Fixed platforms on continental shelf:** Artificial island or a facility or structure the installation of which proved to be continuously in the seabed for exploration or exploitation of resources or for any other economic purposes.
- **Funds -(New) :** property and assets of any kind, physical or non-physical, tangible or intangible, movable or immovable, whatever the means of acquiring them, including bonds and legal documents and instruments, in whatever form, including electronic and digital form evidencing ownership of such funds or existence of right in them or related to them.
- **Freezing : -(New)** imposing a temporarily ban on the transfer of funds, revenue and profits arising from them or their trade-off, management or transfer and other forms of managing them and making them the subject of provisional custody or control, upon the decision of the competent court or administrative authority.
- **Confiscation : (New)** permanent deprivation of funds and income arising from them, in whole or in part, on the basis of a decision issued by a competent court.
- **The beneficial owner:** Any private individual who owns or carries out definitive control, directly or indirectly, on a customer or private individual for whom operations are being processed. It also concerns any person carrying out effective control over the private individual or legal arrangement.

- **Legal arrangement:** direct trust funds and other similar legal arrangements including any process whereby a person shall transfer funds, rights or status or forward guarantees to someone called proxy, who keeps them separate from his financial assets to dispose of and manage for the profit of one beneficiary or more.
- **Negotiable instruments to the bearer:** monetary instruments in the form of a document to the bearer such as travelers-checks, negotiable instruments including checks and bills of Exchange and bonds and payment orders that are either to the bearer or endorsed for his profit without restrictions or issued to a virtual beneficiary or in a form that helps the transfer of property in it through their reception and incomplete instruments that are signed without bearing the name of the beneficiary.
- **Structures in charge of monitoring people referred to in article 107 of this law:** The Central Bank of Tunisia, the microfinance oversight authority, the Ministry of finance, the Ministry of Commerce, the Ministry of communication technologies and digital economy, the insurance general committee, the Capital market council and oversight bodies or supervisory authorities to designated non-financial businesses and professions.
- **Legal entities(New) :** Any legal entity with financial assets independent from financial assets of its members or shareholders, even if it has not been assigned the legal entity pursuant to a private law of the regulations.
- **Nuclear materials:** Plutonium except for the one where isotopic concentration in it exceeds 85 % of plutonium-238 and uranium 235 isotope supplier or isotope 233 and uranium isotopic mixture content existing in nature except for what exists in raw format or raw waste, and any substance containing one or more of the above mentioned.
- **Nuclear facility:**
  - Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space vehicles or for any other purpose.
  - Any facility or transport means used for production, storage, processing, transfer or use or handling or disposal of radioactive material or getting rid of them and can if damaged or its use is affected give rise to launch a large amount of radiation or radioactive materials.
- **Radioactive materials:** Nuclear materials and other radioactive substances which contain nuclides which undergo spontaneous disintegration a process accompanied by emission of one or more types of ionizing radiation, such as Alpha, beta, gamma and neutron particles which may cause due to its radiological features or fissile death or serious physical injury or substantial damage to property or to the environment.
- **Biological weapons:** Microbial or other biological agents, or toxins, regardless of their origin or method of production, of types and in quantities not justified for the purposes of prevention, protection or other peaceful purposes, as well as weapons or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict

**Article 4 –** The provisions of the code of criminal proceedings and the code of pleadings and military sanctions and particular provisions concerning certain crimes and procedures provided for the crimes in this law apply to the extent that they are not inconsistent with its provisions.

And children are submitted to the child protection code.

## **Chapter I – in combating terrorism and its banning**

### **Section I-General provisions**

**Article 5 -(New)** is guilty of terrorist crimes provided for in this law and shall be punished with half the penalties ruled out for them, anyone who incites, whatever the means, to commit such crimes, when this act gives rise by its nature or context, to a risk of likely committing them.

And is guilty of terrorist crimes provided for in this law and shall be punished with half the penalties ruled out for them anyone who is determined to commit them when his determination is combined with a preparatory work to carry them out.

If the sentenced punishment is death penalty or rest of life imprisonment this punishment has been changed to imprisonment for 20 years.

**Article 6** – Administrative oversight ruling out is imperative for terrorist crimes provided for in this law for no less than three years and not exceeding 10 years unless the Court ruled out to reduce this penalty below the legal minimum.

This provision does not preclude all other supplementary penalties or some of them prescribed by the law.

**Article 7** – The legal entity is sued if the terrorist crimes provided for in this law represent the true purpose of its establishment or has been done to its favor or if it yielded from it benefits or income or if there is evidence that it provides support in any form to terrorists or terrorist organizations or activities that have relationship with terrorist crimes provided for in this law.

The legal entity is punishable by a fine that equals all amounts received from terrorist crimes and in any case the amount of the fine shall not be less than five times the amount payable by private individuals.

The Court rules out the banning of activity carrying out for a maximum of five years or its dissolution.

Suing the legal entity does not preclude sanctions provided for in this law, against its representatives or managers or partners or their agents if personal responsibility for these acts is proved.

**Article 8** – are exempt from these sanctions, those who belong to a terrorist organization or consensus or had an individual project intended to commit any of the terrorist crimes provided for in this law or related crimes, who proceed to convey to concerned authorities information or data that made it possible to detect crime and avoid its carrying out.

The Court must submit him to administrative surveillance or prevent him from living in certain places for a minimum of two years and not exceeding five years, unless the Court reduces this penalty below the legal minimum.

**Article 9** – the affiliated to a terrorist organization or consensus or the one that had an individual project intended to commit a terrorist crime provided for in this law or related crimes is punishable with half the penalty ruled out originally to terrorist crimes or related crimes if the instructions or information that are reported to relevant authorities during the first investigation or prosecution or during the trial to end up to stop terrorist crimes or related crimes, or avoid that the crime ends up to manslaughter, or detect all its perpetrators or some of them or arrest them all.

And the penalty shall be twenty years imprisonment if the original punishment decision was death penalty or life remaining imprisonment.

**Article 10** – Maximum penalty ruling out shall be applied to terrorist crimes without that preclude application of article 53 of criminal code when appropriate and mitigating circumstances relating to children if:

- Committed by those who were entrusted with the task of monitoring it and discouraging its perpetrators, whether accomplices or real perpetrators,
- Committed by agents of the armed forces or internal security forces or agents from the customs, whether real perpetrators or accomplices,
- Committed by people entrusted with managing facilities or places or facilities, or targeted transport vehicles or guard, or workers, whether real perpetrators or accomplices,
- Committed through exploiting a child,
- Committed by a terrorist organization or consensus,
- Was a Transnational crime.

**Article 11** – If several terrorist crimes are committed for one purpose and they are interconnected, the perpetrator is punished for each of them separately

If several different terrorist crimes are committed, the perpetrator is punished for each one separately.

**Article 12** – As for the same sentence, the court rules out the expulsion of the foreigner because of terrorist crimes from Tunisia after serving the sentence

The foreigner sentenced under this law is banned from entering Tunisia for 10 years if the punishment is for a misdemeanor and for life penalty if the punishment is for a crime.

And each sentenced who infringes this, shall be punished with imprisonment from one year to five years and a fine of ten thousand to fifty thousand dinars.

And any attempting to commit offences is punishable.

## **Section II – terrorist crimes and their ruled out sentences**

**Article 13 -(New)** is considered to have committed a terrorist crime anyone who intends through whatever means fulfilling an individual or collective undertaking to commit an act from the acts subject of article 14 or article 28 to 36 of this law and that act is successful, by its nature or context, to spread terror among the population or to compel a State or an international organization to carry out such act and his perpetrator has not been involved in hostilities in case of giving rise to a situation of armed conflict.

**Article 14** – is considered to have committed a terrorist crime anyone who commits any of the following acts:

First: kill people.

Second: giving rise to injuring or beating or any other types of violence provided for in articles 218 and 319 of the Penal code.

Third: giving rise to injuring or beating or to any other types of violence that are not involved in what is provided for in the second case

Fourth: damaging the headquarters of diplomatic or consular mission or international organization.

Fifth: damaging food security and environment affecting the balance of food and environmental systems, natural resources or endangers populations lives or health.

Sixth : open dams floods unloading plant deliberately or pouring a toxic chemical or biological substances in dams or water installations intending to harm populations.

Seventh: damaging public or private property or vital resources or infrastructure or transportation or communications or informatics systems or public facilities.

Eighth: Atonement or an invitation or incitement to hatred or hatred between races, religions and doctrines or calling them.

Punished by death sentence and a fine of 200 000 dinars each one who commits the Act referred to in case one, or if the acts referred to in the rest of the cases give rise to one's death.

Punished by a sentence for the rest of life and a fine of one hundred and fifty thousand dinars each one who commits the Act referred to in the case three, or if the acts referred to in case four, five, six, seven and eight lead to physical injury in the form of the one provided for in case three.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if the acts referred to in case four, five, six, seven and eight lead to physical injury of the type of case two.

And a prison sentence of 10 years to 20 years and 50 000 to 100 000 dinars each one who commits each of the acts referred to in case four, five, six and seven.

Shall be punished with imprisonment from one year to five years and five thousand to ten thousand dinars anyone who commits the Act referred to in case two and eight.

**Article 15** –is considered to have committed a terrorist crime and is liable to a prison term of 20 years and a fine of one hundred thousand dinars whoever intentionally commit any of the following acts:

- Assault on a person aboard a civilian airliner in flight status if the violence is of the type provided for in articles 218 and 319 of the Penal code and would have jeopardized the safety of the aircraft.
- Using violence, threats or any other means of intimidation to dominate or grab a civilian aircraft in flight or operating.
- Destroying an operating civilian aircraft or damaging it and making it unfit for flight or endanger its safety in flight status.
- Setting or leading to set, by any means, devices or materials that would destroy an operating civil aircraft or damage it and render it unfit for flight or endanger its safety in flight.
- The use of an operating civil aircraft or in flight for physical injury or damage to property or environment or vital resources.

The punishment is imprisonment for twenty-five years and a fine of one hundred and twenty thousand dinars if the said acts in case 2 to 6 cause physical damage of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for lifetime and a fine of one hundred and fifty thousand dinars if the said acts in case 1 to 6 cause physical damage and are not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of these acts causes one's death.

**Article 16** – is considered to have committed a terrorist crime and is liable to imprisonment from ten years to fifteen years and 50 000 to 100 000 whoever intentionally move or facilitate the transfer on a civilian aircraft:

- Explosive or radioactive material, knowing that it is intended to be used to cause death or serious personal injury or damage to property or to the environment or to vital resources,
- A nuclear, chemical or biological weapon being aware of it,
- Source material or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not subject to any warranties,
- Equipment, materials or software or related technology that significantly contribute to the design, manufacture or delivery of chemical or biological or nuclear weapon, to be used for this purpose.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if one of those acts cause physical injuries of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment of remaining lifetime and a fine of one hundred and fifty thousand dinars if one of those acts cause physical injury and are not provided for in the type of articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of these acts cause one's death.

**Article 17** – is considered to have committed a terrorist crime and is liable to a prison term of 20 years and a fine of one hundred thousand dinars whoever intentionally commit the following acts:

- Drop or launch nuclear or chemical or biological weapon or explosive or radioactive materials or other similar materials from a civil aircraft in flight or operating that would cause death or physical injury or damage to property or to the environment or to vital resources,
- Use of a biological weapon or nuclear or chemical or explosive or radioactive materials or other similar materials against civil aircraft in flight or operating or on its Board that cause death or serious personal injury or damage to property or to the environment or to vital resources.

The punishment is imprisonment for twenty-five years and a fine of one hundred and twenty thousand dinars if one of those acts cause physical injury of the type provided for in articles 218 and 319 of the Penal code.



And is punishable by imprisonment for the remaining lifetime and a fine of one hundred and fifty thousand dinars if one of those acts cause physical injury that is not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of these acts cause one's death.

**Article 18** – is considered to have committed a terrorist crime and is liable to a prison term of 20 years and a fine of one hundred thousand dinars anyone who endangers deliberately a civil airport safety through the use of a device or substance or a weapon in committing the following acts:

1. Assault on a person within the civilian airport.
2. Destroying civilian airport facilities or a civilian plane out of use being inside the airport or seriously damaging the aircraft.
3. Air traffic disruption at a civilian airport.

The punishment is imprisonment for twenty-five years and a fine of one hundred and twenty thousand dinars if one of the acts provided for in case 2 and 3 cause physical damage of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of the acts provided for in case 1 to 3 causing physical damage and not provided for in articles 218 and 319 of the Penal code

And the punishment is of death penalty and a fine of 200 000 dinars if one of those acts causes one's death.

**Article 19** – is considered of having committed a terrorist crime and is liable to imprisonment from ten years to fifteen years and a fine of 50 000 to 100 000 dinars anyone who deliberately control or grab a civilian ship by whatever means.

And is punished by the same penalties referred to in the previous paragraph anyone who deliberately endangers the safety of a civilian vessel during navigation through committing one of the following acts:

Assault on a person on board of a civilian ship if the violence is of the type provided for in articles 218 and 319 of the Penal code.

- Destroy a civilian ship or damaging it or its cargo.
- Placing equipment or materials of any kind, or causing to place them through any means aboard a civilian ship capable of destroying the ship or damaging it or its cargo.
- Destroying marine navigation facilities or damaging them or disrupting their work.
- Use of explosives or radioactive, biological, chemical or nuclear weapon aboard a civilian ship or against it or unloading it from it to cause death or physical injury or damage to property or to the environment or vital resources.
- Empty oil or liquefied natural gas or other noxious substances other than those referred to in the previous case from a civilian ship in quantities or concentration that would cause death or physical injury or damage to property or to the environment or vital resources.



- Using a civilian ship in a way that would cause physical injury or damage to property or to the environment or vital resources.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if one of the acts provided for in cases from 2 to 7 cause physical injury of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the remaining lifetime and a fine of one hundred and fifty thousand dinars if one of the acts provided for in cases 1 to 7 cause physical damage and are not provided in articles 218 and 319 of the Penal code.

And the punishment is death penalty and a fine of 200 000 dinars if one of those acts cause one's death.

**Article 20** – is considered to have committed a terrorist crime and is liable to imprisonment from ten years to fifteen years and a fine of 50 000 to 100 000 dinars whoever intentionally and illegally and apart from ratified international conventions transports the following material on a civilian ship:

- Explosive or radioactive material, knowing that it is intended to be used to cause, or threaten to cause, death or physical injury or damage to property or to the environment or vital resources.
- A nuclear, chemical or biological weapon knowing also that it is a:
- Source material or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not subject to any guarantees according to the comprehensive safeguards agreement by the IAEA International Atomic Energy Agency.
- Equipment, materials or software or related technology that significantly contribute to the design, manufacture or delivery of chemical or biological or nuclear weapon, to be used for this purpose.
- Transport a person aboard a civilian ship knowing that he has committed one of the crimes provided for in this article and article 19 of this law.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if one of those acts caused physical injury of type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of those acts caused physical injury and are not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of these acts caused one's death.

**Article 21** – Is considered to have committed a terrorist crime and shall be punished with imprisonment from one year to five years and a fine of five thousand to ten thousand dinars each one that maliciously conveys a fake news putting civilian ships and aircraft safety at risk during Navigation.

And shall be punished by imprisonment for six years and a fine of 20 000 dinars if the fake news broadcast caused physical injury of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of those acts caused physical injury and are not provided for in the articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of those acts caused one's death.

**Article 22** – is considered to have committed a terrorist crime and is liable to imprisonment from ten years to fifteen years and a fine of 50 000 to 100 000 dinars anyone who deliberately controls or grabs the fixed platform in continental shelf through whatever means.

And is punished by the same penalties referred to in the previous paragraph anyone who deliberately puts at risk the safety of fixed platform in the continental shelf through committing one of the following acts:

- Assault on a person being on a fixed platform in the continental shelf if the violence is of the type provided for in articles 218 and 319 of the Penal code.
- Destroying fixed platforms on the continental shelf or damaging them.
- Placing or causing to place equipment or materials of any kind in the fixed platform on the continental shelf through any means intended to destroy or damage it.
- Use of explosives or radioactive, biological, chemical or nuclear weapon on board a fixed platform or against it or unloading it from it causing death or physical injury or damage to property or to the environment or vital resources.
- Empty oil or liquefied natural gas or other harmful substance other than the materials provided for in the previous case from a fixed platform in quantities or concentration that cause death or physical injury or damage to property or to the environment or vital resources.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if one of the acts provided for in cases 2 to 5 cause physical injury of the type in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of the acts provided for in case 1 to 5 causes physical injury and are not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of those acts causes one's death.

**Article 23** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of twenty thousand to fifty thousand dinars whoever intentionally delivers an explosive device or designed to spread chemical or biological materials or radioactive materials or another device that causes death or physical injury damage to property or to the environment or vital resources or putting it or releasing it or blowing it up somewhere or in a place open to the public or governmental or public facilities or public transportation network or infrastructure so as to cause murder or physical injury or causing damage to property or to the environment or vital resources.

And the penalty shall be imprisonment of 20 years and a fine of one hundred thousand dinars if one of those acts caused physical injury of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of those acts caused physical injury and are not provided for in articles 218 and 319 of the Penal code

And the punishment is of death penalty and a fine of 200 000 dinars if one of these acts caused one's death.

**Article 24** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of twenty thousand to fifty thousand dinars whoever intentionally steals nuclear materials or obtain them through fraud.

And is Punishable by imprisonment for 20 years and a fine of one hundred thousand dinars if the perpetrator commits intentionally one of the following acts:

- Take possession of nuclear or radioactive materials or radioactive device or nuclear facility through the use of violence or threats of violence.
- Receipt, possession, use or threat of use, transfer or change of nuclear material or exploiting it or wasting it, or using a nuclear facility or damaging it in a way that could lead to the release of radioactive material or threatening of releasing it which would cause death or physical injury or causing damage to property or to the environment Or vital resources.

And the sentence shall be imprisonment of 20 years and a fine of one hundred and twenty thousand dinars if one of the acts referred to in case 1 and 2 causes physical injury of the type provided for in articles 218 and 319 of the Penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if one of the acts referred to in case 1 and 2 causes physical injury and are not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if one of the acts referred to in case 1 and 2 causes one's death.

**Article 25** – is considered to have committed a terrorist crime and is punishable by 10 years ' imprisonment and a fine of fifty thousand dinars whoever assaults by violence on a person enjoying international protection if the violence is of the type provided for in articles 218 and 319 of the penal code.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if the violence is not provided for in articles 218 and 319 of the Penal code.

And the punishment is of death penalty and a fine of 200 000 dinars if the violence results in death.

**Article 26:** is considered to have committed a terrorist crime and is liable to a prison term of 20 years and a fine of one hundred thousand dinars whoever intentionally commit one of the following acts:

- Kidnapping a person enjoying international protection or diverting his destination or working for kidnapping him or diverting his destination.
- Grasping a person enjoying international protection or arresting him or imprisoning him or detaining him without legal authorization.
- Causing damage to official premises or private domiciles or transport means for instances or persons enjoying international protection that would endanger their lives or their freedom or the lives of people living with them or their freedom.

And the sentence is by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if the acts mentioned have been carried out in order to pay the ransom or executing a command or using trickery or violence or threat or through the use of a weapon or uniform or false identity or a fake official order and also if these acts result in a physical injury or illness.

And the punishment is of death penalty and a fine of 200 000 dinars if such acts resulted in death.

**Article 27** – is considered to have committed a terrorist crime and is punishable by death penalty and a fine of 200 000 dinars whoever intentionally kills a person enjoying international protection.

**Article 28** – is considered to have committed a terrorist crime and is liable to a prison term of 20 years and a fine of one hundred thousand dinars whoever intentionally grasps a person or arrests him or arrests him or imprisons him or detains him without legal permission and threatened to kill him or hurt him or pursues his detention in order to coerce a third party, whether a State or an international organization, or a private individual or legal entity, or a group of persons to do or refrain from doing a particular act as an explicit or implicit condition for the release of that hostage.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if the arrest or detention or imprisonment or detention is accompanied by violence or threats, or if the operation has been carried out through the use of a weapon or by several persons, or if the arrest or detention or imprisonment exceeded one month and also resulted in physical injury or gave rise to a disease or if the intention of this process was to create or facilitate committing a crime or misdemeanor or working for the escape or ensuring the non-punishment of the perpetrators or their accomplices in the crime or misdemeanor and also to carry out an order or condition or compromising the physical safety of the victim or the victims.

And the punishment is of death penalty and a fine of 200 000 dinars if such acts resulted in death.

**Article 29** – is considered to have committed a terrorist crime and is liable to imprisonment of ten to twenty years and 50 000 to 100 000 dinars whoever in the context of a terrorist crime intentionally rapes a female or male person without her/his consent.

And is punishable by imprisonment for the rest of lifetime and a fine of one hundred and fifty thousand dinars if the age of the victim is under 18 years or the rape has been preceded or accompanied by the use of a weapon or intimidation or detention or resulting in an injury or amputation or mutilation or any other act that renders the victim's life in danger.

And the punishment is of death penalty and a fine of 200 000 dinars if the rape results in the victim's death.

And is sentenced to death penalty whoever intends in a terrorist crime to commit a rape crime.

**Article 30** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of twenty thousand dinars to fifty thousand dinars whoever threatens to commit the crimes provided for in the previous articles in order to compel a private individual or legal entity to carry out an act or refrain from carrying it out.

**Article 31** – is considered to have committed a terrorist crime and shall be punished with imprisonment from one year to five years and a fine of five thousand to ten thousand dinars whoever intends within the republic or outside to praise publicly and honestly or glorify by any means a terrorist crime or its perpetrators or a terrorist organization or a consensus that has a relationship

with terrorist crimes provided for in this law, or its members or its activity or its opinions and ideas associated with these terrorist crimes.

**Article 32** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of twenty thousand dinars to fifty thousand dinars whoever joins deliberately through any item inside or outside the Republic, a terrorist organization or a terrorist consensus that has a link with terrorist crimes. a terrorist organization of a terrorist consensus that has links with terrorist crimes provided for in this law, or trained, by any means, inside or outside the Republic with the intention of committing a terrorist crime provided for in this law.

The penalty shall be ten to twenty years and the fine from 50 000 to 100 000 dinars to the founders of the mentioned organizations or consensus.

**Article 33** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of twenty thousand to fifty thousand dinars whoever intentionally commits one of the following acts:

- Use the territory of the republic or the territory of a foreign State for the recruitment or training of a person or group of persons with the intention of committing one of the terrorist crimes provided for in this law, within or outside the territory of the Republic.
- Using the Republic's territory to commit one of the terrorist crimes provided for in this law against another country or its citizens or to carry out the preparatory work for that.
- Travelling outside the territory of the Republic in order to commit one of the terrorist crimes provided for in this law or instigating or receiving or providing training to commit them.
- Entering the territory of the Republic or crossing it in order to travel abroad to commit one of the terrorist crimes provided for in this law, or to incite or to receive or provide training to commit them.

**Article 34** – is considered to have committed a terrorist crime and is liable to imprisonment of ten to twenty years and a fine of 50 000 to 100 000 dinars whoever intentionally commit one of the following acts:

- Inform or advise or facilitate or help or mediate or organize through any means though without remuneration the entry of a person to the Tunisian territory or leaving it legally or clandestinely either from crossing borders or others in order to commit one of the terrorist crimes provided for in this law.
- Provide by any means material or equipment or uniforms or means of transport or equipment or foodstuff or websites or documents or photos for the benefit of terrorists or terrorist organizations or consensus having links with terrorist crimes provided for in this law.
- Make skills and experts at the disposal of terrorists or terrorist organizations or consensus having a link with terrorist crimes provided for in this law.
- Disclose or provide or disseminate information directly or indirectly, by any means, for the benefit of terrorists or terrorist organizations or consensus having a link with terrorist crimes provided for in this law with the intention to commit such crimes, hide them or benefit from them or not sanction their perpetrators.

- Provide a place for the meeting of terrorists or members of terrorist organizations or consensus having a link with terrorist crimes provided for in this law or shelter or hide them or ensure their escape or lack of detecting them or not sanctioning them or profit from the yield of their acts.
- Making or fabricating a national identification card or passport or other administrative licenses or certificates for the benefit of terrorists or terrorist organizations or consensus having a link with terrorist crimes provided for in this law.

**Article 35** – is considered to have committed a terrorist crime and is liable to imprisonment for 20 years and a fine of one hundred thousand dinars whoever intentionally commit one of the following acts:

- Enter or import or export or smuggle or transfer or smuggle, manufacture or repair or make changes or buy or maintain or display or store or carry, transport or deliver or distribute firearms and ammunition and defensive warfare, whether as a whole or in parts.
- Provide by any means weapons, explosives or ammunition.

**Article 36** – is considered to have committed a terrorist crime and is liable to imprisonment of six years to twelve years and a fine of 50 000 to 100 000 dinars whoever intentionally by any means directly or indirectly, commits one of the following acts:

- Donate funds or collect them or present them or provided them knowing that their purpose is to finance committing one of the crimes provided for in articles from 14 to 35 or using them by terrorists or terrorist organizations or consensus or activities connected with terrorist crimes provided for in this law, regardless of the legality of or the corruption of the source of these funds and the place where the crime is located or where the crime was supposed to occur either inside or outside the national territory.
- Donate funds or collect them or present them or provide them with the knowledge that their purpose is funding the travel for people outside the territory of Republic to join terrorist organization or consensus or commit one of the terrorist crimes or to receive or provide training to commit them.
- Conceal or facilitate the concealment of the real source of movable or immovable or income or profits belonging to private individuals or legal entities whatever their form or accept their deposit under an assumed name or integrate them with the knowledge that their purpose is for terrorists or organizations or terrorist activities that have a link with terrorist crimes provided for in this law and that regardless of legality or the corruption of the source of these funds.

The amount of the fine can be increased to five times the amount of the assets subject of the crimes provided for in this article.

**Article 37** – is considered to have committed a terrorist crime and shall be punished with imprisonment from one year to five years and a fine of five thousand to ten thousand dinars whoever refrains, though subject to confidentiality, from notifying concerned authorities immediately of the acts made available to him and information or instructions about committing or likely committing one of the terrorist crimes provided for in this law.

Is excepted from the provisions of previous paragraph parents and children and spouse.

Is also excluded lawyers and doctors as for secrets they know when carrying out their tasks or on the occasion of carrying them.

Journalists are also excluded pursuant to the provisions of decree number 2011-115 of 2 November 2011 on freedom of the press, printing and publishing.

These exceptions do not involve information they learn and informing concerned authorities of them leads to avoiding committing terrorist crimes in the future.

Anyone who in good faith complied with the duty of notifying concerned authorities can not be sued for compensation.

### **Section III - In police officers**

**Article 38** - Police Commissioners exercising in the first instance Chamber in Tunis in charge of monitoring terrorist crimes carry out their jobs throughout the Republic's territory without following the rules of territorial jurisdiction distribution and military officers carry out their tasks relating to monitoring terrorist crimes.

**Article 39** – The police officers inform the Prosecutor they report to immediately of the terrorist crimes they knew. and they can't keep in custody suspect people for more than five days.

They must also inform concerned authorities immediately if compromised agents are from armed forces or internal security forces or agents from customs.

Prosecutors at first instance courts must terminate notifications referred immediately to the Prosecutor of the Court of first instance of Tunis to rule out on their fate.

### **Section IV – judicial pole combating terrorism**

**Article 40 (new)** The judicial pole combating terrorism is made up of representatives of public prosecutors and investigating judges and magistrates to indictment chambers and magistrates to criminal chambers of the first instance and appeal.

It also includes representatives of the public prosecutor and investigating magistrates and judges in indictment chambers and a justice child and children's court of first instance and appeal specialized in children cases.

The judicial Council appoints judges of the judicial pole to combat terrorism and are chosen according to their training and their expertise in cases relating to terrorist crimes.

### **Section I - in public prosecution**

**Article 41** – the public prosecutor at the first instance court in Tunis is specialized to raise public proceedings and practice in terrorist crimes provided for in this law and related crimes.

He is assisted by judges at least of second tier from those designated to the judicial pole combating terrorism.



Public prosecutor at first instance courts are authorized to undertake initial confirmed investigation in order to preview the crime and collect its evidence and detect its perpetrators and receive notifications and complaints and records and reports and proceed to the hearing of suspects appearing before them, and rule out to make them at the disposal of the public prosecutor at the first instance Court of Tunis with edited records and reports and seized materials to reveal the truth.

The public prosecutor at the first instance court in Tunis is the sole to extend in writing the delay of detention twice for the same duration provided for in article 39 of this law and this pursuant to a reasoned decision containing factual and legal evidence that prove it.

The public prosecutor at the first instance court in Tunis has to immediately inform the Solicitor General to the Court of appeal in Tunis of all identified terrorist crimes and request the investigating judge to his instance to proceed to investigations.

**Article 42** — the Solicitor General to the Court of appeal in Tunis represents by himself or by a third tier judge from those designated to the judicial pole combating terrorism the public prosecution to the mentioned court.

## **Section II - in investigation**

**Article 43** – investigation is compulsory in terrorist crimes

And third tier investigation judges at the judicial pole combating terrorism proceed to their tasks throughout the Republic's territory and without following the rules of territorial jurisdiction distribution.

**Article 44** – The investigation judge has to proceed to the seizure of weapons, ammunition and explosives and other materials, equipment and supplies and documents prepared or used to commit the crime or facilitate committing it.

And he has also to seize stuff that their manufacturing or holding, or using, or trafficking is a crime.

And a list of the seized elements is worked out in a minute of suspicion or in the one detaining the seizure if possible and the investigating judge works out a report on the seizure containing a description of the seizure and its specifications and all useful data while quoting the seizure date and the number of the case.

**Article 45** – the investigating magistrate can on his own or at the request of the public prosecutor, authorize the freezing of the movables or real estate or financial assets belonging to the suspect or to identify the ways of managing them or put them where appropriate under custody.

Thus enabling the suspect of part of his assets enabling to meet his needs and the needs of his family, including housing.

He is also authorized to lift the mentioned procedures though without an application.

The investigating magistrate considers the application of lifting the procedure in a delay of four days from the date of applying.

And the decision ruled out by the investigating magistrate to lift the procedure or rejecting it wholly or partly can be subject to appeal to the indictment chamber by the prosecutor or the suspect or his lawyer before that the four days are over from the date of notification with respect to the public prosecutor and the date of informing for the others.

And in case of appeal, the investigating judge conveys the file of the case to the indictment chamber as soon as the delay of appeal is over with respect to the public prosecutor and the suspect or his lawyer.

The indictment chamber must consider the appeal application no later than eight days from the date of receiving the file and otherwise the procedure is lifted automatically.

**Article 46** – The investigating magistrate in exceptional cases required by the protection of the witness may not call the latter with the suspect or other witnesses if the witness requested it or if the evidence showed by the witness does not represent the sole evidence or the most important one for proving the charge.

**Article 47** – If the witness fails to the obligations of testimony, the investigating magistrate works out an independent minute in this case allowing the public prosecutor to consider that the witness appears before a competent court pursuant to the procedures of direct referrals and without stopping at the decision of carrying out an investigation.

**Article 48** – is punished by imprisonment from three months to six months and a fine of one hundred to two thousand dinars the witness who fails to the obligations of testimony in one of the terrorist crimes.

### **Section III - in courts of justice**

**Article 49** – The Court of first instance of Tunis is the sole competent in Tunisia through the judges designated in the judicial pole combating terrorism, to consider terrorist crimes provided for in this law and crimes associated to it if committed:

In the national territory,

- On a civilian or military aircraft that landed on the soil of the Republic and the offender was on board,
- On a Chartered civilian aircraft without the crew for an operator whose headquarters or permanent residence is in Tunisia,
- Against a civilian ship flying the flag of the Tunisian State when committing the crime, or against a Tunisian military ship.

**Article 50** – The provisions of the first, second and third paragraphs of article 45, and the provisions of article 46 of this law apply to the courts of Justice.

**Article 51** – The court has to rule out on forfeiture of assets used to commit the crime or facilitating to commit it or it is proven that it occurred directly or indirectly from the crime and if transferred to any other financial side either those funds remained as they were or transferred to other gains, without prejudice to the rights of third parties of good faith.

And in case a real seizure is not reached it is ruled out a fine that is not less in all cases than the value of assets that concerned the crime in lieu of confiscation.

The Court also rules out the confiscation of weapons, ammunition and explosives and other material and equipment used to commit or facilitate committing the crime, and the stuff that their manufacturing or, using or trafficking of possessing constitutes a crime.

And the Court also rules out removing or blocking all audio clips or audio, video and other digital publications or data constituting terrorist crimes or used in committing these crimes.

**Article 52** – The court has to rule out on confiscating all movable or real estate or financial assets belonging to the convicted or some of it if it is proved to have been used for the purpose of funding terrorists or Organizations or terrorist activities having links with terrorist crimes provided for in this law.

**Article 53** – objecting to a sentence in absentia do not stop implementing the sanctions relating to terrorist crimes.

## **Section V – special investigative methods**

### **Section I – interception of communications**

**Article 54** – In cases required by the necessity of investigation and based on a justified report worked out by the Commissioner of police in charge of identifying terrorist crimes one can resort to intercept suspicious communications pursuant to a written decision justified by the public prosecutor or the investigating magistrate at the judicial pole combating terrorism.

The interception of communications includes getting traffic data and eavesdropping or viewing the content of communications as well as copying them or recording them through using appropriate technical means and being assisted when doing it, and where appropriate, by the communications technical agency and the operators of public telecommunications networks and the operators of networks access and the providers of communication services each according to the type of service it provides.

Traffic data consists in data that allows identifying the type of service and the source of communication and its intended destination and the network that passes through it and its time, its date and its size and its duration.

And the decision of the public prosecutor or the investigating judge contains all the elements that will identify the communications subject of the objection application and the imperious acts with respect to it and its duration.

The objection duration shall not exceed four months from the date of the decision and it can be extended once and for the same duration pursuant to a justified decision.

And the party in charge of implementing the objection is required to inform the public prosecutor or the investigating judge according to the case by any means that keeps a written record of the arrangements that have been undertaken to implement it and the actual date to start the objection process.

And it may at any time reconsider the decision provided for in this article.

**Article 55** – The party in charge of implementing the objection must carry out its tasks in coordination with the public prosecutor or the investigating judge according to the case and under

his supervision and informing him through any means that keeps a written record of the objection process allowing him to take the appropriate procedures for the proper conduct of investigations.

All communications and correspondence and reports relating to the objection process are kept in a separate special file that is added to the original file before making a decision on undertaking investigations or before issuing a decision on ending up the investigation.

**Article 56** – the party in charge of implementing the objection, upon completion of its work, works out a report containing a description of the undertaken arrangements and the processes that have been completed and their results attached obligatory with data

that it has been possible to collect or copy or record as well as data that has been saved and read and understood and useful to reveal the truth.

If the data collected for the objection do not result in criminal proceedings, they enjoy protection requirements pursuant to the legislation in force in the field of personal data protection.

## **Section II - hacking**

**Article 57 (new)** – In cases required by investigation necessity and based on a justified report of the Commissioner of police in charge of identifying terrorist crimes, it is possible to resort to a direct or digital hack through an undercover policeman or lab delegated by police officers and authorized to identify terrorist crimes.

And one cannot by any means resort to hacking through suspects.

And hacking is carried out through a written decision justified by the public prosecutor or the investigating judge at the judicial pole combating terrorism and under his supervision for a maximum period of four months that may be extended for the same duration by a justified decision.

And at any time one can reconsider the decision provided for in this article.

**Article 58 - (New)** the decision issued by the public prosecutor or the investigating judge contains the fingerprint and the genetic fingerprinting and the hacker aliases identity that will be into force on the whole territory of Tunisia.

It can be restricted simply to aliases identity in case of digital hacking.

It is forbidden to disclose the true identity of the hacker for any reason.

Any revealing of the true identity will be penalized with imprisonment from six years to 10 years and a fine of fifteen thousand dinars.

If the revealing causes beating or wounding or others of the types of violence provided for in articles 218 and 319 of the Penal code against the hacker or his wife or his children or his parent, the penalty is increased to twelve years ' imprisonment and a fine of 20 000 dinars.

And the penalty shall be imprisonment of fifteen years and a fine of twenty-five thousand dinars if the disclosure causes physical injury and is not contained in what is provided for in articles 218 and 319 of the penal code.

If the disclosure causes the hacker's death or one of the persons provided for in the preceding paragraph, the penalty rises to 20 years in prison and a fine of 30 000 dinars without precluding the application of severe penalties relating to premeditated murder.

**Article 59** – the hacker will not be criminally liable when undertaking without bad faith the acts required by the hacking process.

**Article 60** – The commissioner officer in charge of supervising the hacking process and conveys reports to the public prosecutor or the investigating judge whenever necessary or is required to do it as well as at the end of the hacking process.

Only the final report is attached to the case file.

### **Section III – Audio visual control**

**Article 61** – In cases required by the investigation necessity and based on a justified report of the Commissioner of police in charge of identifying terrorist crimes, the public prosecutor or the investigating judge at the judicial pole combating terrorism can authorize pursuant to a justified written decision of police officers assigned to identify terrorist crimes provided for in this law to put a technical set with personal belongings of suspects or in places or shops or private or public vehicles to pick up and install, transfer and record their words and their pictures secretly and situate their places.

The decision of the public prosecutor or the investigating judge, according to the case contains the permission to enter premises or stores or special vehicles, even outside the hours set forth in the code of criminal procedures and without the knowledge or consent of the owner of the vehicle or the owner or any other entitled person.

The mentioned decision contains all elements that will identify personal items or places or stores or public or private vehicles concerned with audiovisual surveillance and deeds and their duration.

The audio visual observation period may not exceed two months from the date of the decision and is renewable once for the same duration pursuant to a justified decision.

And the decision provided for in this article can be reconsidered at any time.

The public prosecutor or the investigating judge or the police Commissioners, according to the case, can be assisted by qualified staff and experts to develop technical tools.

All mail and correspondence, reports and records concerning audiovisual surveillance are contained in a separate file which is added to the original file before making a decision on proceeding to investigation or before issuing a decision ending up investigation.

The party in charge of audiovisual control when completing their tasks works out a report containing a description of the arrangements and processes that have been completed, their location and date and time and results and are compulsory attached to the audiovisual recordings that have been collected and which are useful to disclose the truth.

Conversations that are in a foreign language are translated to Arabic by a sworn translator.

If the data collected from audio-visual supervision do not result in criminal proceedings, they enjoy protection requirements pursuant to the legislation in force in the field of personal data protection.

#### **Section IV- common provisions to special investigative methods**

**Article 62** – Shall be punished by imprisonment for 10 years, people who intentionally disclose one of the information on interceptions or hacking or audiovisual surveillance or collected data on them, and this does not preclude the application of the most severe sanctions if need be.

**Article 63** – Shall be punished by imprisonment of five years and a fine of five thousand dinars whoever threatens to disclose any of the obtained matter by the use of special investigative methods to compel a person to do or refrain from doing something.

**Article 64 (new)** – Shall be punished by imprisonment of five years and a fine of five thousand dinars, whoever intentionally intercepts communications and correspondence or audio visual supervision or directly hacking in the cases not permitted by law and without respecting legal obligations and attempts are prosecuted.

**Article 65** – evidence means that have been collected on the occasion of the hacking process or intercepting or audiovisual monitoring can be used only in the limit of evidencing concerned crimes or other terrorist crimes through investigation.

And means unrelated to investigation become null as soon as a judgment is issued either by guilt or innocence.

And in all cases all means whether related or unrelated to investigation are null in case of issue of an innocence judgment.

In case of issuing a guilty verdict the means that are tied to investigation are reserved during the legal period in the Court Treasury.

And all means become null in case of expiration of public proceedings over time or in case of issue of the decision to dismiss the case.

And the death penalty process takes place in the presence of a representative of the public prosecutor.

And a minute is worked out in any case.

#### **Section VI – the National Committee combating terrorism**

**Article 66** – A committee called "the National Committee combating terrorism" is created and reports to the Presidency of the Government that secures its permanent secretary.

**Article 67 -(New)** The National Committee Combating Terrorism is presided over by a representative of the Presidency of the Government that works full time and is substituted by a third tier legal judge that works full time.

And the composition of the committee its organization and operating methods are set by Government decree.

The members of the National Committee Combating Terrorism are designated by government decree on proposal of relevant ministries and structures for a six- year period and the third of the composition of the Committee is renewed every two years.

The Committee expenses are earmarked to the allocations of the budget of the Presidency of the Government.

**Article 68** – The National Committee combating terrorism is in charge in particular of the following tasks:

- Follow up and evaluate implementing the decisions of UN specialized agencies relating to combating terrorism and preventing the financing of proliferation of weapons of mass destruction within the framework of meeting Tunisia's international obligations and providing recommendations and issuing guidelines related to them,
- Propose required procedures to be taken regarding Terrorist organizations or terrorists linked to terrorist crimes provided for in this law in light of the information gathered and precedents in reports conveyed to the President of the Republic and the President of the Assembly of People's Representatives and the Head of Government and concerned administrative authorities,
- Giving its opinion on draft legal texts concerning combating Terrorism,
- Data collection and analysis for the purpose of preparing a national study that characterizes the phenomenon of terrorism and its financing and associated criminal phenomena to identify their characteristics and their causes and assess their risks and propose ways combating them, and the study identifies national priorities in tackling this phenomenon provided that they are updated when need be,
- Issuing guidelines capable of preventing terrorism and combating it and supporting international effort aiming at combating all its aspects,
- Allow developing programs and policies aiming at banning terrorism and propose mechanisms capable of implementing them,
- Coordinate and monitor national efforts in the field of complying with procedures for protecting people concerned by the protection in the meaning of this law, as well as procedures for assisting victims,
- Facilitate communication between different ministries and coordinate their efforts,
- Cooperate with international organizations and civil society involved in combating terrorism and help them in implementing their programs in this area
- Collection of data and statistics concerning combating terrorism to create a database to use it when carrying out tasks assigned to them and concerned parties commit themselves to enable the Committee of the mentioned data and statistics to achieve their work and not oppose the confidentiality,
- Propagate social awareness of the dangers of terrorism through awareness campaigns and educational and cultural programs, and organizing conferences and seminars and issuing the literature and evidence,
- Organize trainings and overseeing the development of expertise programs both on the domestic and external level,
- Contributing to the revitalization of research and studies to update legislation governing areas related to terrorism in order to achieve implementation of State programs to address this phenomenon.



The Commission when appropriate can create subcommittees and charge them of carrying out some works within the committee assignments, and the sub-committees are compulsory made up of some members of the Committee.

**Article 69** – The National Committee combating terrorism cooperates with its counterparts in foreign countries under ratified international, regional and bilateral agreements.

And the cooperation referred to in the previous paragraph is restricted to the respect for the principle of reciprocity and the commitment of counterparts in foreign countries under the legislation governing them, to comply with confidentiality and not convey collected data and information to a third party or use them for purposes other than combating crimes concerned by this law and restrain them.

**Article 70** – The National Committee combating terrorism works out an annual report on its activity that includes mandatory its suggestions for the development of national mechanisms to combat terrorism and is presented to the President of the Republic and the President of the Assembly of People's Representatives and President of the Government.

And a special committee at the Assembly of the People's Representatives discusses the report.

The Committee can also issue press releases on its activities and programs.

## **Section VII – Protection mechanisms**

**Article 71** – measures are undertaken and which are capable of protecting whoever assigned by law with the task of identifying terrorist crimes provided for in this law from judges and judicial police officers and military officers and customs officers

Protective procedures also concern judicial assistants and the hacker and victim and denouncer and witness and whoever in charge through any means of the duty of notifying concerned authorities of the crime.

And the measures referred to above do not apply, where appropriate, to family members of persons referred to in the previous paragraphs and anyone who is feared to be targeted by his relatives.

**Article 72** – besides cases of legitimate defense, agents of the internal security forces and customs officers and military officials cannot be criminally liable when they within the rules of law and internal security rules and instructions given to them in the framework of combating terrorist crimes provided for in this law deploy forces and use them or give instructions to use forces if necessary to carry out their tasks.

**Article 73** – the investigating magistrate or the President of the Court in cases of danger and if need be can carry out investigation works or authorize to hold the case in a place other than the regular one while taking the required procedures to ensure the right of the accused to defend himself.

They have to decide to hear the accused and receive the declarations of those that they want to hear through the use of appropriate audiovisual means without the necessity that the concerned person attends personally.

And then appropriate measures are undertaken not to disclose on people that are being heard.

In exceptional cases and when there is a real risk that could result from a public trial, the assigned judicial authority can decide on their own or at the request of the public prosecutor or at the request of anyone who has an interest to hold secret trials.

And in this case, it is forbidden to disseminate information about the proceedings or decisions that would undermine the privacy of victims or their reputations without prejudice to other special guarantees provided for in special texts.

And anyone who does not comply with the provisions of the previous paragraph is sentenced to one-year prison and a fine of 1000 dinars.

**Article 74** – The persons referred to in paragraph 3 of the previous chapter in case they are invited to make declarations to the police officers or investigation magistrate or other judicial bodies can designate the place of their hearing by the public prosecutor at the court of first instance in Tunis.

In this case, their identity and original residence will be recorded in a secret book numbered and signed and will be open for this purpose by the public procurator at the Court of first instance of Tunis.

**Article 75** –in situations of risk and where necessary all the data that would reveal the identity of the injured and witnesses and anyone in charge of the duty of notifying the authorities who consider the crime, are recorded in independent minutes that are kept in a separate file from the original file.

In this case, the identity of persons referred to in the previous paragraph and other data that will disclose them, including their signing will be recorded in a secret book numbered and signed by the public prosecutor at the Court of first instance in Tunis and open to the public prosecutor for the purpose.

**Article 76** – The suspect or his representative can request the judicial party in charge of the case to disclose the identity of the persons referred to in the first paragraph of the previous article no later than ten days

from the date of getting access to the content of their declarations provided that the date of getting access to the content is recorded on the back of the file after it has been signed by the person who got access to it.

The concerned judicial authority could authorize lifting the procedure referred to and disclose the identity of the concerned person, if it finds out that the application is serious and there is no fears dealing with exposing to risk his life or property, or the life or property of his family.

The investigating magistrate considers the application of lifting the procedure no later than four days from the date of submitting the application.

And the public prosecutor informs to whom it may concern of the decision of disclosing his identity and gets his answer.

And the decision issued by the investigating magistrate to lift the procedure or its refusal is subject to appeal to the indictment chamber by the public prosecutor or by the one that the issued decision ruled out to disclose his identity. The appeal can be made by the accused or his representative or by the civil party before the expiry of 10 days from the date of access to the information by the public prosecutor and from the date of information for others than him.

And the public prosecutor appeal prevents implementing the verdict.

In case of appeal the investigating magistrate conveys immediately the case's file to the indictment chamber.

The indictment chamber must consider the appeal application no later than eight days from the date of receiving the file.

The verdict issued by the indictment chamber to lift the procedure or validating it can not be appealed.

**Article 77** – Protection procedures, in all cases, cannot affect the right of the suspect or his representative or the civil party or his representative to get access to the content of the minutes and other records of the file.

**Article 78** – Shall be punished by imprisonment from five years to 12 years and a fine of five thousand dinars to fifty thousand dinars whoever exposes to risk the life of persons concerned with protection or their property or the life or property of their family members through deliberately disclosing any data that will detect them, without that preclude the most severe penalties where necessary.

If the person concerned with protection is the hacker, the provisions of article 58 of this law apply.

## **Section VIII – Assisting the victims of terrorism**

**79** – Victims enjoy free health care and medication at public health institutions, and the National Commission combating terrorism ensures in coordination with relevant departments and structures providing required medical assistance to ensure the physical and psychological recovery of victims who are in need.

The Committee ensures also with coordination with relevant departments and structures providing required social assistance for victims to facilitate their reintegration into social life.

The victim's age, gender and special needs are taken into account when undertaking these procedures.

**Article 80** – The National Committee combating terrorism work to instruct victims on the provisions governing judicial and administrative proceedings capable of helping them to settle their status and get appropriate compensation for the damage they incurred.

The Committee also works to follow up their files to public authorities and assisting them when necessary to lift the obstacles that may impede the achievement of their rights.

**Article 81** – Judicial aid is compulsory granted to the victims of terrorism upon request for tackling civil or criminal judicial proceedings concerning them.

**Article 82** –The State is committed with compensation for victims of terrorism or victim's beneficiaries.

And the terms for implementing this article are set by Government order.

## **Section IX: in terrorist crimes committed outside the national territory**

**Article 83:** The Court of first instance in Tunis is competent through judges designated at the judicial pole combating terrorism to consider terrorist crimes provided for in this law and related crimes committed outside the national territory in the following cases:

- If committed by a Tunisian citizen,
- If committed against Tunisian parties or interests,
- If committed against parties or foreign interests by a foreigner or a stateless person whose habitual residence is in Tunisia or by a foreigner or a stateless person found in the national territory and the competent foreign authorities did not apply for considering handing him lawfully before the issue of the judgment against him by the concerned Tunisian courts.

**Article 84** –Stirring public proceedings are not restricted to cases provided for in article 83 of this law to criminalize acts subject of suing pursuant to the law of the State where it has been committed.

**Article 85** – the public prosecutor to the court of first instance in Tunis is the sole competent to raise public proceedings and practice them in terrorist crimes provided for in this law and related crimes committed outside the national territory.

**Article 86** – Stirring public proceedings against the perpetrators of terrorist crimes provided for in this law and related crimes is not allowed if it is proved that the law has dealt with them abroad and in case of sentencing punishment, the entire duration of the punishment has been spent or the punishment fell over time or was concerned by amnesty.

## **Section X – in extradition**

**Article 87** – one cannot consider in any case terrorist crimes as political crimes that are not liable to extraditing.

And one cannot consider terrorist financing crimes as fiscal crimes that are not liable to extraditing.

**Article 88** - Terrorist crimes provided for in this law require extradition pursuant to the provisions of the code of criminal procedure if committed outside the territory of the Republic against foreigners or foreign interests by a foreigner or a stateless person found on the Tunisian territory.

Extradition is carried out in case Tunisian concerned authorities receive a legal application from a competent State in accordance with its domestic law.

Extradition shall not be granted if there are substantial grounds for believing that the person who is the subject of the extradition application would be at risk of torture or the extradition application aims at suing or sanctioning someone because of his race, color or origin, religion, sex, nationality or political opinions.

**Article 89** – If it has been decided not to extradite a person subject of suing or prosecution abroad for a crime of the crimes provided for in this law, he is compulsory sued before the Court of first instance in Tunis.

## **Section XI – termination of public prosecution and penalties**

**Article 90** – public prosecution in terrorist crimes provided for in this law is terminated over 20 years if it resulted from a crime and over ten years in full if it resulted from a misdemeanor.

And the deadlines for proceeding expiry regarding crimes provided for in article 29 of this law committed against a child start when his age of majority is reached.

**Article 91** – sentences ruled out on terrorist crimes if the acts constituting it are a crime drop over thirty years in full however the sentenced may not reside in the area of the governorate where the crime has been committed without a license of the concerned administrative authority otherwise it entails ruled out penalties for a crime of not complying with banning the residence.

And sentences ruled out on misdemeanors drop over ten years in full.

## **Section II- in combatting money laundering and banning it**

**Article 92** – Is considered money laundering any intended act aiming at through any means justifying falsely the illegal source of movable or real estate assets or income deriving, directly or indirectly, from any misdemeanor or crime.

is also considered money laundering any intended act aiming at investing funds derived, directly or indirectly, from the crimes provided for in the previous paragraph or their acquisition, possession or use or deposit or concealment or disguise or management or integration or keeping them or attempting to do so or participating in it or instigating or facilitating or assisting in committing it.

Money laundering crime is independent from the original crime, and proving it by the existence of enough clues and evidence of illegality of funds subject of the laundering.

The provisions of previous paragraphs apply though the crime has not been committed, and from which the funds subject of the laundering derive, inside the republic.

**Article 93** – Money launderer shall be punishable by imprisonment from one year to six years and fined five thousand to fifty thousand dinars.

And the amount of the fine can be increased to the equivalent of half the value of funds subject of the laundering.

**Article 94** – is punishable by imprisonment of five to ten years and a fine of ten thousand dinars to one hundred thousand dinars if the crime has been committed

- In case of recidivism,
- By someone who took advantage of the facilities granted to him by the specificities of his professional or social activity,
- By an organization or consensus.

And the amount of the fine can be increased to the equivalent of the value of funds subject of the money laundering.

**Article 95** – The perpetrator of the crime of money laundering is punishable, if the required jail sentence for the original crime from which the funds subject of money laundering arise are beyond what has been ruled out to the crime provided for in the articles 93 and 94 in this law, by the sentence to the original crime if he is aware of it.

And are taken into account in ruling out the sentence for money laundering crime only the aggravating circumstances associated with the original crime known by the perpetrator of money laundering crime.

**Article 96** – the sentences provided for in previous articles according to the case apply to legal entities managers, representatives, employees associates and auditors if personal responsibility for these acts is proved.

This does not prevent from suing these legal entities if it is noticed that the money laundering process has been carried out by them or for them or made profits from it and it is noticed that

money-laundering constitutes the purpose and the sentence is a fine corresponding to five times the ruled out sentence for legal entities and can be increased to the equivalent of the value of assets subject of the money laundering.

It also doesn't preclude withdrawing disciplinary and administrative sanctions under the legislation into force, including banning its activity carrying out for a certain period or its dissolution.

**Article 97** – the concerned judicial authority shall seize the funds subject of the laundering and what derived, directly or indirectly, from the money laundering crime and the Court must rule out its confiscation for the benefit of the State and the confiscated assets must be obligatory deposited in a special account opened on the Central Bank books in the name of the public Treasury of the republic of Tunisia.

And in case a real seizure is not reached, a verdict is ruled out sentencing a fine that is equal to the value of assets subject of the crime so that it constitutes the confiscation.

The Court has to deny the defendant, according to the case, from carrying out the tasks or professional activities whereby he exploited the delegated facilities to commit one or several money-laundering operations for a period that cannot exceed five years.

Administrative control can be ruled out on perpetrators of money laundering for five years.

This does not preclude the ruling out of all or some other supplementary sentences prescribed by law.

### **Part III – common provisions on combating terrorist financing and money laundering**

#### **Section one – preventing illegal financial channels**

**Article 98** – it is forbidden to provide all forms of support and funding for terrorists or terrorist organizations or activities linked with terrorist crimes provided for in this law and other illegal activities, whether carried out directly or indirectly, through private individuals or legal entities, whatever its form or its purpose, even if they do not target making profit from it.

**Article 99** – the legal entity constituted in the form of association or non-profit organization must adopt the following prudential rules:

- Refrain from accepting any donations or financial aid the source of which is unknown or derived from illegal acts that law considers as a misdemeanor or crime or from private individuals or legal entities or organizations or structures proven to be involved, within the territory of the Republic or abroad, in activities related to terrorist crimes.
- Refrain from accepting any subscriptions the amount of which exceeds the ceiling specified by law
- Refrain from accepting any donations or other financial assistance, whatever their size, except for exceptions pursuant to special legal text,



- Refrain from accepting any funds coming from abroad, only through an authorized intermediary the head office of which is in Tunisia, and provided that the regulations into force does not prevent their acceptance,
- Refrain from accepting any funds in cash the value of which is equal to or higher than five hundred dinars even if this has been carried out through several remittances that one suspects of producing links between them.
- Are except from the application of the provisions contained in this article any transactions that are necessary to the operating of legal entities from financial institutions and designated non-financial businesses and professions entrusted to it by law.

**Article 100** – the legal entity set up in the form of association or non-profit organization has to:

- keep their accounts in a daily journal containing all earnings and expenses,
- Keep an inventory in earnings and transfers and cash deposits with respect of abroad showing the related amounts their justifications, their date while identifying the concerned private individual or legal entity and copies of which shall be sent to the departments of the Central Bank of Tunisia,
- Draw up an annual balance sheet,
- Keep books and accounting documents, whether in material support or electronic file, for a minimum of ten years from the date of completion of the transactions, without prejudice to the provisions of article 113 of this law.

And are exempted from the provisions of this article legal entities created in the form of associations or non-profit organizations whose size of annual earnings or reserves to be managed does not reach a certain ceiling to be determined by a decision of the Minister of finance.

**Article 101** – the obligations targeted in the previous article are considered as minimum accounting rules common for all legal entities and does not preclude the application of specific accounting systems to some of them and of rules governing their funding in accordance with the regulations into force that is enforceable to them.

**Article 102** – The Finance Minister may subdue the legal entity created in the form of association or non-profit organization suspected of being linked to private individuals or organizations or activities related to terrorist crimes concerned by this law, or which infringed prudential management rules as defined in article 99 of this law or the rules regarding their funding or book keeping to prior authorization with respect to accepting any money transfers coming from abroad.

This procedure is taken pursuant to a justified decision conveyed to the legal representative of the concerned legal entity through any means that keeps a written record.

And a copy of the decision mentioned above is conveyed to the Governor of the Central Bank of Tunisia who notifies the Tunisian Financial Analysis Committee and all banking and non-banking financial institutions, and one of its effect is suspending disbursements of funds subject of the transfer to the concerned legal entity till presentation of an authorization from the minister of finance.

The authorization is granted no later than fifteen days from the date of applying for it.

**Article 103** – The National Committee combating terrorism within the framework of meeting Tunisia international obligations, has to rule out a decision on freezing the funds of private individuals or organizations or entities that appeared to it or to UN specialized agencies that they are associated with terrorist crimes or with financing weapons of mass destruction and prevent making available any funds or other assets or economic resources or financial or other services to such private individuals or entities or organizations.

A government decree sets the procedures of implementing the decisions ruled out by UN specialized agencies. And those in charge of implementing the freezing decision must take the necessary actions and notify the National Committee combating terrorism of the freezing operations and convey to it all useful data to implement its decision. And one cannot sue any private individual or legal entity for having in good faith carried out the obligations assigned to them to implement the freezing decision.

And the National Committee combating terrorism has to convey to the Tunisian Financial Analysis Committee the freezing decisions for input in the database provided for in article 123 of this law.

**Article 104 -(New)** the person concerned with the freezing decision or his representative or the representative of an organization or entity can apply for the National Committee combating Terrorism to authorize the use of part of the frozen funds and economic resources to cover the basic expenses payable for foodstuff and rent or mortgage and documented loans and medicines and health care, taxes, insurance premiums and public utility charges, or exclusively paid for reasonable professional services and reimbursement of expenses incurred in connection with providing legal services, or service charges for ordinary maintenance and conservation of frozen funds and economic resources.

And the National Commission combating terrorism has to authorize the use of part of the frozen funds and economic resources to cover these basic expenses or any other necessary expenses that the Committee approves.

If the freezing is based on a decision of UN specialized agencies, the latter is informed of the authorization through diplomatic channels in a timely manner and the implementing of the authorization relies on no objection from them in a period of three working days from the date of informing them with respect to basic expenses and five working days with respect to other expenses other than basic expenses.

**Article 105 (New) Anyone** concerned by the freezing decision or his representative may apply for the national Committee combating terrorism to lift the freezing of his assets if he proves that the procedure has been erroneously undertaken.

The answer to this application by the Committee shall be no later than seven days from the date of its application.

The fact of not considering it during this period is considered as a rejection of the application.

If the authorization is approved, it shall be published in the Official Gazette of the Republic of Tunisia.

In case of rejection, one has the right of appeal against the decision before the Administrative Court.

If the freezing is based on the decision of UN specialized agencies, the national committee combating terrorism can take the decision of lifting the freezing only after notification and consent of the appropriate UN specialized agency on that.

In all cases, private individuals listed in article 107 of this law and other parties concerned by the freezing set by the National Committee combating terrorism are committed with lifting the freezing as soon as the approval authorization or appeal acceptance is published.

**Article 106** – The President of the Court of first instance territorially competent can authorize to submit the legal entity created in the form of association or non -profit organization suspected of being linked to private individuals or organizations or activities tied to crimes concerned by this law or having infringed prudential management rules as defined in article 99 of this law or the rules regarding its financing or its book keeping to an external audit by an expert or several specialized experts that are designated through a referral order upon request of the Minister of finance.

**Article 107 (new)** – The following private individuals, each within his field of competence and mechanisms of his profession, undertake the due diligence measures towards their clients:

1. Banks and financial institutions
2. Microfinance institutions.
3. The National Post Office.
4. Stock brokers and companies managing portfolios on behalf of others.
5. Foreign Exchange boxes
6. Insurance and reinsurance companies and brokers.
7. The following designated non-financial businesses and professions:
  - Lawyers and notaries and other legal professionals and chartered accountants and notaries in real estate management and other professionals qualified by virtue of their functions, when preparing or completing transactions or operations for the benefit of their clients concerning the buying and selling of real property or business assets or management funds of the clients and their accounts or arrange contributions companies and other subsidiaries or dispose of or exploiting them to control these processes or to provide counseling, or create subsidiaries or management of legal arrangements and buy or sell with a trademark.
  - Real estate agents when they carry out transactions for the benefit of their clients related to buying and selling real estate.
  - Jewelers and dealers in other valuables and managers of casinos in their dealings with their clients the value of which equals or exceeds an amount to be set by a decision of the Minister of finance.

**Article 108 (new):** Private individuals mentioned in article 107 of this law have to take the following due diligence measures:

- 1) refrain from opening or keeping clearly anonymous accounts or accounts in fictitious names and verify, based on official documents and others issued by independent reliable parties, the identity of their regular clients or casual clients and record all necessary data that will identify them.
- 2) Ensure, based on official documents and others issued by an independent reliable contacts:
  - The identity of the beneficiary of the transaction and the undertaker to manage his right, and ensure that any person represents the client in conducting any transaction is authorized to do that and proceed to the identification of his identity and verify it.
  - Set the legal entities and legal arrangements and legal form and headquarters and capital distribution and the identity of their managers and those in charge of them.

-The identity of the payment order provider and the beneficiary of the transaction as for transfers carried out through money transfer providers directly or indirectly. "

3) identifying beneficial owners and take reasonable steps to verify their identity using information or data from reliable sources and conviction that leads to the beneficial owner.

4) Getting information regarding the purpose and nature of the business relationship.

5) Getting immediately, when having resort to others, the necessary data for identification of the customer and verifying his identity and ensure that he is complying with a legislation and control connected to the prevention of money laundering and combating the financing of terrorism and he is taking the necessary measures and he is capable, as soon as possible, to provide copies of data identifying the identity of his customer and other relevant documents, however the responsibility to verify the identity of clients remains in all cases theirs.

These measures are taken especially when:

Linking a relationship

-Carrying out Incidental financial transactions equivalent to or exceeding the amount to be set by a decision of the Minister of finance or containing electronic transfers

-Suspicion of the existence of money laundering or terrorist financing,

-Suspecting the veracity of data already obtained or its adequacy.

And such private individuals in case they are not sure of these data and if these data are insufficient and appear to be clearly fictitious, refrain from opening an account or start a business relationship or pursue it or carry out an operation or transaction and consider a suspicion transaction report.

**Article 109** – The private individuals mentioned in article 107 of this law have to update the data concerning the identity of their clients and carry out a constant vigilance towards them throughout the business relationship and examine the transactions carried out by their customers to verify their adequacy with data available on them with respect to their activity mode, risks they face when necessary from the source of their funds.

**Article 110** – The private individuals mentioned in article 107 of this law have to take the following due diligence measures:

- Ensure that their branches and the companies where they hold the majority of the capital and which are located abroad apply the due diligence measures to prevent money laundering and combat terrorism financing, and notify the supervisory authorities when regulations of countries where they are set up prevent from applying these measures.
- Ensure also that their branches and the companies where they hold the majority of the capital and which are located abroad apply the policies and procedures for the exchange of the required information for the purposes of due diligence measures towards clients and management of risks of money laundering and terrorist financing, include where appropriate, providing information on customers, accounts and operations, including unusual transactions and reporting on suspicious transactions in branches and companies belonging to people in charge of compliance and audit and combating money laundering and terrorist financing at the group level with providing adequate safeguards on confidentiality and use of exchanged information.

- Provide appropriate systems based on risk surveillance and monitoring their management when dealing with private individuals that are in charge or were in charge of public functions or political tasks or mandates in Tunisia or in a foreign country or who are or were entrusted with outstanding functions assigned by an international organization including their relatives or people connected with them provided that those systems are able to determine if the client or the beneficial owner are from these private individuals and obtain an authorization from the manager of the legal entity before starting a business

relationship with them or continuing it and applying a tight and continuous control on this relationship and take reasonable measures to identify the source of their funds.

**Article 111** – Private individuals mentioned in article 107 of this law when establishing relations with foreign bank correspondents or similar relationships have to:

- Collect sufficient data about the foreign correspondent to identify the nature of its activities and assess its reputation and the effectiveness of the control system it is submitted to based on available sources of information and ensure whether he underwent investigations or procedures from a control authority relating to preventing money laundering or combating terrorist financing,
- Obtain an authorization from the legal entity manager before dealing with the foreign correspondent and determine the obligations of the parties in writing,
- Refrain from tying or pursuing bank correspondent relationship with a fictitious foreign bank or tie relations with foreign institutions that authorize fictitious banks to use their accounts.

**Article 112** – private individuals mentioned in article 107 of this law have to:

- Pay special attention to business relationships with people residing in countries which do not apply or insufficiently apply international standards to prevent money laundering and combat terrorism or bearing their nationalities,

-Identify and assess risks of money laundering and terrorism financing related to the use of modern technologies especially when developing new products or professional practices, including The new services of providing services, and those that arise from the use of new techniques or under development with regard to both new and existing products and take additional measures, If necessary, to the protection from it, provided that those measures contain carrying out a risk assessment before launching or using these products and practices and services providing means.

Develop appropriate systems to manage risks associated with business relations carried out without the physical presence of the parties.

**Article 113** – Private individuals mentioned in article 107 of that law shall keep for a period no less than ten years starting from the date of completion of the transaction or account closing in ledgers and books and other documents kept at them on an electronic or material device, in order to refer to where appropriate and examine the different stages of the financial transactions or operations conducted by them or through them and identify all involved operators and consider their veracity.

**Article 114** – You must declare to the customs upon entry or exit or transit, any import or export of foreign currency or negotiable instruments to their bearer the amount of which is equal or higher to an amount to be set by a decision of the Finance minister

Foreign exchange offices must declare to the Central Bank of Tunisia any amount transferred from hard currency to Tunisian dinar or from Tunisian dinar to hard currency.

Authorized intermediaries and foreign exchange secondary Commissioners have to verify the identity of every person who carries out operations in foreign currency at them the amount of which is equal or higher than an amount to be set by a decision of the Minister of finance and notifying the Central Bank of that.

**Article 115** – Parties in charge of monitoring private individuals referred to in article 107 of this law are committed to develop programs and practical procedures for combating money-laundering and terrorism financing and follow up the commitment extent of their implementation.

These programs and practical procedures should contain particularly setting:

- A system to monitor suspicious operations and transactions including designating from those assigned among its managers and staff to carry out the duty of reporting,
- Internal control rules to verify the effectiveness extent of the approved system,
- Continuous training programs for the benefit of its agents.

And these parties have to notify the Tunisian Financial Analysis Committee of any suspicious operations that they notice during their carrying out of control operations on private individuals mentioned in article 107 of this law or of any other operations that they consider worth informing the Committee of.

**Article 116** – Regardless of the penal sanctions, all violations to requirements provided for in the third paragraph of article 103 and articles 108, 109, 110, 111, 112, 113 of this law, require disciplinary proceedings pursuant to procedures into force among the particular disciplinary system for every private individual enumerated in the article 107 of this law.

The competent authority in charge of monitoring these private individuals carries out the disciplinary proceedings in case of absence of a disciplinary system proper to them.

**Article 117** – The competent disciplinary authority can, after hearing the concerned private individual, take one of the following sanctions:

- Warning,
- Reprimand,
- The denial of activity carrying out or license suspending for a period not exceeding two years;
- Ending up missions,
- Deprivation of activity carrying out or license withdrawal.

These sanctions apply also to managers and members of the supervisory board when found responsible in non-complying with the due diligence measures.

## **Part II – Fighting terrorist financing and money laundering**

## **Section I – The Financial Analysis Committee**

**Article 118** – The Central Bank has created a Committee called "the Tunisian Financial Analysis Committee" that holds its meetings at the headquarters of the Central Bank of Tunisia which is in charge of the secretariat of the Committee.

**Article 119** – The Tunisian Financial Analysis Committee is made up of:

- The Governor of the Central Bank of Tunisia or his representative, President,
- A third tier magistrate,
- An expert from the Ministry of domestic affairs,
- An expert from the customs general department of the ministry of finance,
- An expert from the financial market council,
- An expert from the Ministry of communications,
- An expert from the General Authority for insurance,
- Expert in combating financial crimes,
- An expert from microfinance oversight authority
- An expert from the committee combating corruption.

An expert from the banking supervision Department of the Central Bank of Tunisia.

Appointment of the members of the Commission falls under the Government order for six years provided that that one third of its members are renewed every two years.

The Committee members shall carry out their functions with full impartiality and objectivity and independence over their original employer.

The Committee consists of an orientation committee, an operational cell and a general secretariat. The operating modalities of the committee and its organization are set by Government decree.

**Article 120** - The Tunisian Financial Analysis Committee shall, in particular, carry out the following tasks:

- Issue and disseminate guidelines liable to enable private individuals mentioned in article 107 of this law of monitoring suspicious operations and transactions and report on them,
- Receive reporting on suspicious operations and transactions, consider them and inform of their fate,
- Receive notifications from regulatory, administrative and other authorities in case of discovering suspicious operations when carrying out control operations on private individuals mentioned in article 107 of this law.
- Helping to develop programs that are designed to prevent illegal financial channels and face up to financing terrorism and money laundering



- Contribute to research activities and training and studies and in general in every activity related to the field of its intervention,
- Providing representation of different departments and concerned parties by this field at the national and international level and facilitate communication between them.
- Providing Coordination between the various actors involved in this field at the national level and facilitating communication between them.

**Article 121** – The Tunisian Financial Analysis Committee can, within the framework of the tasks entrusted to it, be assisted by administrative departments entrusted with seeing to law enforcement and private individuals mentioned in article 107 of this law who are required to convey to it the necessary information to investigate the veracity of operations or transactions subject of reporting conveyed to in legal delays.

And professional secrecy is not in this case opposable to the Tunisian financial analysis committee and depositaries of the aforesaid secrecy cannot be charged with its disclosure.

**Article 122** – The Tunisian Financial Analysis Committee can also appeal to its foreign counterparts with which they are committed by cooperation agreements or belonging to groups of international cooperation in the field of combating money laundering and terrorist financing, and accelerate the exchange of financial information likely to ensure early warning of crimes concerned by this law and avoid committing them.

And the cooperation referred to in the previous paragraph is subordinated to the commitment of its counterparts in foreign countries pursuant to the legislation governing them, in complying with the professional confidentiality and non-conveying financial data and information transmitted to it or exploiting them for purposes other than combating concerned crimes by this law and banning them.

**Chapter 123** – The Tunisian Financial Analysis Committee is required to set up a database on private individuals and legal entities that are suspected of being connected with terrorist financing or money laundering and conveyed suspicious transactions and requested Information from law enforcement authorities or its counterparts in foreign countries and their reply.

It has to keep for a minimum period of no less than ten years starting from the date of closing its works, all used information and documents to rule out on the fate of the reporting conveyed to it whether kept in a physical or electronic file to consult them where appropriate.

**Article 124** – the managers of the Tunisian Financial Analysis Committee and their assistants and other employees among agents called pursuant to their tasks to get access to files subject of suspicious transactions reporting are required to professional confidentiality and not exploit what they get access to tasks other than the ones entrusted to them, even after leaving their tasks.

## **Section II – in considering mechanisms of suspected transactions and operations**

**Article 125** – Private individuals mentioned in article 107 of this law shall report immediately in writing to the Tunisian Financial Analysis Committee all suspicious transactions or operations, directly or indirectly, related to funds deriving from illegal acts regarded by the law as misdemeanor or crime

or to financing private individuals or organizations or activities connected with terrorist crimes provided for in this law, as well as any attempt to carry out these transactions or operations.

The duty to report is not over even after completion of the operation or transaction if new information on the suspicion are available, directly or indirectly, related to funds derived from illegal acts regarded by the law as misdemeanor or crime or funding Terrorists or Organizations or terrorist activities linked with terrorist crimes provided for in this law.

**Article 126** – private individuals mentioned in article 107 of this law have to pay particular attention to all operations and transactions that are characterized by a complex aspect or involve unusual high financial amount and all processes and unusual transactions When their economic purpose or legacy are not clearly apparent.

They must, to the extent possible, examine the framework of carrying out these operations or transactions and their purpose and record their results in writing and make them available to supervisory authorities and Auditors.

**Article 127** – the Tunisian Financial Analysis Committee can order pursuant to a written decision the reporting entity to freeze temporarily the assets linked to the reporting and deposit them in a suspense account.

The reporting entity must refrain from informing the concerned party of the reporting that concerned him and the ensuing procedures.

**Article 128** – if the prevailing suspicious investigation regarding the operation or transaction subject of the reporting are not confirmed, the Tunisian Financial Analysis Committee notifies the reporting party promptly and authorizes the lifting of the freezing of funds subject of the reported transaction or operation.

Should the Tunisian Financial Analysis Committee not convey the outcome of its works in the delay provided for in article 131 of this law, this silence is worth authorizing the lifting of the freezing.

**Article 129** – Should investigations confirm the suspicion regarding the operation or transaction matter of the reporting, the Tunisian Financial Analysis Committee terminates the result of its work and conveys all

documents to the public prosecutor at the court of first instance in Tunis in order to assess the reply to convey and inform the reporting party of it.

And the public prosecutor must consider the matter in a delay no later than five days following the conveyance of the file to him and inform both the reporting party and the Tunisian Financial Analysis Committee with the ensuing decision.

**Article 130 (new):** The provisions of articles 45 and 46 and 47 and 48 and the procedures provided for in section 5 of part I of this law and delays provided for and how they are extended in article 39 and paragraph 4 of article 41 of this law on money-laundering and crimes and original crimes they derive from.

Special investigative methods are carried out by law enforcement officers entrusted with it pursuant to the code of criminal procedures.

**Article 131** – The Tunisian Financial Analysis Committee has to end up its works as soon as possible, but it has in case of issuing a decision to freeze funds matter of the temporary reporting end up its works in a delay no less than five days from the date of the decision, and inform the reporting party of the results of its works within twenty-four hours of the date of the works ending up.

And the Tunisian Financial Analysis Committee has to inform automatically the National Committee combating terrorism of the results of ending up its works regarding the temporary freezing it issued.

**Article 132** – it arises from the closing decision issued by the public prosecutor the immediate freezing of matter of the reporting.

Should the public prosecutor decides authorizing an investigation in the matter, the freezing remains into force unless otherwise stated by the bidding judicial authority.

**Article 133** – the public prosecutor to the court of appeal in Tunis, even in the absence of a reporting on a suspicious operation or transaction, can request the President of the Court of first instance in Tunis to issue a decision to freeze funds of private individuals or legal entities suspected of being tied to people or organizations or activities related to the crimes covered by this law even if they were not committed on the territory of the Republic.

**Article 134** – The freezing decision provided for in the previous paragraph is made by the President of the Court of first instance in Tunis pursuant to proceedings of orders on Petitions and will not accept any appeal decision.

**Article 135** – The general substitute to the appeal court in Tunis has to convey the freezing decision issued pursuant to the meaning of the previous paragraph and all accompanied documents available to him to the competent public prosecutor for permission to conduct investigation on the matter.

And the general substitute to the appeal court in Tunis conveys a copy of the freezing decision to the Tunisian Financial Analysis Committee informing it of the start of investigation against the concerned person.

And funds matter of the authorization referred to above remain frozen unless otherwise stated by the bidding judicial authority.

**Article 136** – Shall be punished with imprisonment from one year to five years and a fine of five thousand dinars to fifty thousand dinars whoever deliberately refrains from complying with the duty of reporting pursuant to the meaning of the provisions of article 125 of this law.

In case of deliberately not reporting on a legal entity among legal entities provided for in article 107 of this law, the sentence shall be a fine equal to half the amount matter of the reporting.

**Article 137** – Damage or penalty liability cannot be taken against a private individual or legal entity for carrying out in good faith the reporting duty provided for in article 125 of this law.

Nor can damage or penalty liability be taken against the Tunisian Financial Analysis Committee or authorities in charge of monitoring private individuals provided for in article 107 of this law within the framework of the tasks assigned to them.

**Article 138** – Shall be punished by imprisonment of one month to five years and a fine of three thousand dinars to three hundred thousand dinars whoever refrains from complying with the reporting duty provided for in the first paragraph of article 114 of this law.  
And the fine amount can be increased to the equivalent of five times the value of the amount matter of the crime.

**Article 139** –Financial sanctions referred to in the previous paragraph apply to authorized intermediaries and foreign exchange offices who refrain from complying with the obligations provided for in the second paragraph of article 114 of this law.

**Article 140** – Shall be punished by imprisonment from six months to three years and a fine of five thousand to ten thousand dinars private individuals provided for in article 107 of this law and managers of legal entities and their representatives and their associates whose responsibility is proved for violation or failure to comply with the requirements of articles 99 and 100 and 102 and paragraph 3 of article 103 and articles 106 and 113 and 121 and 124 and 126 and the second paragraph of article 127 and article 135 of this law.

The punishment shall be imprisonment of three months to two years and a fine of one thousand dinars to five thousand dinars if there is a business relationship or its continuation or the carrying out of an occasional transaction the value of which is equivalent to or exceeding the amount to be set by a decision of the Minister of finance or containing electronic transfers, without complying with the requirements of:

- Ensuring, based on official documents and other documents issued by independent reliable parties, of the identity of regular or occasional clients and record all necessary data that will help identifying them,
- Ensuring, based on official documents and other documents issued by independent reliable parties, of the identity of the beneficiary of the operation or transaction and the status of the managers, and the composition of the legal entity and its form and its head office and the list of subscribers or associates and the identity of its managers
- Obtaining from the customer information regarding the purpose and nature of the business relationship,
- Refraining from opening an account or starting doing business or continuing a business relationship or carrying out an operation or transaction if data regarding them appeared to fictitious or were insufficient.

This does not prevent from suing legal entities which are sentenced the equivalent of five times the value sentenced for the original crime.

**Article 140** – The competent court rules out the dissolution of the legal entity provided for in article 99 of this law if proven involvement of its managers or members in crimes provided for in this law.

**Article 141** – In any case, freezing decisions of funds and provisions regarding their confiscation pursuant to this law cannot apply to rights acquired by third parties in good faith.

## **Transitional and final provisions**

**Article 142** – Provisions contrary to this law are cancelled, especially law number 2003-75 of 10 December 2003 dealing with the support of international efforts to combat terrorism and prevent money-laundering as amended by law number 2009-65 of 12 August 2009.

**Article 143** – The temporary authority oversees the justice courts and is in charge of designating judges at judicial pole combating terrorism pursuant to Basic Law number 2013-13 of 2 May 2013 dealing with setting up a temporary authority to oversee the justice courts until the establishment of the justice higher instance.

Issues concerning terrorist crimes and related crimes provided for in this law will be considered by the judicial pole combating terrorism.

Judges designated at the judicial pole combating terrorism will not consider cases that do not relate to crimes provided for in the previous paragraph.

This basic law will be published in Official Gazette of the Republic of Tunisia and executed as a law of the State.