

*Republic of Tunisia*  
*Local and International Arbitration Center*  
*“AL-INSAF”*

SITE WEB : [WWW.AL-INSAF.COM.TN](http://WWW.AL-INSAF.COM.TN)



**Decree N°.01- 2006 dated on April 1<sup>st</sup> 2006 relative to the creation of the Accessory Arbitration Court ‘AL-INSAF’ and its attributions in local arbitration on the analogy of the jurisdictional competence of Tunisian judiciary Cantonal Courts.**

Considering the by-laws of the Local and International Arbitration Center “AL-INSAF” established on may 24, 1995.

Considering the provisions of the code of the Tunisian Arbitration promulgated under the terms of the law No.93-42 dated April 26<sup>th</sup> 1993 bearing organization of the local and International arbitration, and in particular articles 2, 13, 19, 33, 7, and 46.

Considering the provisions of the code of internal conciliation and arbitration regulations “AL-INSAF”, registered at Tunis International digitalizing service under no ISBN: 9973-9765-0-9, having been the subject of deposit at the Tunisian competent authorities in accordance with the law N° 1994-36 dated on February 24<sup>th</sup> 1994 relative to copyright protection and in particular articles 1, 3 and 94.

Considering the provisions of the Tunisian code of civil and commercial regulations promulgated under the terms of the law No 95/30 dated October 5<sup>th</sup> 1959, and in particular articles 3, 39, 213, 214, 322, and 330 relating to the jurisdictional competence of the Tunisian National Cantonal Courts.

Considering the law No 94-56 dated May 16, 1994 relating to the exemption of the arbitration acts from registration and the fiscal stamp.

**Article 1:** the denomination “CENTER” mentioned within the Code of internal conciliation and arbitration regulations mentioned above was substituted by the term **ARBITRATION COURT “AL-INSAF”**. However, such a change of denomination shall not affect the arbitration authority that could include the arbitration conventions and clauses, since the essential matter consists in resorting to the arbitration court “AL-INSAF” jurisdictionally competent.

**Article 2:** we decided the creation of the accessory arbitration Court “AL-INSAF”, which deals with all the civil and commercial proceeding that fall within its competence on the analogy of the jurisdictional attribution of the Tunisian national cantonal courts, and this in accordance with the following elements, except distinct contrary provisions of the law.

**1-** The accessory arbitration Court “AL-INSAF” deals in first or last resorts with all civil and personal acts as well as with the movable actions and the actions in payment in closed sessions on the analogy of jurisdictional attributions of the national cantonal courts, except distinct contrary provisions of the law.

**2-** It also deals with injunctions to pay in first and last resorts.

**3-** It also deals with, in last and first resort, claims alimony among the full-aged such as those brought by the husband against his wife or relating to the dependence of the parents on one of the children. Judgments passed in this matter are enforceable regardless of whether an appeal was lodged in first resort.

**4-** It also deals with, in first and last resort, the possession claims of registered estates.

**5-** It also deals with urgent reports provided that the arbitration committee actually seized upon the litigation on the merits and unless the president of the qualified arbitration court did not rule about it, without taking account of the assumption of responsibility of the litigation by the arbitration committee.

**6-** It also deals with sequestrations provided that the arbitration committee actually seized upon the litigation of the merits and unless the president of the qualified arbitration court did not rule about it, without taking account of the assumption of responsibility of the litigation by the arbitration committee in accordance with article 322 of the Tunisian code of civil and Commercial procedures.

**7-** It also deals with garnishments in accordance with the article 330 of the code of civil and commercial procedures whenever the commission of the arbitration actually seized the litigation on the merits and unless the President of the qualified arbitration court did not rule about it, without taking account of the assumption of responsibility of the litigation by the arbitration committee.

**8-** It also deals with the difficulties arising out of the enforcement of judgments passed by it on the merits even when evoked or recalled

**Article 3:** The whole of the basic Procedures extending to the actions coming under the authoritative and jurisdictional responsibility of additional Arbitration court “AL-INSAF” will be applied to equal those into force by the Tunisian national cantonal courts except for those concerning the territorial competence.

**Article 4:** The whole of conventions under private signature relating to the arbitration and arbitration decision and sentences relating to it remain exempted from registration and revenue stamp.

**Article 5:** the designation of a lawyer in the arbitration actions coming under the authoritative and jurisdictional responsibility of additional Arbitration court “AL-INSAF” constitutes an optional condition.

**Article 6:** The current decision relating to the introduction of the arbitration actions before the president of the accessory arbitration court “AL-INSAF” comes into force as of May 24, 2006.

Tunis April 01<sup>st</sup>, 2006

**Secretary General  
Ameur Yahiaoui**