

## **Fundamental Statute of the Kingdom of Albania - 1 December 1928**

Free, proud and confident of a happy future, the Albanian nation, firmly resolved and strong in its intention to establish for all time national unity and to ensure the peaceful development of the country and the general good of the people, while respecting the historic traditions of the nation as a sure pledge that the rising generation shall enjoy the well-being that is its due on this 1st day of December, 1928, in its second Constituent Assembly, approves and decrees the present statute :

### **Part I - General Provisions**

Art. 1. Albania is a democratic, parliamentary and hereditary monarchy.

Art. 2. Albania is independent and indivisible, its integrity inviolable, and its territory inalienable.

Art 3. The Albanian flag is red, with a double-headed black eagle in the centre.

Art 4. The official language of the State is Albanian.

Art 5. The Albanian State has no official religion. All religions and creeds are respected, and freedom of worship and religious observances is guaranteed.

Religion cannot in any way constitute a legal defence.

Religions and. creeds shall in no way whatsoever be use for political purposes.

Art 6. The capital of Albania is Tirana.

### **Part II - State Powers**

Art 7. All powers of the State are derived from the nation, and exercised according to the principles and rules laid down in the present statute.

Art 8. Legislative authority is exercised conjointly by the King and the Parliament, which is composed of one House.

Art 9. The initiative in legislation is vested in the King and Parliament. The proposal of laws involving additional financial expenditure appertains, however, to the King.

Art 10. The authentic interpretation of the laws devolves upon the legislative authority.

Art 11. All laws, to be effective, must be voted by Parliament and sanctioned by the King.

Art 12. No law can be presented to the King for sanction which has not been voted in a regular manner by Parliament.

Laws cannot be abrogated, modified or suspended, except by another law.

Art 13. The executive authority is vested in the King, who, will exercise it in accordance with the provisions of the present statute.

Art 14. Judicial authority is exercised by the courts, whose rulings, based on the law, are issued and executed in the name of the King.

### **Chapter I - Legislative Authority**

Art. 15. The Parliament is composed of deputies elected by the people according to law.

Art. 16. A deputy shall be elected for each 15,000 persons or part thereof above the number of 7,500.

Art. 17. The Parliament is elected for a period of 4 years.

Art. 18. The deputy represents not only his own district, but the nation as a whole.

Art. 19. The qualifications of electors are determined by the electoral law.

Art. 20. To be elected deputy one must possess the following qualifications: -

(a) Be an Albanian subject. (b) Be 30 years of age. (c) Enjoy civil and political rights. (d) Be able to read and write the Albanian language. (e) Be under no disqualification as defined by the electoral law.

Art. 21. The function of deputy is incompatible with any other salaried State employment, except that of Minister; it is further incompatible with commercial employment or with any active religious post. In addition a deputy may not undertake the collection of State taxes.

Art. 22. No obligation shall be imposed upon a deputy by his electors.

Art. 23. Deputies have the right to receive as remuneration the sum of 8,400 gold francs per annum. This amount can be changed from time to time by law.

Art. 24. Deputies cannot be held responsible for their opinions expressed or votes given in Parliament.

Art. 25. During the session deputies cannot be imprisoned for debt. If any are in prison at the time of the opening of a session they shall immediately be released.

Art. 26. Deputies, as long as Parliament is in session, cannot be prosecuted or arrested on criminal charges (common or political) without permission of Parliament unless actually apprehended in flagrante delicto. On such occasions the judicial authorities are obliged within 24 hours to inform Parliament through the Ministry of Justice.

Art. 27. Penal sentences against a deputy cannot be executed during the course of a Parliamentary session. Such time shall not be deducted from the term of the sentence.

Art. 28. Except on such extraordinary occasions as are defined in this statute, Parliament shall assemble voluntarily each year for one regular session of 5 months' duration, beginning on the 15th October. and ending on the 15th March, but the session may not be brought to an end until the State budget has been passed.

Sessions are closed by Royal decree.

Art. 29. Parliament examines the legal qualifications of the deputies, judges and gives decisions thereon, in accordance with the provisions of its domestic rules.

A decision to annul an election on the ground of illegality or a refusal to accept a deputy on the ground of a disqualification laid down by the law is taken by a two-thirds majority of the sitting dealing with the matter.

Art. 30. Deputies, before entering upon their duties, are required to take the following oath : "I swear publicly in the name of God that as deputy of Albania I will be faithful to the statute and work honourably and conscientiously for the good of the fatherland only".

Art. 31. Any deputy who, without the permission of Parliament, has been absent from the sittings of the House for 2 consecutive months, shall lose his seat.

Art. 32. At the beginning of each session Parliament shall elect its own President and Vice-President and other officers from among its members in accordance with the internal rules.

Art. 33. The administration of the offices of Parliament is effected in accordance with the internal rules. The budget for Parliament is drafted by the presidency and voted by Parliament in the ordinary way.

Art. 34. When for any reason, a deputy's seat becomes vacant, another deputy must be elected not earlier than 1 month, but not more than 2 months, from the date of the vacancy.

Art. 35. At the end of the parliamentary term or in the event of Parliament being dissolved, the executive authority must, within 2 weeks of the date of the dissolution, order new elections to take place not earlier than 1 month and not later than 2 1/2 months from the date of the order.

Art. 36. Parliament on election shall meet of its own accord 10 days subsequently. When the meeting happens to be during the time of the ordinary session, Parliament shall sit until the end of the session, but when it happens to be outside the time of the ordinary session the sitting shall be considered as extraordinary and Parliament shall then confine itself to examining and confirming the status of its members and, after electing its officers, shall debate on the Government vote of confidence and adjourn until the next session.

When the new elections are completed within 1 month of the date when the normal session is to open, Parliament will meet on the opening day of the ordinary session.

Art. 37. Parliament shall also meet in extraordinary session when convoked by the King. In these sessions only those questions defined in the decree of convocation shall be debated.

Art. 38. Parliamentary sittings and debates are open to the Public in conformity with the internal rules.

Debates shall be published textually in special volumes.

Art. 39. Parliament may debate in secret if requested by the Ministers, and also on the request of 5 deputies if accepted by the majority. During these sittings, the Chamber shall be cleared of all persons other than deputies.

Art. 40. Parliament cannot debate and vote without having more than one-half of its members present.

Art. 41. All decisions shall be voted by an absolute majority of the deputies present except where the present statute ordains otherwise. When votes are equal the contention voted for by the President shall prevail. When votes are taken for the election. of persons, if the first count does not give an absolute majority of the deputies present, on the second Count a relative majority will be accepted.

Art. 42. Laws are voted once in principle and twice article by article on 3 separate days. Codes presented by the Government and prepared by a special commission established by law, after having been accepted in principle, are voted en bloc at two sittings on separate days. When Parliament decides that a Code presented needs amendment, it shall refer it to the special commission through the Government.

Laws which by the decision of Parliament are considered urgent are voted on in accordance with the internal rules of the House.

Art. 43. The Chamber of Deputies is inviolable. No armed forces whatever can remain around or inside the Chamber without the latter's order and request except the guard which is under the exclusive orders of the presidency.

Art. 44. All laws voted by Parliament shall be presented to the executive authority for approval and promulgation.

Promulgation must be effected at most 2 weeks after approval. Laws enter into force 1 month after their promulgation except in cases where the law prescribes a definite date.

Art. 45. All bills refused by Parliament when presented by the executive authority shall be returned to that authority with an explanation of the reasons for refusal.

Art. 46. Bills which have been refused by Parliament cannot be presented for discussion a second time during the same session.

Art. 47. Parliament controls the Government. To interrogate, to interpellate and to enquire are the prerogative and the right of Parliament. The manner of exercising the same is fixed by the internal rules of the House.

Art. 48. For high treason and for crimes set out in the special law on the responsibility of Ministers, Parliament shall arraign the Ministers and may, by a three-fifths majority of the entire number of deputies, send the delinquent before the State High Court.

Art. 49. Nobody may be heard during the sittings of Parliament except the deputies and Ministers.

## **Chapter II - The Executive Power**

### **Section A - The King**

Art. 50. The King of the Albanians is His Majesty Zog I, of the illustrious Albanian family of Zogu.

Art. 51. The Heir to the Throne shall be the King's eldest son. and the succession shall continue generation after generation in the direct male line.

Art. 52. Should the Heir die or lose his rights to the Throne, his eldest son shall succeed.

Should the Heir to the Throne die or lose his rights and leave no son, the succession shall pass to the brother coming after him.

Art. 53. Should there be no Heir to the Throne under articles 51 and 52, the King shall select his successor from among the male members of his family, but the King's selection shall be with the consent of Parliament.

Should the King not use his prerogative, and the succession remain vacant, Parliament shall then select a male member of the King's family as successor to the Throne.

In case no heirs exist in the King's family, or such as may exist are held incapable by a special parliamentary decision taken by a two-thirds majority of the members of the House, Parliament shall select a successor from the line of the King's daughters or sisters, but such successor must be of Albanian origin.

When there are no males in the families above mentioned, Parliament shall select a successor of Albanian origin.

Should the Throne remain vacant, the Council of Ministers shall exercise the Royal powers until the question of the successor is settled.

Art. 54. The King comes of age at 18 years.

Art. 55. The King shall exercise the Royal powers only after having taken, in the presence of Parliament, the oath set forth in article 56.

Art. 56. The King, in the presence of Parliament, shall take the following oath :

"I, - , King of the Albanians, on ascending the Throne of the Albanian Kingdom and assuming the Royal powers, swear in the presence of God Almighty that I will maintain national unity, the independence of the State, and its territorial integrity, and I will maintain and conform to the statute and laws in force, having the good of the, people always in mind. So help me God!"

On the present occasion only King Zog I shall take the oath in the presence of the Constituent Assembly.

Art. 57. Should the King die or abdicate, Parliament shall meet voluntarily within 10 days to receive the oath of the new King or of the Regency. Should Parliament have been dissolved and a new Parliament not yet been elected, the old Parliament shall assemble for the performance of this duty. Until the new King or the Regency has taken the oath, the Royal constitutional power shall be exercised by the Council of Ministers upon their own responsibility in the name of the Albanian people.

Art. 58. Should it be found by Parliament and the Government that the King is incapable and cannot perform his duties, or if he dies and his Heir is still a minor, the Royal powers shall be exercised by a Regency in the name of the King.

In the cases contemplated in the present article the guardianship of the King shall devolve on the Regency.

Art. 59. The duties of the Regency shall be performed by the Heir to the Throne when he is of age.

In case the Heir to the Throne cannot for reasons defined in article 58, exercise the duties of the Regency, this shall be formed as follows:

The Queen (when the King is incapable) or the Queen-Mother when the

(a) King is still a minor. (b) The President of Parliament. (c) The Prime Minister. (d) The President of the State Council.

Art. 60. Should there be no Queen or Queen-Mother, the Council of Regency shall be composed of the other 3 members mentioned in article 59 of the present statute.

Art. 61. When the Council of Regency is composed of 4 members in conformity with article 59 and one of them is temporarily otherwise engaged, the other three, or, if the Council is of three, the other two, shall conduct the business of the State.

Art. 62. The Regents cannot enter upon their duties before taking the necessary oath before Parliament. The oath demands loyalty to the King, the statute and the laws of the State.

Art. 63. Should the King die and leave no Heir, but the Queen at the time of the King's death be pregnant, this being certified by 3 doctors summoned by the Council of Ministers, the Council of Regency shall be formed temporarily and exercise the Royal powers until the birth of the child.

Art. 64. Should the Heir to the Throne die and leave no Heir, but his wife at the time of his death be pregnant, this being authenticated with the formalities as laid down in article 63, the declaration of an Heir to the Throne shall not take place until after the child's birth.

Art. 65. The King shall live in Albania. Should he be absent temporarily the Heir to the Throne shall exercise the Royal powers. If the Heir is not of age, or is incapable, the Council of Ministers upon their own responsibility shall exercise the powers in question. The King may not remain absent from Albania for more than 3 months.

The Royal powers in such circumstances shall be exercised by the Heir to the Throne or by the Council of Ministers in accordance with the advice and orders given by the King within the limits of the statute.

Art. 66. The provisions of article 65 may also be applied in case of the King's illness, but not should he be permanently incapacitated.

Art. 67. When the Council of Ministers exercises the Royal powers it shall have no authority to dissolve Parliament.

Art. 68. The exercise of the Royal powers by the Council of Ministers may on no occasion continue for a longer period than 8 months, at the end of which a Council of Regency shall be formed.

Art. 69. The Regents when fulfilling their duties in the Council of Regency are irresponsible.

Art. 70. The Throne of the Albanian Kingdom cannot be United to the throne of any other Kingdom.

Art. 71. The King is the highest person in the State. He possesses all the prerogatives and rights of the Throne as conferred in the present statute, which he shall exercise through the Ministers in conformity with the provisions of the present statute.

He is the supreme commander of the land, air and sea forces, and shall exercise his authority as such directly in conformity with the special provisions set out in part V of the present statute.

Art. 72. The King is irresponsible and his person inviolable. The Ministers are responsible.

Art. 73. With the exception of matters appertaining to the High Command, all orders of the King, to become valid and executory, must be countersigned by the Prime Minister and the competent Minister.

Art. 74. The King sanctions and orders the proclamation and promulgation of all laws voted by Parliament. The King may refuse to sanction a law presented to him and return it to Parliament with a request for a second debate, giving his reasons for so doing.

Should the King not exercise the right above mentioned within 3 months of a law being presented to him, the law presented for sanction shall be considered as refused.

Art. 75. The King appoints and dismisses the Prime Minister and the Ministers selected by him.

Art. 76. The King has the power to arraign Ministers and to send them before the High Court.

Art. 77. The King, on any occasion when he deems it necessary, has the power to convoke the Council of Ministers, who shall debate and take decisions under his presidency.

Art. 78. The King has the power to decree regulations governing the manner of the application of laws. These regulations shall contain no new provisions which are not comprised in the law.

Art. 79. The King has the right of pardon. He also has the right to reduce and commute sentences pronounced by the courts.

Only in case of political crimes has the King the power to order the suspension of prosecutions.

The King may not pardon Ministers for crimes occurring during the execution of their duties without obtaining the consent of Parliament.

An amnesty may be granted with the consent of Parliament, but such amnesty shall in no way prejudice private rights.

Art. 80. The King nominates and dismisses State officials and grants military promotions in accordance with the provisions of the laws in force.

Art. 81. The King represents the Albanian State within and without. He accepts and accredits diplomatists.

Art. 82. The King declares war in case of defence.

The declaration of war, except in a case of defence, and the conclusion of peace are made with the approval of Parliament.

Art. 83. The King makes treaties of friendship, alliances, &c., and, when the supreme interests of the State allow of it, informs Parliament thereof.

Commercial and other treaties which impose fresh obligations on the State or individuals have no validity or effect unless approved also by Parliament.

Art. 84. Secret provisions of treaties can in no wise cancel the published provisions of treaties.

Art. 85. The right to grant decorations and to coin money belongs to the King alone, in accordance with the laws.

Art. 86. Decorations conferred upon Albanian subjects by foreign Powers may not be accepted or worn except by the special permission of the King.

Art. 87. An allowance is payable to the King, the Queen-Mother, the Heir to the Throne, sons not of full age, and daughters, spinster or widowed, of the King on his death, also to Regents when acting as such.

The King shall receive 500,000 gold francs per annum. This sum may be altered from time to time by law.

The allowance to the others is fixed by law.

Art. 88. The personnel of the Court and their duties are determined by special law. Their appointment and dismissal rest entirely with the King.

Art. 89. The marriage of the King and of the Heir to the Throne cannot take place without the sanction of Parliament.

Art. 90. Should the Heir to the Throne marry without, the consent of Parliament, he and the sons born of the marriage shall lose their right of succession.

Should the Heir to the Throne be incapable or his behaviour be incompatible with the duties of his high station, Parliament may, in accord with the King, decide by a two-thirds majority of the sitting to deprive him of the right to succeed.

Art. 91. At the opening of each parliamentary session the King shall, in a speech delivered personally from the Throne or in a message read by the Prime Minister, explain the general situation of the country and the measures which are considered necessary for the year. In the absence of the King, the speech to Parliament may be read by the Prime Minister.

Parliament shall reply to the speech or message as soon as possible.

The speech from the Throne or the message must be signed by the Cabinet.

Art. 92. The King may order the opening of the ordinary parliamentary session even before the time prescribed in the present statute, but not more than 1 month before the date the session should open.

The King may also convoke extraordinary sessions, but they must be brought to a close before the date of the opening of the ordinary session.

Art. 93. The King closes the sessions by decree, which is signed by the Cabinet and read to Parliament by the Government.

Art. 94. The King has the right to adjourn the opening of a session, to suspend a sitting during a session, and to prolong a session.

This right cannot be used twice during one session, and the period of adjournment, suspension or prolongation cannot be more than 1 month. The relative decrees must be signed by the Cabinet.

Art. 95. The King has the right to dissolve Parliament should he deem it necessary. In such cases the procedure set out in articles 35 and 36 of the present statute shall be followed. The decree of dissolution must be signed by the Cabinet.

Art. 96. When Parliament is not in session and very urgent justified need arises, the King, under responsibility of the Council of Ministers, has the right to make decree-laws, which shall be presented to Parliament, together with a report thereon, for examination and debate not later than 15 days after the opening of the first session.

Should they not be presented within the prescribed time, or be presented and not accepted by Parliament, they shall be considered as annulled. The Codes can be neither abrogated nor modified by decree-laws.

Art. 97. In case of war or the likelihood of war, revolution or the likelihood of revolution, general mobilisation or public calamity, the King, under the responsibility of the Cabinet, has the power to proclaim a state of siege, partial or general.

The decree enforcing a state of siege must be referred to Parliament for approval within 24 hours.

If Parliament is in vacation the decree of a state of siege must be presented at its next session, not later than 3 days after the opening. Parliament shall debate and take a decision within 1 week.

The state of siege temporarily restricts and suspends personal freedom, the inviolability of domicile, the right of association and meetings, the freedom of the press, the secrecy of correspondence and freedom of speech.

A special law will regulate the application of the above restrictions and suspensions, and will define together with the area under a state of siege the manner of executing the measures to be applied within that area.

Art. 98. The King's title is «His Majesty»; that of the Heir to the Throne, «Prince of the Albanians,» «His Highness»; that of the Queen-Mother and of the Queen, «Her Majesty»; that of the brothers on the father's side and of the King's sons, «Prince»; of the sisters on the father's side and of the daughters of the King, «Princess.» These two latter titles do not pass by descent, and in case of need they may be cancelled by a Royal decree.

Other than the above, no titles of nobility may be conferred on or held by Albanians in Albania.

## **Section B. The Ministers**

Art. 99. At the head of the State services immediately subordinate to the King is the Council of Ministers, which is composed of the Prime Minister and the Ministers.

Art. 100. The Prime Minister presides over the Council of Ministers. The Ministers administer the different services of the State according to their designations.

Art. 101. No person can be appointed Minister who is not of Albanian blood and nationality and does not possess a knowledge of the Albanian language.

Naturalised Albanian subjects cannot hold ministerial rank.

Persons who do not possess the qualifications required by the electoral law for the election of deputies cannot be appointed Ministers.

Art. 102. No member of the Royal family may be appointed a Minister.

Art. 103. Blood relatives to the third degree may not be appointed as Ministers in the same Cabinet.

Art. 104. The Ministers, before entering upon their duties, shall take the oath in the presence of the King. The oath affirms loyalty to the King, the statute and the laws of the State.

Art. 105. The Ministers shall appoint and dismiss officials subordinate to them in accordance with the provisions of the laws in force.

Art. 106. Ministries are created by law.

Art. 107. Ministers may enter Parliament freely, and shall be heard whenever they demand speech, but only those holding the position of deputy may vote.

Art. 108. The King's orders can never absolve Ministers of responsibility.

Art. 109. The Cabinet is responsible collectively to the King and Parliament in regard to questions affecting general State policy. Each Minister is personally responsible for the actions of his department.

Art. 110. Ministers cannot be charged with crimes defined by the special law after the expiration of 4 years from the date of their leaving office.

Art. 111. Ministers are considered to have forfeited their posts when a decision to send them before the High Court is taken.

Art. 112. A Cabinet must present itself before Parliament within a week of its appointment to obtain a vote of confidence; otherwise it is regarded as having received a vote of no confidence. If Parliament is not in session the vote of confidence shall be taken at the beginning of the next session.

On the present occasion the Cabinet shall receive a vote of confidence from the Constituent Assembly.

Art. 113. A Cabinet which does not obtain a vote of confidence from Parliament is obliged to hand in its resignation to the King.

Art. 114. Should the Prime Minister resign or his mandate be taken from him, the Cabinet over which he presides shall be considered to have fallen.

Art. 115. Ministers enjoy parliamentary immunity.

Art. 116. The Cabinet may withdraw bills which have been presented to Parliament and not finally voted.

Art. 117. Bills proposed by the executive power are presented to Parliament by the Prime Minister after having been accepted by the Council of Ministers.

### **Chapter III - The Judicial Power**

#### **Section A - The Courts**

Art. 118. The organisation, rights and competence of the courts are determined by the law.

Judges, in giving decisions, are independent and are guided only by the law and their conscience. Nobody may intervene and influence decisions of courts.

Art. 119. Decisions of courts cannot be changed nor can their execution be suspended or impeded by any other power, legislative or executive, except in the circumstances and manner defined in the present statute.

Art. 120. Judges and public prosecutors are permanent in the manner defined in the organic law. The qualifications of judges and of State public Prosecutors, and the manner of their appointment, transfer, dismissal, promotion, degradation, suspension and retirement, and also the amount of their salaries and remuneration, are defined in the organic law of the Ministry of Justice.

This provision becomes executive 1 year after the present statute enters into force.

Art. 121. The judges, except for the rights and duties prescribed by law, are strictly forbidden to undertake any other employment, public or private.

Art. 122. Each person has the right to defend his interests in the manner accepted by law.

Art. 123. The courts are open to the public except in special cases when the law considers it necessary that the public should be excluded in the interests of the people and of public order.

Art. 124. The judges shall deliberate and come to their decisions in *cameră*, but decisions are pronounced in public in accordance with law.

Art. 125. The decisions of the courts must be supported by legal arguments and the articles of the law on which they are based.

Art. 126. In no case may extraordinary courts be set up except in the case of political crimes, when a special court with special laws may be formed for a definite time.

Art. 127. No court can refuse to bear a case which is within its competence and duty.

When a court determines that a case is outside its competence it may refuse to hear the case after giving a formal decision to that effect.

Art. 128. A case in the criminal courts involving freedom of the person and carrying a maximum penalty of 3 years or more cannot be heard unless the accused is assisted by a lawyer. Should the accused not appoint a lawyer for his defence, the court shall nominate one in conformity with law. In such cases the interrogation of the accused by the examining official may be made with the assistance of the lawyer for the defence nominated by the accused.

Art. 129. All judges and public prosecutors selected and proposed in conformity with the special law are nominated by Royal decree.



Art. 130. Albania has a Court of Cassation, which is divided into different sections in conformity with the special law. The seat of the court is in the capital.

Art. 131. The method of proceeding against judges and public prosecutors is laid down by a special law.

Art. 132. For crimes committed during the discharge of their duties or arising out of their duties the president, members and deputy members of the Court of Cassation and the Chief State Public Prosecutor shall be judged by the High Court of the State.

Preliminary enquiries shall be made by the competent Ministry and a decision to prosecute taken by Parliament.

Art. 133. For crimes committed arising out of or during the discharge of their duties, judges, with the exception of those of the Court of Cassation, and public prosecutors shall be judged by the Court of Cassation in accordance with the law, and after the formalities of accusation laid down by the special law have been carried out.

Art. 134. A decision to send judges and public prosecutors for trial entails their suspension from duty.

### **Section B - The State High Court**

Art. 135. To try crimes arising out of their duties or during the discharge of their duties committed by Ministers, the President, members and deputy members of the Court of Cassation, of the Council of State, of the Audit Council of Finance and the Chief Public Prosecutor, a State High Court is formed.

Art. 136. The State High Court shall be convened by Royal decree as occasion arises.

Art. 137. The State High Court shall be composed of the President of the criminal side of the Court of Cassation, who also presides, 4 members of the Court of Cassation, and 4 members of the State Council who are chosen by lot among themselves at a special meeting.

Art. 138. The duties of Public Prosecutor are performed by the Chief State Prosecutor.

Art. 139. The decisions of this court are taken by a two- thirds majority of its members and are final.

Art. 140. The High Court judges and gives decisions in accordance with the State laws in force.

## **Part III - State Finance**

### **Chapter I – Finance**

Art. 141. A tax is a collective contribution by the people to meet the general expenses of the State.

Art. 142. No tax of any kind can be enforced and collected except by law.

Except when a customs tariff is imposed or increased, the new tax shall be collected from the day on which the relative bill is presented to Parliament in a closed envelope. Such bill must be passed within 15 days. When the customs tariff is lowered, the relative law enters into force 2 months after promulgation.

Art. 143. The law cannot create taxes except for the benefit of the State, prefectures, communes, municipalities and public institutions.

Taxes for the benefit of prefectures and communes are created after the consent of the local council has been obtained.

Art. 144. Privileges in the matter of taxes cannot be created nor can exemptions, modifications or abrogations of taxation be made except by law.

Monopolies cannot be created except by law and must be exclusively for the benefit of the State and municipalities.

Art. 145. The State cannot be made liable for pensions except by law.

Art. 146. During the month of January of each year, the executive authority shall present to Parliament the estimates which are voted section by section twice on two different days. These estimates shall comprise all receipts and expenditure of the year, together with the relative laws under which the receipts are calculated.

After the end of the financial year and during the month of August the Ministry of Finance is obliged to refer the previous budget to the Audit Council, which, after examining it, shall present it to Parliament during the month of November with a report thereon, together with the necessary observations. At the same time. the previous budget, having been examined as above, together with the Audit Council's report of examination, is presented to the Prime Minister, who places it before Parliament for approval.

The previous budget is voted once en bloc.

Art. 147. In case the estimates are not voted before the 31st March, the executive authority is empowered to put the previous budget into force during such time as the voting of the draft budget is delayed.

Art. 148. When a credit figuring in the budget is not sufficient for the service for which it is designed or when a need of expenditure for purposes unforeseen in the budget arises, the executive authority may demand from Parliament by. bill a supplementary or new credit. The executive authority shall indicate the means of meeting this further expenditure.

Art. 149. No loan can be contracted for the benefit of the State without a law authorising it.

Art. 150. Real property of the State cannot be alienated nor can it be leased for more than 20 years without the sanction of Parliament.

Art. 151. Mineral property is divided into two classes mines and quarries. The first are the property of the State and the latter the property of the owners of the surface land. The exploitation of mines and quarries is subject to the relative laws.

Art. 152. Waters and mineral springs are governed by a special law. Rights acquired over these will be respected.

## **Chapter II - The Audit Council**

Art. 153. The finances of the State are controlled by an Audit Council. This body is independent in the exercise of its duties.

Art. 154. The Audit Council is composed of a president and two members. Its organisation and its functions and the qualifications of its members are set out in a special law.

Art. 155. The Audit Council checks the estimates and all the actual receipts and expenditure of the State.

Each year the Audit Council shall present to Parliament a general report covering the accounts of the past year's budget and indicate any irregularities which may have taken place in the different State administrations in the execution of the provisions of the budget.

Art. 156. The Audit Council presents a special report on the financial situation of the country to the King every 8 months through the Prime Minister.

Art. 157. The president and the members of the Audit Council are nominated by the King from double the number of candidates put forward by a special commission composed of the Prime Minister, the President of the House and the Minister of Finance. The other officials of the council are appointed in accordance with law.

Art. 158. For crimes committed arising out of their duties, the president and the members of the Audit Council may be charged and sent before the High Court by a decision of Parliament to that effect.

Art. 159. Before entering upon their duties the members of the Audit Council are required to take the proper oath in the presence of the King. They are appointed for a period of 7 years beginning in the case of each member from the date of the decree, and their permanency during this period is assured except in circumstances foreseen in the law on retirement or if by a decision of Parliament they are sent before the High Court or dismissed.

## **Part IV - The State Council**

Art. 160. A State Council shall be formed to discharge the duties defined in the present statute and in the special laws.

Art. 161. The State Council shall be composed of 10 members and 2 substitute members.

Art. 162. The members and substitute members of the State Council are nominated by the King from double the number of candidates selected by a special commission, composed of

the Prime Minister, the President of the Chamber of Deputies and the Minister of Justice. The other officials are appointed according to law.

Art. 163. The President of the Council of State is nominated by the King from amongst the members of the Council. He may also be dismissed from his post by the King.

Art. 164. The procedure of the State Council is set out in a special law.

Art. 165. For crimes committed arising out of or in the execution of their duties, the President, members and deputy members of the State Council may be charged and sent before the High Court by a decision to that effect taken by Parliament.

Art. 166. The members and substitute members of the State Council are appointed for a period of 7 years from the date of the decree of their appointment. They take the oath in the presence of the King before entering upon their duties. Their permanency during this period is assured except in the circumstances defined in the law on retirement or if they are dismissed or sent before the High Court by a decision of Parliament.

Art. 167. The members and substitute members of the State Council, besides possessing the qualifications set out in the special law, must be in possession of a university degree, be versed in science, experienced and capable.

Art. 168. The duties of the State Council are :

(a) To prepare Codes. (b) To examine and prepare all bills and regulations referred to it. (c) To examine and give its opinion on conventions and Concessions. (d) To perform the duties entrusted to it by the special laws and the various laws of the State.

#### **Part V - National Defence Forces**

Art. 169. The armed forces of the State are under the absolute orders of the executive authority. Their obligations are to defend the honour, the independence and the territorial integrity of the fatherland, and the high moral and material interests of the State.

Art. 170. The armed forces shall consist of -

(a) The national army (all land, air and sea forces). (b) The gendarmerie.

#### **Section A - The National Army**

Art. 171. Military service is obligatory for all Albanian subjects except such as are exempted by the law.

Art. 172. The organisation of the different branches of the army is regulated by law, but the application of the law and the formation of units are under the orders of the King.

Art. 173. The effectives of the armed forces are fixed in the State budget for each year.

Art. 174. The supply departments of the armed forces are controlled and directed by the General Command to which they are attached. The General Commands in question are authorised to expend the credits allotted to them, always under the effective control of the Ministry of Finance.

Art. 175. In penal cases the military courts act in accordance with the law and the special procedure. The regulations concerning military discipline and disciplinary punishments are put into execution by Royal edict.

Art. 176. All the armed forces of the State form one body and are under the absolute command and orders of the King.

Art. 177. In case of war the King may appoint a high officer to the effective command of operations. When the King takes effective command of operations he is directly responsible to the State as far as the execution of the operations is concerned.

Art. 178. The King orders the calling up of recruits, and in extraordinary circumstances or when determined by law the calling out of reserves. The King alone may order the distribution of the forces in the various areas and no force may be moved except by the orders of the King communicated through the Command of the National Defence.

Art. 179. The King as Commander-in-Chief of the armed forces shall issue his orders immediately to the Command of the National Defence.

Art. 180. The Commander of the National Defence is responsible before law for illegal actions.

The Commander of the National Defence is represented in Parliament by the Prime Minister.

Art. 181. All military bodies are absolutely obliged to obey the orders of the King. This obligation is mentioned in the oath which is taken in the presence of the national flag.

Art. 182. The appointment of officers, from the rank of company commander upwards, is made by the King. These Officers shall re-affirm their loyalty and obedience to the King by taking the oath in the presence of the national flag.

Art. 183. Military Promotion is won or lost according to the provisions of the laws in force and by Royal decree.

Military pensions are regulated by law.

Art. 184. The Commander of the National Defence and the Chief of the General Staff are the King's natural advisers in military matters which are decided by the King alone.

The King may form a Military Council on important occasions.

Art. 185. Foreigners may not take up military service in Albania except as organisers under contracts which may not exceed 5 years.

Art. 186. All crimes committed by civilians in conjunction with soldiers are judged by the ordinary courts in peace time and by the military courts in time of war.

Art. 187. No foreign armed forces may land in Albania or Albanian armed forces be sent out of Albania except by decision of Parliament.

Art. 188. Active members of the armed forces enjoy all civil rights, except in such cases as are set out in the law.

### **Section B – Gendarmerie**

Art. 189. The organisation and strength of the gendarmerie forces are fixed by a special law.

Art. 190. From a military Point of view the State gendarmerie is connected with the Supreme Command in the manner defined in sub-section A of this part and, from a service point of view, it is under the orders of the Ministry of the Interior. The gendarmerie acts in conformity with the provisions of the laws in force.

### **Part VI - The Rights of Citizens**

Art. 191. All Albanians are free-born and live in freedom.

In Albania a person can neither be bought nor sold, and all bought persons or slaves are free the moment they set foot on Albanian soil.

Art. 192. Freedom is the natural right of all persons and is circumscribed by the limits of the freedom of others. This limit is determined only by the law.

Art. 193. Personal freedom is guaranteed. Nobody may be prosecuted, arrested or imprisoned, except in accordance with the law and in the form laid down by the law.

Art. 194. All citizens are equal before the law, and without exception are obliged to respect the law.

Art. 195. All citizens enjoy equal political and civil rights and are accepted in all military and civil offices, except in such cases as are set out in the law.

Art. 196. The abode is inviolable and may not be entered by force, except as and when the law orders.

Art. 197. Freedom of speech and of the press is guaranteed, and a censorship may not be instituted, except in case of war mobilisation or other extraordinary event defined by the law. The regulation of the press, the confiscation of press matter and the prosecution of the press are determined by law.

Only Albanian subjects may publish newspapers in Albania.

Art. 198. The right to property of whatever kind is inviolable, and property may only be expropriated after it has been ascertained that it is in the interests of the public to do so, and a reasonable value determined by a special law is paid.

Art. 199. The right of forming associations and holding peaceful meetings unarmed is guaranteed in conformity with the law.

Associations may not be dispersed for transgressing the laws unless an order to that effect be given by the courts.

Police officials may be present at public meetings. Open-air meetings may be stopped if they endanger public order.

Art. 200. Albanian citizens have the right to form societies within the limits of the law. The use of this right is not subject to any preliminary measure.

Art. 201. The secrecy of correspondence, telegraph and telephone messages is inviolable, except in case of war mobilisation, revolution and the investigation of serious crimes.

The relative law defines the penalties incurred by those who betray the secrecy of correspondence, or of telephone and telegraphic messages.

Art. 202. No hindrance can be placed in the way of travelling except as provided by the law.

Art. 203. Freedom of thought and of conscience is guaranteed, but the expression of thoughts in one way or another must be in conformity with the law.

Art. 204. Only Albanian subjects may be employed in Government positions. Foreigners may be employed as specialists, but their contracts may not exceed 5 years' duration.

Art. 205. All forms of torture are entirely forbidden.

Art. 206. The primary education of all Albanian subjects is obligatory, and the State schools are free.

Art. 207. Only Albanian subjects may open private schools of various kinds, provided they conform to the law, the principles and the programmes adopted by the State for the State schools and are always under the effective control of the Government.

Foreigners may open only technical and agricultural schools with theoretical and practical programmes in conformity with the laws.

Albanian religious communities may open religious schools with the permission of the competent Ministry and in accordance with the law. The number of schools required for each community and the number of students in these schools shall be fixed by the competent Ministry by decisions of the Council of Ministers.

Art. 208. Confiscation is forbidden, and cannot take place except in conformity with the laws and by a decision of a court.

Art. 209. Forced labour is forbidden. In case of war, the State has the right of requisition, and by special law to make internal forced loans.

Art. 210. No Albanian subject can be expelled from Albania. Within the limits of the State, no Albanian subject may be interned or compelled to adopt an obligatory residence except in cases provided by the law.

Art. 211. The extradition of Albanian subjects is absolutely forbidden.

Art. 212. All persons, groups of persons or associations have the right to address themselves to the competent authorities or to Parliament verbally or in writing for the protection of their private or public rights.

The authorities are obliged to reply in writing as soon as possible to all private questions addressed to them.

Art. 213. Nobody may be summoned or judged by any court other than that which is competent by law.

## **Part VII - Various Provisions**

Art. 214. An Albanian subject cannot at the same time be a subject of any other State.

Albanian nationality is acquired, maintained and lost in accordance with the provisions laid down in the Civil Code.

Art. 215. All foreigners in Albania enjoy the right of protection for their persons and property except in cases provided by the law.

Foreigners can in no way acquire a title to rural property, nor can they own real estate in such areas adjacent to the State frontiers or the sea as are fixed by Royal decree on the decision of the Council of Ministers. This provision does not prejudice the rights previously acquired.

Foreigners have only the right to the value of such lands when sold, and can be owners only of so much as is necessary for the erection of factories or for purposes of communications.

Art. 216. No State organisation may be formed or modified except by law. Defined areas, whether administrative, judicial, military or other, as also the transfer of their respective centres, are regulated only by law.

Art. 217. No condemnation may be pronounced and executed except on the basis of the law.

Art. 218. Laws may not have retroactive effect except those in reduction of penal sentences.

Art. 219. The State recognises associations formed in accordance with the law.

Art. 220. The qualifications, rights, duties, salaries, pensions, remuneration, method of nomination, dismissal, promotion, degradation and prosecution of officials for offences connected with their duties are laid down by a special law.

Art. 221. Officials en disponibilité may be maintained in the army and in other branches of the administration when provided for by the budget law.

Art. 222. Crown land is the property of the State, and the provisions of the Civil Code apply to it.

Until the Civil Code comes into force, the provisions of the law at present in force shall be valid.

Art. 223. The present statute may not be wholly or partially suspended.

No law or regulation can be made against the letter or the spirit of the present statute.

### **Part VIII - Revision of the Statute**

Art. 224. Proposals for the authentic interpretation, modification, addition and general or partial revision of the present statute may be made only by the King or Parliament.

Such proposals, with the exception of a proposal for a general revision, must set out clearly all the points in the statute for which interpretation, modification, addition or partial revision is required.

In the case of articles 1, 2, 6, 50, 51, 52 and 70 of the present statute, no proposal for revision can be made or accepted.

Art. 225. The proposals mentioned in article 224 when made by Parliament must be signed by at least one-third of the total membership of the House.

Art. 226. The proposals mentioned in article 224 are voted in principle by a two-thirds majority of the sitting, and on the second vote by a three-fourths majority of the whole number of members of Parliament.

Art. 227. When, leaving aside articles 1, 2, 6, 50, 51, 52 and 70, proposals are made for the general revision of the statute or for the modification of the provisions of article 8 or 53, and are accepted in principle by a three-fourths majority of the members of the House, Parliament shall be considered as voluntarily dissolved and new elections shall be held under article 35 of the present statute for a Revisory Assembly, which shall be composed of double the number of members of the late Parliament. The Revisory Assembly shall meet 10 days after the conclusion of the elections and debate only the points accepted in principle by the late Parliament. As soon as this task is completed the Revisory Assembly shall resign and a new Parliament be elected.

Art. 228. Authentic interpellations, modifications and additions to the present statute which are voted by Parliament in accordance with the provisions of article 226 shall enter into force after having been sanctioned by the King.

Should the King withhold his approval, the proposals shall within 15 days of their presentation be returned to Parliament with an indication of the reasons for so doing. Parliament shall then discuss the matter anew, and, if it upholds its previous decision, shall be considered as voluntarily dissolved. The decision of the new Parliament shall be final and shall be promulgated by the King.

Art. 229. The decisions of the Revisory Assembly are final and shall be promulgated by the King within 15 days of their being presented to him.

### **Part IX - Temporary Provisions**

Art. 230. The Constituent Assembly, after finally voting the present statute, shall continue as a Parliament until the end of a period of 4 years beginning from the 16th August, 1928.

Art. 231. Wherever the words "Republic" or "President of the Republic" occur in the laws and regulations of the State they shall be replaced by the words "Kingdom" and "King" respectively.

#### **Part X - Final Provisions**

Art. 232. The provisions of the laws which are in conflict with the provisions of the present statute are null and void.

Art. 233. All previous statutory provisions are null and void.

Art. 234. The present statute enters into force from the day of its proclamation.