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CONSTITUTION OF THE REPUBLIC OF CHAD
NOVEMBER 28, 1960

Constitutional Law N. 18-60 on 28 November 1960 (1)

The Legislative Assembly deliberated and adopted;

The Head of State, President of the Council of Ministers, promulgated the Constitutional Law which reads as follows:

Preamble

The people of Chad declare their commitment to the principles of democracy and human rights as they have been defined by the Declaration of the Rights of Man and Citizens of 1789, by the Universal Declaration of 1948, and as guaranteed by the present Constitution.

The fundamental principles of the constitutional organization of the Republic of Chad are:

Defense of human rights and public freedoms in the same ideal of democratic justice;

Establishment of a true democracy, founded on the system of separation of three powers: legislative, executive and judicial.

The people of Chad affirm their willingness to cooperate in peace and friendship with all people who share their ideal of justice, freedom, equality, fraternity and human solidarity.

First Title
State and Sovereignty

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Article 1. The State of Chad is an independent and sovereign Republic.

The national emblem is the tricolor flag, blue, yellow, and red, in vertical stripes.

The national anthem is determined by law.

The motto of the Republic is: Unity - Work - Progress.

The official language is French.

Article 2. The Republic of Chad is one and indivisible, secular, democratic and social.

Its principle is the government of the people by the people and for the people.

Article 3. Sovereignty belongs to the people. No section of the people or any individual may assume its exercise.

Article 4. The people exercise their sovereignty through their representatives and by way of referendum. Conditions of use for referendum shall be determined by law.

The Supreme Court shall ensure the regularity of operations of referendum and announce the results.

Article 5. Suffrage is universal, equal and secret. The electorate is defined by law.

Article 6. The rights of citizens are guaranteed by the constitution. They are inalienable and inviolable. They are based upon the principles of freedom, humanity and equality which are the essential expression of democratic government.

Accordingly:

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No one shall be arrested or detained except for in accordance with legislative requirements and the command of the lawful authority.

The domicile of any person residing in the territory of the Republic is inviolable. It not permitted to enter them except for in the forms and cases provided for by law.

Oppression of a fraction of the people by another is proclaimed anti-constitutional and illegal.

The Republic guarantees to all equality before the law without distinction of race, religion or origin. Each person may profess their religion freely and receives equal protection from the state for the exercise of their religion.

Any specific propaganda of racial or ethnic character and any manifestation of racial discrimination are punishable by law.

Citizens have the right to freely associate, petition and express their thoughts. The exercise of these rights is only limited by the rights and freedoms of others and public safety.

The press is free, regardless of its mode of expression. Conditions for exercise of the freedom of the press are determined by law.

Public education is secular. It is taught in French. A particular place is made for the teaching of Arabic. Primary, secondary and technical education taught in institutions by the government of the Republic is free.

Equality of all citizens is proclaimed for access to public employment, without any preferential reason other than merit.

Any distinction of birth, class or caste is abolished.

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Freedom of employment is guaranteed under the laws of society. The right to work, medical assistance and assistance to abandoned children, the disabled and the elderly without resources, are guaranteed by the Constitution.

The equality of citizens before taxation with everyone's contribution to public charges in proportion to his abilities and his financial assets.

Citizens are free to form political parties and groups to add more effectively to the expression of universal suffrage.

Article 7. Political parties and groups contribute to the exercise of suffrage; they form and exercise their activities freely under the condition of respecting the principles of national sovereignty, democracy and the laws of the Republic.

Title II
The Head of State and Government

Article 8. The Head of State is the Head of Government.

He is responsible for the National Assembly under the conditions and following the procedure provided for in Articles 45, 46 and 47 hereafter.

Article 9. The National Assembly shall meet as of right for its first working day following the fifteenth day after his election.

The agenda includes as of right the appointment of his office and that of the Head of State, Head of Government.

The Head of State is elected by the National Assembly. The election is acquired in the first ballot by a majority of two thirds of the members of the Assembly, on the second ballot by a majority of three fifths of the members of the Assembly, and on the third ballot at the absolute majority of the members of the Assembly.

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Article 10. If within a period of 20 days commencing on the first ballot the National Assembly cannot appoint the Head of State, it is automatically dissolved. It shall then proceed as provided for hereafter in Article 49.

Article 11. Once appointed, the Head of State appoints the members of Government, defines their duties and appears before the National Assembly with his Government.

The Head of State may transfer members from the Council of Ministers to the Government and set about the method for their replacement. The decree terminating the functions of a minister and appointing his successor shall be forwarded to the National Assembly.

Article 12. The Head of State presides over the Council of Ministers. He is the head of all government departments. He is the head of the military. He appoints all civil and military positions for the State. He has regulatory power. He ensures the maintenance of public order and security of persons and property.

The Head of State accredits ambassadors and envoys to foreign powers; foreign ambassadors and envoys are accredited to him.

The Head of State may delegate certain powers to members of the Government. His acts are countersigned by the Ministers concerned.

Article 13. The Council of Ministers shall deliberate on the general policy of the State, legislative bills, regulatory ordinances and decrees as well as on the nomination by decree for senior positions of the State whose listing is established by law.

Article 14. The functions of members of Government are incompatible with any public office or with the exercise of any professional activity contrary to the interests of the State, under conditions determined by law.

Article 15. Once the institutions of the Republic, the independence of the Nation, the integrity of its territory or the performance of its

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international commitments is threatened in a serious and immediate way, the Head of State may administer exceptional measures to the Council of Ministers as required by the circumstances after official consultation with the President of the National Assembly.

He informs the nation.

The National Assembly shall meet as of right.

Article 16. The Head of State has the right to pardon.

Article 17. Bills, orders and decrees can be examined for regulatory review by the Supreme Court before being submitted to the Council of Ministers.

Title III
The National Assembly

Article 18. Parliament is constituted by a single assembly, called "National Assembly", whose members carry the title of deputy.

Article 19. The National Assembly enacts laws, taxes, designates the Head of State and monitors his actions.

Article 20. Deputies to the National Assembly are elected by direct universal suffrage.

The term of the legislature is five years.

The law shall determine the number of members of the National Assembly, the conditions of eligibility, the rules of ineligibility and incompatibility, the terms of the ballot, the conditions under which it is necessary to hold new elections in case of vacancy of seats of deputies.

Article 21. In case of dispute the Supreme Court gives final ruling on eligibility of candidates and the validity of elections for the National Assembly.

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Article 22. The National Assembly shall meet in full each year in two ordinary sessions.

Except for the anticipatory closing by the Assembly itself by a vote of the majority of its members, the session ends automatically sixty days after the first meeting.

The first session begins on the first Tuesday of April.

The second session, called “Budget Session”, opens the last Tuesday of October.

The opening of the session is adjourned until the next day if the day is a holiday.

Article 23. The National Assembly is convened in special session by the Head of State or by its President, or when it receives a written request by a majority of deputies composing the Assembly.

The restricted agenda of the session is specified in the notice of its convening.

The session ends when the agenda is realized and no later than 15 days after the first meeting.

The Head of State alone may convene the Assembly before the end of the month following the end of the previous session.

Article 24. The President of the Assemble and officers of government are elected for one year. They are eligible for re-election.

Article 25. The minutes of all hearings shall be published in the *Official Journal.*

Article 26. All provisions necessary for the functioning of the National Assembly which are not mentioned in this Constitution shall be fixed by the Rules of Procedure of the Assembly.

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Article 27. Each deputy is a representative of the Nation as a whole.

Any imperative mandate is null.

The deputies' right to vote is personal. However, the delegation of a vote is permitted when a deputy is absent because of illness, for the execution of a mandate or order entrusted to him by the Government or the Assembly, or to fulfill his military obligations. No person may receive a ballot for more than one vote delegation.

Article 28. The deputies of the National Assembly shall enjoy parliamentary immunity.

Deputies cannot be prosecuted, investigated, arrested, detained or judged for the votes cast in the exercise of their functions.

Deputies cannot, for the duration of sessions, be prosecuted or arrested in criminal or correctional matters without authorization from the Assembly, except in cases of flagrante delicto.

Deputies cannot be arrested, outside of sessions without the authorization of the Assembly, except in cases of flagrante delicto, authorized prosecution or final conviction.

Article 29. Deputies receive compensation for their functions the composition of which is fixed by law.

Title IV
Relations between the Assembly and the Government

Article 30. The law is a deliberation of the National Assembly, duly promulgated.

The law determines the rules concerning:

> Citizenship, civil rights and the fundamental guarantees accorded to citizens for the exercise of public liberties, the

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obligations imposed by national defense to citizens on their person and their property;

Nationality, the state and capacity of people, the regulations of property, matrimonial affairs, inheritance and liberality;

The determination of crimes and misdemeanors, and the penalties that apply to them, criminal proceedings, amnesty;

The organization of courts, the status of magistrates;

Civil proceedings;

The rate and manner of collection of taxes of any kind, the issue of currency;

The regulation of property and real rights;

The electoral system of the National Assembly and local Assemblies;

The fundamental rights afforded to public officials and the general status of civil service;

The creation of public institutions;

The law also determines fundamental principles of:

The general organization of the administration and national defense;

The free administration of territorial authorities, their responsibilities and resources;

Education;

Labor laws, unionization and social institutions;

The disposition and management of the domain of the State;

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Interior navigation of waterways and air transportation;

Mutuality and savings;

The organization of production;

The prison system;

Financial laws determine the revenues and expenditures of the State.

“Plans” are laws designed to determine the objectives of economic and social action of the State.

The provisions of this article may be specified or supplemented by an organic law.

Article 31. The declaration of war is authorized by the National Assembly.

A state of siege or state of emergency is decreed by the Council of Ministers.

The provisions of this article may be specified or supplemented by an organic law.

Article 32. Other matters which are in the area of the law have a regulatory character.

Legislative texts concerning these matters set forth before this Constitution was put into force may be changed by decree after review by the Supreme Court.

Article 33. The Head of State may, for the execution of his duties, ask the National Assembly for permission to distribute orders, for a limited period of time, for measures which are normally in the domain of the law.

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The orders are taken by the Council of Ministers. They shall come into force from their own publication, but shall lapse if the ratification is not laid before the National Assembly before the fixed date.

At the expiration of the period mentioned in the first paragraph of this article, the ordinances may be modified only by the law in their provisions which are of legislative nature.

Article 34. Proposals and amendments which are beyond the scope of the law are inadmissible. The inadmissibility is pronounced by the President of the National Assembly.

In case of dispute, the Supreme Court, brought by the Head of State or by the President of the National Assembly, decides within a period of eight days.

Article 35. Proposals and amendments filed by deputies are not admissible where their adoption would cause a reduction in public resources, or the creation or inflation of a public office, unless they are accompanied by a proposal to increase revenue or savings equivalently.

Article 36. The laws which the Constitution confers as organic laws are passed and amended by a majority vote of two thirds of the deputies composing the National Assembly.

Organic laws can be promulgated only after declaration by the Supreme Court of their conformity to the Constitution.

Article 37. Members of the Government have access to the Assembly. The Head of State and Ministers shall be received and heard by the Assembly and its committees upon their request. They may be assisted by Government commissioners appointed by them.

Article 38. Legislative initiative belongs jointly to the Head of State and the deputies of the National Assembly.

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Article 39. Deputies and members of Government have the right of amendment.

After the opening of discussions, the Government may object to the consideration of any amendment that has not been illustrated and described subject to the appropriate committee.

If requested by the Government, the National Assembly shall decide by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

Article 40. The discussion of bills are brought on the text submitted by the Government, the discussion of a proposition is brought by the text submitted by its author.

Article 41. The agenda of the National Assembly gives priority to, in order that has been determined by the Government, the discussion of bills filed by the Government and of propositions accepted by the Government.

One session per week is reserved with priority to questions from deputies and answers by Government.

Article 42. The National Assembly votes on budget bills based on conditions provided by an organic law.

The National Assembly receives the draft budget bill no later than the eve of the opening of the budgetary session.

The draft budget bill must provide for the necessary resources to cover integral expenses.

If the Assembly has not pronounced, before the end of the session, the provisions of the draft budget bill they can be put into force by order without prior authorization by the Assembly.

If the bill adopted by the Assembly does not provide sufficient revenue to balance spending, the Government must order, in the manner described in the previous paragraph, reduction of credit or

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the creation of new revenue to the extent necessary to obtain equilibrium.

In the cases provided for in the above two paragraphs, the Government shall convene the Assembly in a special session for ratification within fifteen days.

If the Assembly does not vote on a balanced budget at the end of the special session, the budget is definitively established as a government project not subject to ratification.

If the draft budget bill has not been passed in the conditions provided in the second paragraph of this article and it has not been voted on before the close of the session, the Head of State urgently requests for the National Assembly's authorization to collect taxes and open by decree credits related to voting services.

The regular session is prolonged for a special session whose length is at most equal to the delay brought by the Government in the passing of the budget law. If, at the expiration of the special session, the balanced budget bill is not adopted, the procedures provided for in paragraphs 4, 5, 6 and 7 of this article shall apply.

Article 43. Laws are promulgated by the Head of State under the countersignature of the Ministers concerned within fifteen days of their submission to the Government by the President of the National Assembly.

In the absence of promulgation within this period, it shall be filed by the President of the National Assembly.

This period is reduced to five days in the case of emergency declared by the National Assembly.

The Head of State, the President of the National Assembly, and a number of deputies representing at least one fifth of the members of the National Assembly may, before the expiration of these periods, ask the National Assembly for a second deliberation of the

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law or some of its articles. This second deliberation cannot be refused.

The same authorities may, in the same periods, summon the Supreme Court. This review is called for a period of fifteen days and shall serve to decide on the conformity with the Constitution of the laws that are so referred. Referral to the Supreme Court suspends the period of promulgation.

The Head of State may also, in the same periods, request and obtain the second deliberation in place of the regular session following the session at which the draft of the bill was adopted in its first reading.

Voting for this second session is passed by a majority of two thirds of the members of the National Assembly.

Article 44. Each year at the opening of the first regular session, the Head of State delivers an address on the State of the Nation to the National Assembly.

Article 45. The Head of State may, after deliberation with the Council of Ministers, engage the responsibility of the Government on a general policy statement or the adoption of a bill.

The declaration or bill may be adopted if the National Assembly does not declare a censure of the Government by an absolute majority vote of its members after the expiration of a period of one whole day.

Article 46. A motion of censure may also be proposed by at least one third of the members of the National Assembly. It is deposited in the office of the National Assembly.

The vote takes place three full days after the deposit. It is preceded by a general policy statement made by the Government.

Censorship shall be passed by an absolute majority of the members of the National Assembly.

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Article 47. When censorship is enacted in the conditions provided for in Articles 45 and 46, the session of the National Assembly shall be suspended immediately after announcing the outcome of the vote.

Within the 48 hours that follow, the Head of State may dissolve the National Assembly, after consultation with its President.

In this case, the President of the National Assembly becomes, ipso facto, Minister of the State. The renewal of the National Assembly must take place in thirty days at the minimum and forty five days at the maximum.

If at the expiration of the period of 48 hours, as described in the preceding paragraph, the National Assembly has not been dissolved in the manner provided for in the same paragraph, the session resumes of right and proceeds to the election of the Head of State under the conditions provided for in Articles 9 and 10 above.

Article 48. The closing of the regular and special sessions shall be delayed to allow for, if necessary, the application of Articles 45, 46 and 47.

Article 49. The Head of State remains in office with his full powers until the inauguration of his successor. In case of death or permanent incapacity of the Head of State, determined by the Supreme Court, pending the appointment of his successor, the ministers undertake the current affairs of the office under the supervision of one of the ministers as designated for this purpose by the Council of Ministers.

Title V
Territorial Authorities

Article 50. The territorial authorities of the state are created by law. The law determines the fundamental principles of the free administration of territorial authorities, their responsibilities and resources.

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Title VI
The Economic and Social Council

Article 51. The Economic and Social Council gives its advice on bills, by ordinance or decree, and on legislative proposals that are submitted.

Legislation with economic or social programs is submitted to the Council for review.

The Head of State may consult with the Council on any problem of economic or social character.

Economic and Social Council membership and rules of operation shall be determined by law.

Title VII
Judicial Authority

Article 52. Justice is rendered in the territory of the State on behalf of the people.

Article 53. Judges as bound in the exercise of their functions have the authority of the law.

The Head of State is the guarantor of their independence.

He is assisted by the Superior Council of the Magistracy.

Article 54. The Superior Council of the Magistracy is constituted of the full Assembly of the Supreme Court.

Article 55. Judges are appointed by the Head of State on the proposal of the Keeper of the Seals, Minister of Justice, after review from the Superior Council of the Magistracy. These judges are irremovable.

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Article 56. The Superior Council of the Magistracy studies the records of grace and sends them forward with its recommendations to the Head of State.

The Superior Council of the Magistracy is the disciplinary court for sitting judges.

Article 57. No one shall be arbitrarily detained.

All those accused are presumed innocent until proven guilty as a result of a procedure which offers him the opportunity to defend himself. The judicial authorities, in guarding individual liberty, enforce these principles under the conditions prescribed by law.

Title VIII
The Supreme Court

Article 58. The President of the Supreme Court is appointed for five years by the Head of State after being advised by the President of the National Assembly.

The Supreme Court also included four personalities known for their competence in judicial and administrative matters, two selected by the Head of State with the Council of Ministers, and two selected by the President of the National Assembly in meeting with his office.

Article 59. The offices of President and member of the Supreme Court are incompatible with those of members of Government or the National Assembly. Other criteria of ineligibility shall be determined by law.

Article 60. The decisions of the Supreme Court are not subject to appeal. They are binding on all public powers, to all courts and all administrative and judiciary authorities. Any provision declared unconstitutional may not be promulgated.

Article 61. The Supreme Court shall exercise the powers provided for in Article 4 on matters of referendum, shall give its opinion in cases falling under Articles 17 and 32, shall act in accordance with

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Article 21 on the validity of elections to the National Assembly and on the eligibility of its members, shall decide on the conformity to the Constitution of organic laws, laws and international conventions under conditions provided for in Articles 36, 43 and 64, shall decide on the incapacity of the Head of State in the manner prescribed in Article 49, shall assume the role of the Superior Council of the Magistracy, in accordance with Articles 54 and 55.

The mode of application of this section shall be determined by organic law. This law will extend the jurisdiction of the Supreme Court to other areas than those provided for by this Constitution.

Title IX
International Treaties and Agreements

Article 62. The Head of State negotiates, signs and ratifies international treaties and agreements.

Article 63. Peace treaties, treaties or agreements relating to international organization, and those which affect in the internal laws of the State can only be ratified by virtue of law.

Article 64. If the Supreme Court, summoned by the Head of State or the President of the National Assembly, states that an international agreement contains a clause contrary to the Constitution, authorization to ratify it can intervene only after revision of the Constitution.

Article 65. Treaties or agreements duly ratified have, in their application, a higher authority than the laws subject, for each agreement or treaty, to its implementation by the other party.

Title X
Amendments

Article 66. The initiation of the revision of the Constitution belongs to the Head of State and the members of the National Assembly.

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Article 67. To be taken into consideration, the draft or proposed amendment must be voted by a majority of two thirds of the members of the National Assembly.

Amendment is acquired only after having been approved by referendum unless the draft or proposal in question has been approved by a majority of two thirds of the members of the National Assembly. This Article shall apply to the vote of this Constitution.

Article 68. No procedure of amendment can be committed or continued if it interferes with the integrity of the territory.

The republican nature of the Government is not subject to revision.

Title XI
The High Court of Justice

Article 69. A High Court of Justice shall be formed wherein the proceedings are decided in the manner prescribed in Article 70 hereafter.

The High Court of Justice is composed of deputies elected by the National Assembly. It shall elect its President from among its members.

The law determines the number of members, the rules of its operation and the procedures it follows.

Article 70. The Head of State is not responsible for the acts performed in the exercise of his functions and is not brought before the High Court except for the case of high treason.

The High Court is responsible for trying members of the Government for crimes or misdemeanors committed in the exercise of their functions, and for judging their accomplices in cases of conspiracy against the security of the State.

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Article 71. The impeachment of the Head of State and members of Government is passed by public vote by a majority of two thirds of the deputies of the National Assembly.

Article 72. The High Court is bound by the definition of crimes and misdemeanors and the determination of penalties resulting from criminal statutes in effect at the time of the proceedings.

Title XII
Association and Cooperation between States

Article 73. The Republic of Chad may form agreements of association with other States.

The Republic agrees to create intergovernmental bodies with these States with joint management, coordination and free cooperation.

Article 74. These organizations may have, inter alia:

Coordination of monetary, economic and financial policy;

Establishment of customs unions;

Creation of solidarity funds;

Coordination of plans for developments;

Coordination of foreign policy;

Coordination of means to assure national defense;

Coordination of judiciary organization;

Cooperation in the field of higher education;

Coordination of rules concerning the status of civil service and labor law;

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Coordination of transport, communication and telecommunications.

Title XIII
Transitory Provisions

Article 75. The present Constitution will be promulgated by the Head of State, the President of the Council of Ministers, under the countersignature of the Ministers, within three days after its adoption by the Legislative Assembly.

The session of the Legislative Assembly will expire as soon as this Constitution is passed. The current Legislative Assembly will become the National Assembly. The first term of the National Assembly is five years from the promulgation of this Constitution. It shall meet as of right on the first Tuesday following the promulgation of this Constitution. Its agenda will include the designations of its office.

The Head of State, President of the Council of Ministers shall be confirmed, at the date of promulgation of this Constitution, to the functions of Head of State and Head of Government.

Article 76. The established authorities in the Republic shall continue to exercise their functions and current institutions shall be maintained until the establishment of new institutions and authorities.

Article 77. The legislation and regulations currently in force in Chad shall remain applicable, except for the intervention of new texts, as long as they are not contrary to this Constitution.

Article 78. The provisions necessary for the implementation of this Constitution shall be subject to laws passed by the National Assembly.

Article 79. This Act shall be enforced as the Constitution of the Republic of Chad.

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Executed at Fort-Lamy, the 28 November 1960.

Francois Tombalbaye.

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