Constitution of Ruanda

Adopted on: 30 May 1991

Preamble
The National Council for Development, meeting as Constituent Assembly on 30 May 1991;
Trusting in God Almighty;
In view of the liberation action of the people of Rwanda accomplished by the social revolution of 1959;
Concerned about defending the republican form of government;
Born of the will of the people on 28 Jan 1961 and confirmed by referendum on 25 Sep 1961;
Resolved to safeguard the national index recovered on 1 July 1962 as well as the acquisition moral revolution 5 July 1973;
Faithful to democratic principles and concerned about ensuring the protection of human rights and promoting respect for fundamental freedoms, in accordance with the 'Universal Declaration of Human Rights' and the 'African Charter of Rights of Humans and People';
Wishing to adapt to national realities the constitutional principles established on 24 Nov 1962 and 20 Dec 1978 and to safeguard the national acquisitions for the purpose of reinforcing democracy;
Convinced of the necessity to achieve effectively national unity, peace, social justice, and respect for human rights based on liberty, equality, and fraternity for all members of the Rwandan community;
Resolved to guarantee to present and future generations the benefits of liberty, prosperity, and fulfillment for each person;
Resolved to pursue efforts made towards the development and prosperity of the country;
Resolved to contribute to maintaining the peaceful coexistence of nations, reinforcing cooperation between peoples, and developing African unity;
In revision of the Constitution of 20 Dec 1978 and in accordance with Article 91 thereof; Does establish and adopt this Constitution for the Republic of Rwanda:

Title I The Republic

Article 1 [State]

(1) Rwanda shall be a democratic, social, and sovereign Republic which shall take the name 'Republic of Rwanda'.
(2) Its Principle shall be: "Government of the people, by the people, and for the people."

Article 2 [Republic]
Monarchy shall be abolished and cannot be restored.

Article 3 [Flag, Seal, Anthem]

(1) The national flag shall consist of bands of red, yellow, and green color, starting from the pole, and with the letter 'R' in black in the center of the yellow band. The Motto of the Republic

shall be "Liberty, Cooperation, Progress."
(2) The Seal of the Republic shall be composed of ideograms of a dove and olive branch, a hoe and billhook, a bow and arrow, respectively symbolizing peace, work, and the defense of democratic liberties, in addition to the name and the motto of the Republic, all of it being framed by two National Flags placed opposite each other.
(3) The National Anthem shall be determined by law.

Article 4 [Languages]
Kinyarwanda shall be the National Language. Kinyarwanda and French shall be the official languages.

Article 5 [Citizenship]
Rwanda nationality and conditions for obtaining naturalization shall be defined by law.

Article 6 [Sovereignty]

(1) All power shall originate from the Nation.
(2) National sovereignty shall belong to the people of Rwanda which shall exercise it through representatives or by means of referendum.

Article 7 [Political Parties]
Political parties fulfilling the legal conditions shall concur to the expression of suffrage. They shall be formed and shall exercise their activities freely provided that they respect democratic principles and not infringe upon republican form of government, national territorial integrity, and the security of the State.

Article 8 [Suffrage]
Suffrage shall always be secret; it may be direct or indirect.

Article 9 [Electoral Rights]
Any Rwandan citizen, having attained majority and not being in any exclusion case prescribed by law, may be an elector within the conditions established by law.

Article 10 [Consultation]
The law shall determine the conditions and means of consultation of the people.

Article 11 [Prefectures, Communes, Capital]

(1) The Republic shall be divided into prefectures, endowed with their own juridical identities. A prefecture may be divided into sub-prefectures.
(2) Each prefecture shall be divided into communes, endowed with their own juridical identities.
(3) The law shall determine the number, limitations, organization, and operation of the prefectures, sub-prefectures, and communes.
(4) The Capital of the Republic shall be determined by law.

Title II Public Liberties

Article 12 [Human Dignity, Personal Freedom]

(1) The human being shall be sacred.
(2) The liberty of the human being shall be inviolable; no one may be prosecuted, arrested, imprisoned, or convicted other than in the cases prescribed by the law in effect at the time of the perpetrated act and within the forms prescribed by that law.
(3) No infraction may be punished by penalties which were not prescribed by law before it was committed.
(4) Any person shall be presumed innocent of the charges as long as a definite conviction has not taken place.

Article 13 [Security Measures]

No one shall be subjected to security measures except in the cases and forms provided by law, for reasons of public order or State security.

Article 14 [Criminal Responsibility]

Criminal responsibility shall be personal. Civil responsibility shall be defined by the law.
Defense shall be an absolute right
at any state or level of the proceedings.

Article 15 [Asylum, Extradition]

(1) Asylum rights shall be recognized within the conditions defined by law.
(2) Extradition shall be authorized only within the limits prescribed by law.

Article 16 [Citizen Equality]

All citizens shall be equal in the eyes of the law, without any discrimination, especially in respect to race, color, origin, ethnic background, clan, sex, opinion, religion, or social status.

Article 17 [No Slavery]

Any form of slavery or bondage shall be prohibited.

Article 18 [Religion, Expression]

Freedom of religion and the public exercise thereof, liberty of conscience, as well as liberty of expressing one's opinion about any subject, shall be guaranteed, except for the punishment of infractions committed during the exercise thereof.

Article 19 [Association]

Freedom of association shall be guaranteed within conditions determined by law; prior authorization may not be prescribed.

Article 20 [Assembly]

(1) Freedom of assembly in peaceful and unarmed meetings shall be guaranteed within the

limits determined by law.
(2) Prior authorization may be prescribed only by law and solely for outdoor meetings, on public streets, or in public places, and inasmuch as required by reasons of safety, peace, or health.

Article 21 [Moving]
Any citizen shall have the right to move and settle freely on the national territory, as well as to leave it or return to it; the exercise of this right may only be limited by law for reasons of public order or State security.

Article 22 [Privacy]

(1) The private lives of individuals snall not be infringed upon in any way.
(2) The privacy of correspondence and communications by post, telegraph, telephone, or by any other means shall be guaranteed; any restriction shall be determined by law only.
(3) Domiciles shall be inviolable. No house search may take place, except in the cases and manner prescribed by law.

Article 23 [Property]
Private property, whether individual or collective, shall be inviolable. No infringement shall take place except for the reason of public utility, in the cases and manner established by law, and in return for fair and prior compensation.

Article 24 [Family]

(1) The familty, which is the natural basis of the Rwandan people, shall be protected by the State.
(2) Parents shall have the right and duty to raise their children.

Article 25 [Marriage]

(1) Only monogamous marriages shall be recognized within the conditions and forms prescribed by law.
(2) The condititions and forms of divorce shall be defined by law.

Article 26 [Education]
Liberty of teaching shall be guaranteed, except for the punishment of infractions committed in the exercise thereof. The organization of subsidized official and free education as well as recognition of diplomas and certificates issued by private institutions, shall be regulated by law.

Article 27 [Mandatory Education]
Subject to the enforcement of Article 24 (2), primary education shall be mandatory and free, according to the methods established by law.

Article 28 [Service]
National, civil, or military service shall be organized by law.

Article 29 [Excessive Punishments]
Excessively punishing hard labor shall be prohibited.

Article 30 [Work]
Any person shall have the right to work, to freely choose his work, and to have equitable and satisfying working conditions.

Article 31 [Union Action]
Any worker may protect his rights by the means of union action, except for the punishment of infractions committed within that action.

Article 32 [Strike]
The right to strike shall be exercised within the laws by which it is regulated. It may not infringe upon the freedom to work.

Article 33 [Judicial Power]
Judicial power, as the guardian of public rights and liberties, shall ensure the respect thereof within the conditions prescribed by law.

Title III Powers

[Chapter 0 General Provision]

Article 34 [Separation]
The separation and collaboration of executive, legislative, and judicial powers shall be consecrated and regulated by this Constitution.

Chapter I Executive Power

[Section 0 General Provisions]

Article 35 [President, Government]
Executive power whall be exercised by the President of the Republic, assisted by the Government, composed of the Prime Minister and Ministers or Secretaries of State.

Article 36 [Remuneration]
The law shall establish compensation, pensions, and other material benefits pertaining to the presidential and ministerial duties.

Article 37 [Economic Incompatibility]

(1) The President of the Republic, the Prime Minister, Ministers, and Secretaries of State may not take advantage of their offices in order to acquire or dispose of any State property, nor exchange their personal property for a State property.
(2) Their duties shall be incompatible with the exercise of any
other compensated professional activity.

Article 38 [Immunity]

(1) The President of the Republic, and except in case of flagrante delicto, the Prime Minister, Ministers, and Secretaries of State may be prosecuted or arrested for crimes or misdemeanors only upon accusation voted on, in secret ballot, by the National Assembly with a majority of three-fourth of its members.
(2) They shall be subject to the Court of Cassation which shall rule, all chambers assembled, as the first and final resort.
(3) They may be subjected to civil imprisonment only upon authorization by the National Assembly.

Section I The President of the Republic

Article 39 [Functions]

(1) The President of the Republic shall be the Head of State. Through his arbitration he shall ensure the regular operation of higher level institutions of the Republic as well as the continuity of the State.
(2) He shall be the guarantor of national independence and unity, as well as territorial integrity.

Article 40 [Election, Term]

(1) The President of the Republic shall be elected by direct universal suffrage by an absolute majority of votes, according to the procedure prescribed by law.
(2) Candidates to the Presidency of the Republic must be at least thirty-five years of age.
(3) The President of the Republic shall be elected for a five year mandate.
(4) The President may be reelected. However, he may not exercise more than two successive mandates.
(5) The law shall determine the necessary means to be at the disposal of former Presidents of the Republic.

Article 41 [Oath]
Before taking office, the President of the Republic shall take an oath before the Constitutional Court and the National Assembly, in the following terms:
"I, ... , in the name of God Almighty, do solemnly swear to the Nation to faithfully carry out the duties entrusted to me, to be faithful to the Republic of Rwanda, and to promote the interests of the people of Rwanda with all respect to the Constitution and the law."

Article 42 [Resignation, Replacement]

(1) The President of the Republic may resign; his resignation shall be accepted by the National Assembly.
(2) In the event of impediment or temporary incapacity to express his will, the President of the Republic shall be temporarily replaced by the President of the National Assembly.

(3) In the event of resignation, death, or when impediment or incapacity shall be declared definitive by the Constitutional Court consulted by the Government, the President of the Republic shall be replaced by the President of the National Assembly until the election of the new President of the Republic, which must take place within 90 days.
(4) In the cases mentioned in the above Paragraph, the Prime Minister, Ministers, and Secretaries of State shall be considered as resigning and shall assume, each in his own right, the carrying out of the present affairs until the new Government is formed.

Article 43 [Second Replacement]
In the event the President of the Republic and the President of the National Assembly happen to be simultaneously placed in one of the cases prescribed in Article 42, the duties of the President of the Republic shall be carried out by the Prime Minister in the conditions prescribed in the said article.

Article 44 [Functions]
The President of the Republic:
1) shall appoint the Prime Minister and shall terminate his duties; upon the recommendation of the Prime Minister, he shall appoint the other members of the Government and shall terminate their duties;
2) shall preside the Council of Ministers;
3) shall make appointments to judicial positions as well as higher level civil and military posts established by law;
4) shall appoint and accredit ambassadors and extraordinary envoys abroad and shall terminate their duties; ambassadors and extraordinary envoys shall be accredited to him;
5) shall represent the Republic in his relations with foreign states;
6) shall negotiate, conclude, and ratify all international treaties, conventions, and agreements, whether of public or private law, and send them to the National Assembly as soon as allowed by the State's interest and security. However,
- peace treaties,
- alliance treaties,
- treaties that may bring modifications to the national territorial borders or affect sovereignty rights,
- treaties concerning the Republic's relations with one or several other States, as well as
- treaties, conventions, and agreements involving financial implications not anticipated in the budget,
shall be enforceable only following approval by law. The federation of the Republic of Rwanda with one or several other democratic States must be approved by means of a referendum;
7) shall declare war and sign armistices upon authorization by the National Assembly;
8) shall sanction and promulgate laws within 15 days after the constitutionality ruling;
9) shall have the right to oppose a suspension veto to the laws passed by the National Assembly. When exercising this right, he must return the law to the National Assembly within 15 days for a second reading. If the law returned to the National Assembly within 15 days is passed after a second reading and is not subjected to a constitutionality ruling, it must be

sanctioned and promulgated;
10) shall give the orders necessary for the execution of laws, without ever being able to suspend the laws themselves or exempt them from execution;
11) shall have the right to address messages to the Nation and, without causing debates, to the National Assembly;
12) may suspend for a maximum of 15 days the work of the National Assembly; however no suspension may be repeated in the course of one session;
13) shall exercise the right of pardon;
14) shall have the right to coin money.

Article 45 [Commander-In-Chief]
The President of the Republic shall be the Supreme Chief of the Armed Forces.

Article 46 [Bound by Law, Indictment]

(1) The President of the Republic shall attend to the observance of the Constitution.
(2) In case of violation of the Constitution by the President of the Republic, his indictment may only be decided upon by the
National Assembly, ruling by a majority of four-fifth of its members and by secret ballot.
(3) If the case arises, the President of the Republic shall be subject to the Constitutional Court which alone shall be qualified to order his forced resignation.

Article 47 [Referendum]
The President of the Republic may, on the advice of the Government and the National Assembly, submit to a referendum any bill or any other matter.

Article 48 [Siege, Emergency, Danger]

(1) The President of the Republic may, when the situation requires it and after consultation with the Government, with the Constitutional Court and with the Bureau of the National Assembly, proclaim a state of siege or a state of emergency. States of siege and emergency are regulated by law.
(2) When the Republic's institutions, the Nation's independence or prime interests, territorial integrity, or the execution of its international commitments are threatened in a grave and imminent manner, and when the regular governmental services are interrupted, the President of the Republic shall take the measures required by these circumstances, after consultation with the Government, with the Bureau of the National Assembly, and with the Constitutional Court.

Article 49 [Countersignatures]
The actions of the President of the Republic shall be countersigned by the Prime Minister, as well as the responsible Ministers and Secretaries of State.

Section II The Government

Article 50 [Power]

(1) The Government shall determine and conduct the Nation's policies.
(2) It shall have at its disposal the administration and the armed forces. It shall be accountable to the National Assembly according to the conditions and procedures prescribed in Articles 81 and 84.

Article 51 [Prime Minister]
The Prime Minister:
1) shall present to the National Assembly the Government's program and the ministerial cabinet in charge of the execution thereof;
2) shall direct the Government's action;
3) shall determine assignments for Ministers and Secretaries of State and the nature and competence of the departments under their authority. Ministers and Secretaries of State shall receive authority from the Prime Minister for affairs relevant to their departments; the Prime Minister shall determine the extent of this authority;
4) shall make appointments to civil and military posts, except for conflicting legal provisions or regulations;
5) may replace the President of the Republic to preside a Council of Ministers by virtue of express authority and for a specific agenda;
6) shall countersign laws adopted by the National Assembly and promulgated by the President of the Republic;
7) shall execute laws and regulations by means of decrees when he is in charge thereof.

Article 52 [Countersignatures]
The Prime Minister's actions shall be countersigned by the Ministers in charge of their execution.

Article 53 [Ministers and Secretaries of State]
Ministers and Secretaries of State shall execute laws and regulations by means of decrees, when in charge thereof.

Article 54 [Accountability]
The Prime Minister, Ministers, and Secretaries of State shall be accountable to the President of the Republic; moreover they shall be accountable to the National Assembly within the conditions defined by this Constitution.

Article 55 [Mandatory Consultation]
Upon convocation and presided by the President of the Republic, the Council of Ministers obligatorily shall be consulted about:
- bills of law and proposals of statutory orders;
- proposals of presidential decrees carrying execution of laws or statutory orders;
- proposals of presidential decrees relating to higher level government positions;
- dissolution of the National Assembly.

Article 56 [Oath, Resignation]

(1) The Prime Minister, Ministers, and Secretaries of State shall show solidarity with the President of the Republic.
(2) Before taking office, the Prime Minister, Ministers, and Secretaries of State shall take an oath before the President of the Republic and the National Assembly, in the following terms: *"I, ..., in the name of God Almighty, do swear to the Nation that I shall loyally carry out my duties, be faithful to the Republic of Rwanda and the Head of State, and promote the interests of the Rwandan people with all respect to the Constitution and the law."*
(3) Resignation or termination of the Prime Minister's duties for whatever reason, shall bring about the resignation of the Government.
(4) Each Minister or Secretary of State may, of his own accord, tender his resignation to the President of the Republic; this resignation shall be definite only if it is not withdrawn or refused by the President of the Republic within eight days.

Chapter II Legislative Power

[Section 0 General Provision]

Article 57 [Power]
Legislative power shall be exercised collectively by the President of the Republic and the National Assembly.

Section I The National Assembly

Article 58 [Election]

(1) The National Assembly shall be composed of members designated as 'Deputies to the National Assembly.' Deputies shall be elected for a five year mandate by universal and direct suffrage.
(2) Deputies may resign from their mandate.
(3) No person may be a Deputy to the National Assembly unless he is a Rwandan citizen, at least 21 years of age, and is able to fulfill any other conditions prescribed by law.
(4) The law shall establish electoral conditions, regulations for incompatibility, the number of Deputies, as well as compensation and other material benefits pertaining to the duties of Deputies.

Article 59 [Independence]
Any required mandate shall be invalid; the Deputies' right to vote shall be personal.

Article 60 [Oath]

(1) At the beginning of each legislative session, the first meeting shall be dedicated to the swearing in of the Deputies and to the election of the Bureau of the National Assembly. It shall be presided by the President of the Republic.

(2) Before taking office, Deputies shall take an oath before the President of the Republic, in the following terms: *"I, ... , in the name of God Almighty, do swear to the Nation that I shall loyally carry out my duties, be faithful to the Republic of Rwanda and the Head of State, and promote the interests of the Rwandan people with all respect to the Constitution and the law."*
(3) The National Assembly shall form its Bureau by electing a President, two Vice-Presidents, and a Secretary.

Article 61 [Presidency]
The National Assembly shall be directed by its President and, in case of the latter's incapacity, by one of the Vice-Presidents.

Article 62 [Internal Order]
The National Assembly shall determine by internal order the regulation of its organization and the procedure according to which it shall carry out its assignments.

Article 63 [Sessions]

(1) The National Assembly shall hold, by right, each year two ordinary sessions and when required by circumstances, extraordinary sessions. Ordinary sessions shall respectively start the third Tuesday of the month of October and the third Tuesday of the month of April. However, for the first year of the legislature, the first ordinary session shall start, by right, 8 days after the legislative elections.
(2) The National Assembly shall be convened by its President. It may be convened as an extraordinary session upon the initiative of the President of the Republic, its President, the majority of its members, or upon the request of the Prime Minister. When meeting in extraordinary session, the National Assembly may only address matters that motivated its convening.

Article 64 [Place]

(1) The National Assembly shall meet in the Capital except in case of absolute necessity.
(2) Any deliberation, whatever its subject, held without convocation or agenda, or held outside the session period or outside the premises noted on the convocation act, shall by right be invalid.

Article 65 [Publicity, Minutes]

(1) The National Assembly meetings shall be public; records of the debates shall be made public.
(2) However, upon the request of the President of the Republic, its President, a third of its members, or the Prime Minister, the Assembly may decide by an absolute majority to meet *in camera*.

Article 66 [Indemnity, Immunity]

(1) Deputities may not be prosecuted or accused because of opinions or votes expressed by them in the exercise of their duties.
(2) Except in case of *flagrante delicto*, Deputies may be prosecuted or arrested for other acts, or be subject to civil imprisonment only by authorization from the National Assembly passed by secret ballot by a majority of three-fourths of its members.
(3) Prosecution or imprisonment resulting from *flagrante delicto* or from authorization from the National Assembly shall be suspended during the session period if required by the National Assembly by a majority of three-fourths of its members and by secret ballot, except in case of a definite conviction.
(4) Deputies shall be subject to the Court of Cassation which shall rule, all chambers assembled, as the first and final resort.

Article 67 [Dismissal]

(1) No Deputy shall be dismissed from office unless he is met with a cause for ineligibility.
(2) If the case arises, the dismissal shall be by right and it shall be certified by the Council of State at the request of the Bureau of the National Assembly or the Government.

Article 68 [Sleeping Mandate, Property]

(1) When a Deputy is appointed to the Government or any other public office and he accepts, he shall immediately cease his duties as a Deputy and shall be replaced by his substitute.
(2) He shall resume his duties as soon as the reasons for incompatibility have disappeared, and as long as the legislature to which he has been elected is still in session.
(3) No Deputy may take advantage of his office in order to acquire or dispose of a property of State, or exchange a personal property for a property of State.

Section II Elaboration of Laws

Article 69 [Rule of Law]

(1) Leqislative power shall be exercised by means of laws.
(2) The law shall supremely intervene in any matter; in no case shall regulations contravene the provisions of the law.

Article 70 [Statutory Orders]

(1) In case of emergency or when the National Assembly is unable to meet, the President of the Republic shall temporarily legislate by means of statutory orders adopted in the Council of Ministers.
(2) Unless they are confirmed by the National Assembly in the course of the next closest session, statutory orders shall lose any mandatory effect.

Article 71 [Initiative]

(1) Initiative for laws shall belong to Deputies and the President of the Republic concurrently.
(2) Deputies and the President of the Republic have the right to amend them.

Article 72 [Spending Bills]
Bills and amendments formulated by Deputies and the adoption of which could bring about either a decrease of public resources or the creation or increase of public expenses, must be accompanied by a bill to augment revenue or savings of equal value.

Article 73 [Majorities]

(1) Laws shall be passed by an absolute majority of Deputies to the National Assembly; laws to which the Constitution imparts the character of organic laws shall be passed by a majority of three-fifths. The provisions of an organic law may not be dispensed with by another law.
(2) No law may be adopted except after having been passed article by article.
(3) Votes shall be expressed verbally or by sitting and standing
positions; as a whole, a law shall be voted upon calling out names and answering verbally. Ballots shall be secret when mention is made of individuals and in the cases established by internal order regulations.

Article 74 [Urgent Examination]

(1) Urgent examination of a proposal or bill may be requested by a Deputy or by the President of the Republic.
(2) When it is requested hy a Deputy, the National Assembly shall decide upon the urgency.
(3) When it is requested by the President of the Republic, it shall always be granted.
(4) In all cases when emergency is granted, the examination of the law in question shall have priority over the agenda.

Article 75 [Constitutional Court Ruling]

(1) Before promulgation, laws and statutory orders must be sent to the Constitutional Court which shall give a ruling on their constitutionality within eight days or, in case of emergency, within four days.
(2) If the Court gives a ruling of incompatibility, it shall return the text to the National Assembly or the President of the Republic as the case may be.

Article 76 [Financial Laws]

(1) The National Assembly shall vote upon the financial laws which establish the resources and expenses of the State within the conditions prescribed by an organic law.
(2) Any budgetary transfer must be authorized by law.

Article 77 [Budget]

(1) Each year, the National Assembly shall rule on the financial accounts and pass a balanced

budget, a bill for which shall be filed before the opening of the first ordinary session.
(2) If it has not been passed within forty days after the opening of the first ordinary session, or if it has not been passed as balanced, the budget bill shall be adopted by means of a statutory order at the latest on 31 Jan of the year of its execution.
(3) If the budget bill for a specific fiscal year has not been presented on time to be passed and promulgated before the opening of that fiscal year, the Prime Minister, upon authorization from the National Assembly, shall propose by presidential decree, deliberated upon in the Council of Ministers, the opening of the provisional twelfths of the budget based upon the budget of the previous fiscal year.
(4) The same presidential decree shall authorize the collection of revenue in accordance with the law by which it is regulated. Thus shall it be each month until the adoption of the budget.

Article 78 [Tax Laws, Monopoly]

(1) No taxation may be established, modified, or abolished except by law; no exemption or reduction may be granted except in the cases prescribed by law.
(2) No monopoly may be granted except by law and for a specific duration.

Article 79 [Authentic Interpretation]
Authentic interpretation of the laws shall be the prerogative of the legislative power.

Chapter III Relations Between the National Assembly and the Government

Article 80 [Information, Participation]

(1) The President of the Republic and the Prime Minister must be informed of the agenda for the meetings of the National
Assembly and its committees.
(2) The Prime Minister, Ministers, and Secretaries of State may, if they so desire, attend the National Assembly meetings; they shall speak whenever they wish; if need be, they may be accompanied by technicians of their choice.

Article 81 [Control]

(1) The National Assembly's means of information and control with regard to governmental action shall be:
- oral questions;
- written questions;
- committee hearings;
- committees of inquiry;
- interpellations.

(2) Conditions and application procedures thereof shall be prescribed by law.

Article 82 [Motion of Censure]

(1) The National Assembly may call into question the responsibility of the Government, as well as of any Minister or Secretary of State, by passing a motion of censure.
(2) Such a motion shall be admissible only after interpellation and only if signed by at least one-fifth of the National Assembly members in the case of a Minister or Secretary of State, and by one-third in the case of the Government.
(3) Voting may only take place at least 48 hours after the motion is registered, and the latter may be adopted only by secret ballot and by an absolute majority of Deputies.
(4) The closing of ordinary or extraordinary sessions shall be by right delayed in order to allow the application of the provisions of the present article if necessary.

Article 83 [Vote of No Confidence]

(1) When a motion of censure is adopted against a Minister or Secretary of State, the latter shall be required to tender his resignation to the President of the Republic.
(2) When this motion is adopted against the Government, the Prime Minister shall tender the resignation of the latter to the President of the Republic.
(3) If the motion of censure is rejected, the signatories may not present a new one in the course of the same session.

Article 84 [Revenue Court]

(1) The Revenue Court shall be in charge of examining, liquidating, and settling accounts for all public services.
(2) It shall submit to the National Assembly a report on the regular performance of the general accounts of the State.
(3) The Revenue Court shall be organized by an organic law.

Article 85 [Dissolution]

(1) The President of the Republic may, after consultation with the Council of Ministers and the Bureau of the Nation Assembly, order the dissolution of the National Assembly. However, in the course of his mandate, he may not order a second dissolution without this action bringing about his own resignation.
(2) Elections to the legislature shall take place within 90 days in accordance with Article 58. If need be, the election to the Presidency of the Republic shall take place within 90 days in accordance with Article 40.
(3) The National Assembly may not be dissolved in the course of the exercise of the exceptional powers mentioned in Article 48.

Chapter IV Judicial Power

Article 86 [Independence]

(1) Judicial power shall be exercised by courts, tribunals, and other jurisdictions; it shall be

independent from the legislative and executive powers.
(2) The President of the Republic shall guarantee the independence of the judicial power.
(3) Justice shall be dispensed in the name of the people.

Article 87 [Magistrates]

(1) Magistrates shall be appointed and dismissed by the President of the Republic on the proposal of the Minister of Justice and upon conforming advice from the Supreme Council of Magistrates.
(2) The Supreme Council of Magistrates shall be composed of magistrates elected by their peers according to procedures prescribed by an organic law. The Minister of Justice shall be a member by right.
(3) During the first session presided by the President of the Republic, the Supreme Council of Magistrates shall elect in its midst its President, Vice-President, and Secretary.
(4) An organic law shall establish regulations for competence, organization, and operation of the Supreme Council of Magistrates.

Article 88 [Court Hierarchy]

(1) Juridictions of the following order shall be recognized and sanctioned by this Constitution:
- canton courts,
- courts of the first instance,
- courts of appeal, and
- the Court of Cassation.
(2) Except when prescribed by law, the Court of Cassation shall not have cognizance of the substance of the cases.

Article 89 [Council of State]

(1) When consulted, the Council of State shall be competent to express a justified opinion about the text of any law proposal, bill, or amendment to this proposal or bill, any statutory order proposal, as well as any proposal of execution order. It may propose drafting modifications as judged necessary.
(2) The Council of State shall have cognizance of appeals for invalidation against regulations, orders, and decisions of the administrative authorities; it shall control the regular operation of popular consultations.
(3) The Council of State shall be organized by an organic law.
(4) Lower administrative juridictions shall be created and organized by an organic law.

Article 90 [Constitutional Court]
The Constitutional Court, composed of the Court of Cassation and the Council of State assembled, shall be in charge of controlling the constitutionality of laws and statutory orders; it alone shall be competent to order the forced resignation of the President of the Republic in the conditions prescribed by Article 46.

Article 91 [Organic Law Establishment]

(1) No other jurisdiction may be established except by an organic law.
(2) The organization and competence of any juridiction shall be defined by an organic law.

Article 92 [Constitutional Judge]
No one may be removed against his will from the judge assigned to him by law.

Article 93 [Publicity]
Jurisdiction hearings shall be public, except for *in camera* cases ordered by a judgement when publicity may endanger public order or morals.

Article 94 [Public Rulings]
Any judgement or ruling shall be justified and pronounced in a public hearing.

Article 95 [Constitutionality]
Jurisdictions shall apply orders and other regulations as long as they are in accordance with the Constitution and the law.

Title IV Revision of the Constitution

Article 96 [Amendments]

(1) Initiative for revision of the Constitution shall belong to the President of the Republic and the National Assembly concurrently.
(2) No revision bill or proposal may be taken into consideration if it infringes upon the republican form of government, national territorial integrity, or democratic principles ruling the Republic.
(3) Any revision proposal by the National Assembly must be presented by at least two-thirds of its members.
(4) Any revision must be adopted by a majority of three-fourths of the members of the National Assembly.

Title V General and Transitional Provisions

Article 97 [Promulgation Effects]

(1) Laws and regulations may not take effect unless they have previously been published within the conditions established by law.
(2) No one should be ignorant of regularly published laws.

Article 98 [Applicable Old Law]

(1) Starting from the promulgation date of this Constitution, any legislation which is not constrained by it, shall remain applicable inasmuch as it is not modified, repealed or replaced by the new laws or regulations.

(2) Custom shall remain applicable inasmuch as it was not replaced by laws or is not contrary to the Constitution, laws, regulations, public order or morals.

Article 99 [Oaths]
Without prejudice to provisions in Article 41, 56 and 60, no oath may be imposed except by a law which shall establish the wording and the procedure for taking this oath.

Article 100 [Foreigners]
Any foreigner shall enjoy the protection granted to persons and property, as well as the civil rights recognized by this Constitution, except in cases prescribed by law.

Article 101 [Continuation of Offices]

(1) The President of the Republic and the Deputies to the National Council for Development presently in office will continue to exercise their duties until the next presidential and legislative elections.
(2) The dates for these elections will be determined by the President of the Republic.

Article 102 [Old Constitution]

(1) This Constitution shall revise and replace the Constitution of 20 Dec 1978.
(2) It will take effect on the date of its promulgation by the President of the Republic.

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