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THE SOMALI DEMOCRATIC REPUBLIC

Preamble to the Constitution

The Somali People collectively and individually struggling for a life of dignity and equality, and engaged in a fight to establish lasting peace and stability internally and externally, to realize the general interests of the working masses, and accomplish the major objectives of the revolution, unity of the nation, socialist construction in order to create a society founded on social justice, equality and democracy in which the individual attains higher levels of political and social consciousness and strengthens the pillars of the revolution and national sovereignty, in order to achieve rapid political and socio-economic development, have resolved to adopt this constitution which shall constitute the basis of the struggle for the development of the Somali society, peaceful co-existence and mutual cooperation among nations of the world, especially those whose interests shall coincide.

The Constitution of the Somali Democratic Republic

Chapter I

General Principles

Section 1

The Republic

Article 1

The Somali State.

1. The Somali Democratic Republic is a socialist state led by the working class, and is an integral part of the Arab and African entities.
2. All sovereignty belongs to the people who shall exercise it through their representative institutions.

Article 2

Flag, Emblem and the Capital

1. The national flag shall be azure in color, rectangular, and shall have a white star with five equal points emblazoned in its center.
2. The emblem of the Somali Democratic Republic shall be composed of an azure escutcheon with a gold border and shall bear a silver five pointed star. The escutcheon surmounted by an embattlement with five points in moorish style, the two lateral points halved, shall be borne by two leopards rampant in natural form facing each other, resting on two lances crossing under the point of the

escutcheon, with two palm-leaves in natural form interlaced with a white ribbon.

3. Mogadisho (Hamar) shall be the capital of the Somali Democratic Republic.

Article 3

Religion and Language

1. Islam shall be the state religion.
2. Somali is the language which all Somalis speak and through which they recognize each other; Arabic is the language which links the Somali people with the Arab nation, of whom they are an integral part, and the two languages shall constitute the official languages of the Somali Democratic Republic.

Article 4

The Unity of the Somali People

1. The Somali nation is one and Somali nationality is indivisible.
2. The law shall determine the modes of acquiring and losing Somali Citizenship.

Article 5

State Territory

1. The state territory shall be sacred and inviolable.
2. The territorial sovereignty shall extend over land, the sea, the water column sea-bed and subsoil continental shelf, and island and airspace.

Article 6

Equality of Citizens

All citizens regardless of sex, religion, origin and language shall be entitled to equal rights and duties before the law.

Section Two

The Party

Article 7

Authority and Leadership of the Party

1. The Somali Revolutionary Socialist Party shall be the only legal party in the Somali Democratic Republic; no other party or political organization may be established.
2. The Somali Revolutionary Socialist party shall have supreme authority of political and socio-economic leadership in the Somali Democratic Republic.

Article 8

Unitary Nature of the Leadership

The leadership of the country shall be founded on the unitary system of political leadership of the party and state.

Article 9

Deliberations, Decisions and Executions

1. Political institutions elected at all levels shall function in accordance with the principle of collective deliberations, majority decisions and collective responsibility in execution.
2. Within the party institutions the afore-stated principles shall dictate the unity of view points, sensitivity, purpose and collective work.

Article 10

Complementarity of Party and State Duties

1. Party and state institutions shall discharge their respective duties as prescribed by the law, each pursuing its own methods in order to accomplish the common objectives.
2. The political mobilization of the country shall be based on the complement of the duties of party and state institutions as prescribed by the laws establishing them.

Article 11

Party Statute

The structure and functions of the party institutions shall be determined by the statute of the Somali Revolutionary Socialist Party.

Article 12

Social Organizations

1. The state shall allow the establishment of social organizations of the workers, cooperatives, youth and women.
2. Social organizations shall be established on national, local production levels and in educational centers.
3. The specific structure, laws and programs of the social organizations shall be in consonance with the general interests of the masses, the Constitution, the statute and the program of the Somali Revolutionary Socialist Party.

Article 13

Powers and Duties of Social Organizations

Social organizations shall participate in the leadership of State and social affairs and resolution of political, economic, social and cultural matters in accordance with the duties prescribed in their respective laws.

Article 14

Democratic Centralism

The principle of Democratic centralism shall be the basis of mobilization, and functions of party and state.

Section Three

Foreign Policy

Article 15

The Principle of Self-Determination

1. The Somali Democratic Republic shall firmly uphold the principle of self-determination of peoples and fully supports the national liberation movements, and all the peoples fighting for their freedom and independence.
2. It shall resolutely oppose colonialism, neo-colonialism, international imperialism and racial discrimination.

Article 16

Somali Territories Under Colonial Occupation

The Somali Democratic Republic adopting peaceful and legal means shall support the liberation of Somali territories under colonial occupation and shall encourage the unity of the Somali people through their free will.

Article 17

Policy of Neutrality and Peaceful Co-Existence

1. The Somali Democratic Republic shall pursue a policy of positive neutrality.
2. It shall fully recognize the principle of peaceful coexistence of the peoples of the world.

Article 18

Policy of Cooperation

The Somali Democratic Republic shall promote a policy of cooperation among all peoples and states based on mutual benefit, equality, and respect for the independence and political system peculiar to each state.

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Article 19

International Legal Norms

The Somali Democratic Republic shall recognize the Universal declaration of human rights and generally accepted rules of international law.

Chapter 2

Fundamental Rights, Freedoms and Duties of the Citizen and Individual

Article 20

Political, Economic, and Social Rights

Every citizen shall be entitled to participate fully in the political, economic, social and cultural activities in accordance with the constitution and laws.

Article 21

Right to Work

1. Every citizen shall be entitled to work. Work is a duty, honor and the foundation of a socialist society.
2. The state shall promote the creation of employment in order to realize the citizen's fundamental right to work.

Article 22

Right to Election

Every citizen who fulfills the conditions prescribed by the law shall be entitled to elect and be elected.

Article 23

Right to Education

Every citizen shall have the right to free education.

Article 24

Freedom of Processions, Publications and Opinion

1. Every citizen shall be free to participate in an assembly, demonstration, or in their organization.
2. The citizen shall further be entitled to express his opinion in any manner, freedoms of publication and speech.
3. The exercise of the freedoms mentioned in paragraph 1 and 2 of this article shall not contravene the Constitution, the laws of the land, general morality and public order, or the freedoms of other citizens.

Article 25

Right to Life and Personal Security

1. Every individual shall have the right to life and personal security
2. The law shall determine the conditions in which the death sentence may be passed.

Article 26

Personal Liberty

1. Every person shall have the right to personal integrity.
2. No person shall be liable to any form of detention or other restrictions of personal liberty, except when apprehended in flagrante delicto or pursuant to an act of the competent judicial authority in the cases and in the manner prescribed by the law.
3. Any person who shall be detained on grounds of security shall without delay be brought before the Judicial authority which has competence over the offence for which he is detained within the time limit prescribed by law.
4. Every person who shall be deprived of his personal liberty shall forthwith be informed of the offence of which he is accused.
5. No person shall be searched except in the conditions mentioned in paragraph 2 of this article, or under laws relating to judicial, sanitary, fiscal and security matters, and in the manner prescribed by the law, giving due respect to the honor and integrity of the person.

Article 27

Security of the person under detention

1. A detained person shall not be subjected to physical or mental torture.
2. Corporal punishment shall be prohibited.

Article 28

Private Ownership

1. Private ownership shall be guaranteed by law, which shall define the modes of acquisition and forfeiture, and the contents and limits of its enjoyment for the purpose of safeguarding its social functions.

2. The use of private property shall in no case be contrary to the public interest, and the objectives of the revolution.
3. Private property may be expropriated or requisitioned for reasons of public interest, in exchange for equitable compensation.

Article 29

Privacy of the Home

Every person shall be entitled to the inviolability of his home or any other place reserved for personal use except in the cases referred to in paragraphs 2 and 5 of article 26.

Article 30

Freedom of Communication

The right of secrecy of correspondence and other means of communication shall not be tempered with, except in the cases determined by the law.

Article 31

Freedom of Religion

Every person shall be entitled to profess any religion or creed.

Article 32

Right to Institute Legal Proceedings and Right of Defence

1. Every person shall have the right to institute legal proceedings before a competent court.
2. Every person shall have the right of defense before a court.
3. The state shall guarantee free legal aid in the conditions and in the manner prescribed by law.

Article 33

Penal Liability

1. Penal Liability shall be personal.
2. The accused shall be presumed innocent until the conviction becomes final.

Article 34

Non-retroactivity of Penal Laws

No person may be punished for an act which was not an offence under the law at the time when it was committed, nor may a punishment be imposed other than the one prescribed by the law enforced at the time such offence was committed.

Article 35

Extradition and Political Asylum

1. The Somali Democratic Republic may extradite a person who has committed a crime in his country or another, and has taken refuge in the Somali Democratic republic, provided that there is an extradition treaty between the Somali Democratic Republic and the state requesting the extradition of the accused or offender.
2. The Somali Democratic Republic may grant political asylum to a person who has fled his country or another for political reasons while struggling for the interests of the masses, human rights or peace.

Article 36

Protection of Public Property

Every citizen shall have the duty to protect and consolidate public property.

Article 37

Participation in Economic Growth

Every person shall have the duty to participate in the economic growth of the country, payment of taxes, contributions to state expenditure according to his capacity and the laws of the country.

Article 38

Defence of the Motherland

The defence of the motherland and the consolidation of the unity of the Somali people shall be a sacred duty of every citizen.

Article 39

Observance of the Constitution and Laws

Every person shall have the duty to faithfully observe the constitution and laws of the state.

Chapter 3

Socio-Economic Foundation

Section I

The Economy

Article 40

Economic Development

1. The State shall develop the economy of the country, and raise

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production, while assuring an equitable distribution.

2. The state shall encourage the principle of self help for the rapid development of the country.

Article 41

The economy of the Somali Democratic Republic shall comprise the following sectors.

The state sector which shall constitute the vanguard in the economic development of the country and shall be given special priority;

The cooperative section which shall be instrumental in promoting the living standards of cooperative members, while promoting the rapid growth of the national economy, and the state shall participate in its planning and encouragement;

The Private sector which shall be based on non-exploiting private ownership;

The mixed sector which shall be based on the joint ownership between the Somali state and others.

Article 42

Land and Marine Resources

1. The land, natural marine and land based resources shall be state property.
2. The state shall promulgate a law prescribing the best methods for exploiting such resources.

Article 43

Economic Planning

1. The economy of the country shall be founded on socialist state planning.
2. The plan shall have a judicial authority superior to other laws.
3. There shall be a supreme state planning institution, and the law shall establish its structure, duties and powers.

Article 44

External and Internal Trade

In promoting the economic development of the country the state shall guide external and internal trade.

Article 45

Protection of Currency

The state shall organize the fiscal and monetary system of the country, and shall be law fix taxes.

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Section 2

Promotion of Education & Science

Article 46

Education

1. The state shall give special priority to the promotion, expansion and dissemination of education and science, and shall consider education as the ideal investment which shall play the leading part in the Somali political and socio-economic development.
2. Education in the Somali Democratic Republic shall favor the working class, and shall conform to the special conditions and environment of the Somali Society.

Article 47

Compulsory Education

Education, in the Somali Democratic Republic shall be free. It shall be compulsory up to the intermediate school level.

Article 48

Eradication of Illiteracy

Eradication of illiteracy and adult education shall be a national duty towards which the people and state shall pool their resources in its fulfillment.

Article 49

Promotion of Science and Arts

1. The state shall promote science and arts, and shall encourage scientific and artistic creativity.
2. Copy rights and patent rights shall be regulated by law.

Article 50

Youth and Sports

In order to ensure healthy physical and mental growth of the youth, and to raise their level of education and political consciousness the state shall give special importance to the promotion and encouragement of gymnastics and sports.

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Section 3

Cultural and Social Welfare

Article 51

Promotion of Culture

1. The state shall promote the progressive culture of the Somali people, while benefiting from the international culture of human society.
2. It shall promote art, literature and the national folklore.
3. It shall protect and preserve nations, historic objects and sites.

Article 52

Social Customs

The state shall preserve the good customs, and shall liberate society from outdated customs and those inherited from colonialism specially tribalism, nepotism, and regionalism.

Article 53

Child Care

The state shall promote child care homes and revolutionary youth centers.

Article 54

Rural Development

The state shall promote the program of permanent rural development campaign in order to eradicate ignorance and to narrow the gap between rural and urban life.

Article 55

Health

The state in fulfilling the policy of general health care shall promote the prevention of contagious diseases, and encourage general hygiene, and free medical treatment.

Article 56

Family Welfare

1. The state recognising the family as the basis of society shall protect the family and shall assist the mother and child.

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2. The state shall be responsible for the care of the handicapped, children of unknown parents and the aged, provided they shall not have anybody to care for them.
3. The state shall guarantee the care of children whose parents die while defending the country.

Article 57

Work and the Workers

1. The state shall safeguard and promote work and its various types.
2. The minimum age for work in the Somali Democratic Republic shall be fifteen years.
3. The workers shall be entitled to receive without discrimination a remuneration equal to the amount and value of work done.
4. The workers shall be entitled to weekly rest and annual leave.
5. The law shall determine the working hours, conditions of service and persons suitable for certain jobs.

Article 58

Evaluation of Work

In evaluating work the state shall apply the principle; "from each according to his ability, to each according to his work."

Article 59

Social Insurance and Assistance

The state shall promote the system of social insurance and assistance and shall strengthen general insurance institutions of the country.

Chapter 4

State Structure

Capital One

Functions and Rules of the People's Republic

Article 60

Legislative Power

Legislative power in the Somali Democratic Republic shall exclusively be vested in the People's Assembly.

Article 61

Election to the People's Assembly

1. The People's Assembly shall consist of deputies elected by the people through free direct and secret ballot.
2. Every Somali has attained the age of twenty one years shall be eligible for election as a deputy. The law shall determine the grounds for ineligibility for election to the People's Assembly.
3. The number of deputies, conditions and procedure for election shall be established by a special law.
4. The President of the Somali Democratic Republic may nominate to the People's Assembly up to six persons from among people dedicated to science, Arts, and culture or highly esteemed patriots.

Article 62

Term of Office

1. The term of office of each People's Assembly shall be five years beginning from the declaration of election results.
2. In the event of circumstances which shall render the holding of elections impossible, the President of the Somali Democratic Republic shall, after consultations with the Central Committee of the Somali Revolutionary Party, have the power to extend the term of the Assembly for a period not exceeding one year.

Article 63

Dissolution of the People's Assembly

1. The People's Assembly may be dissolved before the expiry of its term of office on the proposal of one-third of the deputies and the approval of two-thirds of the membership.
2. The People's Assembly may also be dissolved by the President of the Republic after consultations with the Central Committee of the Somali Revolutionary Socialist Party and the Standing Committee of the People's Assembly.
3. The election to the new People's Assembly shall take place within three months beginning from the date of dissolution.

Article 64

Sessions

1. The People's Assembly shall hold two sessions annually.

2. The People's Assembly may be convened in an extraordinary session by a resolution of the Standing Committee, or on the request of one-third of the membership.
3. The President of the Somali Democratic Republic shall have the power to convene an extraordinary session of the People's Assembly.

Article 65

Meetings and Decisions

1. The People's Assembly at its initial meeting shall elect from among its members: Chairman, vice-chairman and a standing committee.
2. The meetings of the People's Assembly shall be public. However closed meetings may be held on the motion of the President of the Republic, the Standing Committee, Government or not less than one fourth of the deputies, and on the approval of the Assembly.
3. The majority of the deputies of the Assembly shall form a quorum.
4. The Assembly shall reach its decisions by a majority vote except when a special majority is required by the constitution or by law.

Article 66

Rules of procedure

1. The conduct of business in the Assembly shall be governed by rules of procedure adopted by the Assembly.

Article 67

Powers of the Assembly

1. Amendment of constitution;
2. Legislation and approval of decisions on national development;
3. Election and dismissal of the President of the Somali Democratic Republic as expressly stated in article 80 of this constitution;
4. Election and dismissal of the Standing Committee of the Assembly;
5. Ratification of international treaties relating to political, economic and commercial matters or agreements entailing financial obligation for the state;
6. Ensuring observance of the constitution and the laws of the country;
7. Approval of the national economic development plan;
8. Approval of the annual budget and accounts;

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9. Enforcing accountability within the Government and its members;
10. Any other powers granted to the Assembly by the constitution;

Article 68

Delegation of Legislative Power

1. The People's Assembly may for a limited period delegate to the Government the power to legislate on specified matters. The enabling legislation may establish the principles or directives which the government shall follow.
2. Legislative power delegated to the government shall be exercised through Presidential Decrees.

Article 69

Emergency Decree - Laws

1. In the event of special emergency circumstances, the government may pass Decree laws which shall have temporary effect, and shall be issued by Presidential Decrees. Such Decrees shall within a month be submitted before the People's Assembly or the Standing Committee for conversion into laws.
2. The People's Assembly when in session, or the Standing Committee when the Assembly is in recess, shall reach a decision within fifteen days beginning from the date of the presentation of the decree.

Article 70

Draft Laws

The President of the Somali Democratic Republic, the Standing Committee, or the government may present a draft law to the People's Assembly. A draft law may also be proposed by a member of the people's Assembly provided one third of the membership agreed to such a proposal.

Article 71

Laws Relating to Party Strategy

Every draft law concerning Party strategy for the realization of revolutionary objectives and the system of the national leadership shall initially be approved by the central Committee, before the People's Assembly shall reach a final decision.

Article 72

Promulgation and Publication of Laws

1. Every law approved by the People's Assembly or the Standing Committee shall be promulgated by the President within forty-five days.

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2. The President of the Somali Democratic Republic shall, within the period mentioned in paragraph 1 of this article, have the power to resubmit such a law to the Assembly stating the grounds thereof with a request to reconsider the law and reach a decision.
3. Where the Assembly shall approve such a law for the second time by a two-third majority, the President shall promulgate it within forty-five days.
4. Every law approved by the Assembly and promulgated by the President shall be published in the official bulletin and shall come into force after the fifteenth day of its publication, unless the law shall prescribe a different time limit.

Article 73

The Deputy

1. Every deputy shall represent the general interests of the Somali people.
2. Before assuming functions in the Assembly a Deputy shall take the following oath:

In the name of God and country I swear that I shall faithfully, selflessly and with full confidence serve the Somali people, implement the principles of the Revolution of 21st October, 1969, abide by the Constitution and laws of the country, carry out the socialist principles, protect the general interests of the people and the Somali state, defend with all my ability the freedom, sovereignty and unity of the country, place the general interest before private interest, and practice equality and justice among the Somali people.

3. A Deputy shall not be prosecuted for views and opinions expressed before the assembly and its various committees in the exercise of his responsibilities.
4. No criminal proceedings shall be instituted against a deputy, nor shall he be arrested, or his person or domicile be subjected to search, except in cases of flagrante delicto or with the authorization of the Assembly or the Standing Committee, when the Assembly is not in session provided that such an act shall be subsequently validated by the Assembly.
5. A Deputy shall discharge his responsibilities in the Assembly while pursuing his ordinary duties. While the Assembly is in session, or when entrusted with tasks relating to his Assembly responsibility, a Deputy shall be entitled to an honorarium which shall be fixed by a special law.

Article 74

Removal and Recall of a Deputy

1. Every deputy who shall fail to fulfill the conditions of his membership or shall fail to discharge the duties relating to his responsibility shall be relieved of such responsibility.
2. The electors may recall any deputy in whom they have lost confidence on the proposal of one-fourth of the electors.
3. The decision to relieve the deputy from responsibility shall be by a simple majority of the People's Assembly.

Article 75

Investigations by the Assembly

1. Every Deputy shall have the right to propose motions and put questions to the Government or its members, which the Government shall be obliged to answer within twenty days.
2. The Assembly may order investigations through committees comprising its members.

Section Two

The Standing Committee

Article 76

Functions and Powers of the Standing Committee

The Standing Committee shall be the organ which shall direct the business of the Assembly and shall discharge the functions of the Assembly between recesses and shall have with the exclusion of its powers those mentioned in article 67, paragraphs 1, 3, 7 and 8 and article 82 paragraphs 3 and 12 of the Constitution.

Article 77

Membership of the Standing Committee

1. The Standing Committee shall comprise the following members: chairman, vice-chairman, secretary, and ten members.
2. The chairman and vice-chairman of the Assembly shall become the chairman and vice-chairman of the Standing Committee.

Article 78

The Powers of the Standing Committee

The Standing Committee shall have the following powers:

1. Legislation and amendment of laws during recesses, subject to subsequent approval by the Assembly.
2. Interpretation of laws and resolutions of the Assembly.
3. The convening of ordinary and extraordinary sessions of the Assembly.
4. Supervision of election of deputies to the Assembly.
5. Any other powers granted by the Constitution or the People's Assembly.

Capital II

President of the Somali Democratic Republic

Article 79

Head of State

The President of the Somali Democratic Republic shall be the Head of State and shall represent state power and the unity of the Somali people.

Article 80

Election and Term of Office

1. The candidate for the President of the Republic shall be proposed by the central committee of the Somali Revolutionary Socialist Party and shall be elected by the People's Assembly.
2. The election of the President shall be by a majority of two-thirds of the deputies on the first and second ballots. A simple majority shall suffice on the third ballot.
3. The Assembly may relieve the President of his responsibility in accordance with the procedure laid down in paragraphs 1 and 2 of this article.
4. The President of the Republic shall hold office for six years beginning from the date of taking the Oath of Office and shall be eligible for re-election.
5. Before assuming office, the President shall take the Oath of Office set out in article 73 of this Constitution.

Article 81

Conditions for Election

Every Somali whose parents are of Somali origin, shall not have married a person not of Somali origin, has fulfilled the conditions for election to the Assembly, and has attained the age of forty may be eligible for election to the Presidency of the Somali Democratic Republic. The President of the Republic while in office shall not marry a person not of Somali origin.

Article 82

Duties and Powers of the President

In addition to the powers and duties granted by the Constitution and the laws, the President of the Somali Democratic Republic shall have the following powers and duties:

1. Representation of the state in relations with foreign states.
2. Representation of the unitary nature of the political leadership of party and state.
3. Ratification of international treaties relating to defense and security, sovereignty and independence of the Republic, on the approval of the Central Committee of the Party and People's Assembly.
4. Ratification of other international agreements.
5. Reception and accreditation of ambassadors and heads of foreign missions.
6. Chairmanship of joint meetings of party and state institutions.
7. Appointment and dismissal of ministers and deputy-ministers.
8. Appointment and dismissal of the President of the Supreme Court, Attorney-General of the state, having heard the opinion of the Central Committee of the Somali Revolutionary Socialist Party.
9. Appointment and dismissal of senior state officials having heard the opinion of the Council of Ministers.
10. Grant pardon and commute sentences.
11. To be Commander-in-Chief of the armed forces and chairman of the National Defence Council.
12. Declare states of war and peace after authorization by the Central Committee of the Party and the People's Assembly.
13. Initiate a referendum when the country is faced with important issues.

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14. To issue Presidential decrees.
15. Confer medals and other state honors.

Article 83

Extraordinary Powers of the President

1. The President of the Somali Democratic Republic, shall have the power, after consultations with the National Defence Council, to proclaim emergency rule throughout the country or a part of it, and take all appropriate measures when faced with grave matters endangering the sovereignty, internal or external security of the country, or in circumstances of absolute necessity.
2. In the event of a state of war the President shall assume power over the entire country, and those articles of the Constitution which shall be incompatible with such a situation shall be suspe

Article 84

Vice Presidents

1. The President of the Somali Democratic Republic having heard the opinion of the Central Committee of the party and People's Assembly may appoint one or more vice-presidents.
2. Before assuming functions the vice-president or vice-presidents shall take the oath of office set out in article 73 of the Constitution.

Article 85

Incapacity to Discharge Responsibility

1. In case of death, resignation, or permanent disability of the President of the Somali Democratic Republic, a new President shall be elected within sixty days in accordance with the procedure laid down in article 80 of the Constitution.
2. Until the election of a new President, or in case of a temporary disability of the President the first vice-president shall temporarily assume the presidency.

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Capital III

The Government

Section I

Central Government

Article 86

Council of Ministers

1. The Council of Ministers shall be the supreme executive organ of the Central Government.
2. The Council of Ministers shall consist of the chairman of the council and ministers.
3. The President of the Somali Democratic Republic shall be the chairman of the Council of Ministers.
4. The President may appoint a Prime Minister if he shall deem it appropriate.

Article 87

Powers of the Council of Ministers

In addition to the powers granted by the Constitution and laws the Council of Ministers shall have the following powers:

1. To present draft laws to the People's Assembly.
2. To direct, coordinate and supervise Government activities.
3. To issue decrees.
4. To direct activities relating to the defence and security of the state.
5. To prepare the annual budget and accounts.
6. To lay down the plan for the economic development of the country.
7. To conclude agreements with foreign countries and international institutions.
8. To take every step to safe guard the interest of the state and public order within the powers granted by the Constitution.

Article 88

Organization of the Government

1. A Special law shall establish the powers and functions of the Council of Ministers not specified by the Constitution.
2. The organization of the Council of Ministers, ministeries and related offices shall be determined by presidential decrees.

Article 89

Penal Liability of Ministers

1. Ministers shall be liable for crime resulting from the execution of their functions.
2. The law shall determine the procedure for prosecuting ministers for crimes mentioned in subsection 1 of this article and any other crimes.

Article 90

Oath of Office

Before assuming their functions government members shall take the Oath of Office set out in article 73 of the Constitution, before the President of the Republic.

Article 91

Government Program

Subsequent to its appointment, the Government shall present its program to the central committee of the Party and the People's Assembly.

Article 92

Deputy Ministers

Ministers in their functions may be assisted by deputy ministers appointed by the President of the Republic, having heard the opinion of the Council of Ministers.

Section 2

Decentralization of Power and Administration

Article 93

Administrative Decentralization

As far as possible administrative functions shall be decentralized to local administration and public bodies.

Article 94

Local Administration

1. Local administrative powers shall be an integral part of the central government powers of the Somali Democratic Republic.
2. The law shall determine local administrative powers in accordance with the principle of democratic centralism.

Article 95

People's Local Councils

1. The people shall directly elect members of the People's local councils.
2. The law shall determine the structure, powers, sources of revenue and the relationship between the People's local councils, the Party, People's Assembly and the State.

Capital IV

The Judiciary

Section I

Principles of Justice

Article 96

Objectives of Justice

1. The courts and the office of the Attorney-General shall protect the socialist system of the State and its social structure.
2. The courts and the office of the Attorney-General, in the fulfillment of their responsibility shall inculcate in the Somali citizen a spirit of participation in the construction of the country, defence of the socialist system, observance of the laws, social cooperation and the faithful discharge of state and social duties.

3. The Judiciary shall ensure observance of the laws, and shall guarantee the protection of the freedom, rights, and life of the citizen, interests and dignity of the human being.

Article 97

Unity of the Judiciary

The Judiciary of the Somali Democratic Republic shall be unified.

Article 98

Independence of the Judiciary

Judges and Attorney-Generals shall be independent in the performance of their functions and shall be guided by the rule of law; they shall not be relieved of their responsibilities except in conditions provided by the law.

Article 99

Court Proceedings

1. The court proceedings shall in principle be oral and shall be open to the public. The law shall determine the conditions in which the proceedings shall be in Camera.
2. Judgments of courts shall be pronounced in the name of the Somali people.

Section 2

The Courts

Article 100

Courts of the Republic

1. The courts of the Somali Democratic Republic shall comprise the following: The Supreme Court, Courts of Appeal, Regional courts, District courts, Judicial committees, Military courts.
2. Special courts whose jurisdiction and structure shall be determined by law, may be established.
3. People's judges shall participate in the courts as determined by special law.

Article 101

The Supreme Court

The Supreme Court shall be the highest judicial organ in the Somali Democratic Republic. It shall regulate , and supervise the activities of all the courts.

Article 102

Organization of the Judiciary

The organization of the Judiciary in the Somali Democratic Republic and the mode of appointment of judges shall be determined by a special law.

Section 3

Article 103

The Attorney-General of the State

1. The office of the state Attorney-General shall comprise: the attorney-general and his deputies.
2. The establishment of the office of the Attorney-General and its functions shall be determined by a special law.

Article 104

Responsibilities of the State Attorney-General

1. The office of the state Attorney-General shall ensure the strict observance of the laws of the country.
2. It shall ensure that the decisions, orders and directions of state institutions are in accordance with the Constitution and the laws of the country.
3. It shall initiate proceedings against anyone who shall commit a crime.
4. It shall supervise the prisons and reformatories.
5. It shall protect the rights of the weaker section of society.
6. It shall fulfill any other functions prescribed by the law.

Section 4

The Higher Judiciary Council

Article 105

Responsibility of the Higher Judiciary Council

1. The Higher Judiciary Council shall be the organ which shall direct the general policy and administration of the Judiciary.

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2. The Higher Judiciary Council shall advise the President of the Republic on amnesty, appointment, transfer, promotion, and dismissal of judges and members of the office of the Attorney-General.
3. It shall supervise the functions and conduct of judges and members of the office of the Attorney-General.
4. The structure of the Higher Judiciary Council and its functions shall be determined by a special law.

Article 106

Chairmanship of the Higher Judiciary Council

The President of the Somali Democratic Republic shall be the chairman of the Higher Judiciary Council.

Article 107

Constitutionality of laws

1. There shall be a constitutional court which shall have the power to decide on the constitutionality of laws.
2. The constitutional court shall be composed of the supreme court along with members from the people's Assembly nominated by the President of the Republic having heard, the opinion of the standing committee.
3. The Procedure composition and the term of the constitutional court shall be determined by a special law.

Chapter V

Defense and Security of the Country

Article 108

Responsibilities of the Armed Forces

1. The armed forces shall protect the sovereignty and independence of the Somali Democratic Republic, the achievements and fruits of the Revolution against internal and external enemies, ensure internal security and peace and shall participate in the construction of the country.
2. The state shall develop the capability and technical expertise of the armed forces, raise their political consciousness, and inculcate in them the spirit of nationalism and self-sacrifice for the motherland.

Article 109

Structure of the Armed Forces

The structure and the organization of the armed forces shall be determined by a special law.

Article 110

National Defense Council

1. The responsibilities of the National Defense Council shall be to evaluate conditions relating to the defense and the security of the country and mobilize all resources necessary for meeting the defense needs of the country.
2. The President of the Somali Democratic Republic shall be the Chairman of the National Defense Council and shall appoint other members.
3. The law shall determine the powers of the National Defense Council both in time of peace and war.

Chapter VI

Miscellaneous Provisions

Article 111

The Basic Law

1. The Constitution shall have supreme legislative authority.
2. The Constitution of the Somali Democratic Republic shall be the basis for all laws, decrees and order of state institutions.

Article 112

Amendments to the Constitution

1. Amendments to the Constitution may be proposed by the President of the Somali Democratic Republic, the Central Committee of the Party or one-third of the membership of the People's Assembly.
2. The People's Assembly shall approve Amendments to the Constitution by a two-thirds majority.
3. Amendments to the Constitution shall not affect the following:
 - a) the Republican system of the country
 - b) the adoption of the principle of socialism
 - c) territorial unity
 - d) the fundamental rights and freedoms of the citizen and individual.

Article 113

Transitional Provisions

1. The laws at present in force shall continue to apply and those sections which are found incompatible with the Constitution shall be amended within one year.

2. Until such time that the institutions prescribed by the Constitution are established, their powers shall be exercised by existing institutions.

Article 114

Entry into Force

The Constitution shall come into force with effect from the date of the declaration of results of the referendum.