

TRANSITIONAL DRAFT CONSTITUTION 2022

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TRANSITIONAL DRAFT CONSTITUTION OF 2022

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PREAMBLE

We, the Sudanese people, who own sovereignty over our destiny land and resources:

Believing in the glorious December 2018 Revolution and starting from its principles in freedom, peace and justice;

Honoring the souls of our distinguished martyrs, and valuing the suffering of the wounded, the missing and their families;

Building on the Constitution of 1956 which established the Sudanese state, and the Constitution of 1985, which governed the country before the coup of 30 June 1989;

Learning from the lessons of the national movement and the struggles of the Sudanese people in the revolutions of October 1964 and April 1985;

Benefiting from the experience of the transitional period that followed the fall of the regime of 30 June 1989, until its failure in 25 October 2021;

Insisting on toppling the coup of 25 October 2021 and its consequences, eliminating military coups all together as well as violence of the state, tyranny and dictatorship and the rule of the individual which hindered the progress of the national project, construction, advancement and balanced development;

Inspired by documents of the Sudanese resistance committees which have been built on broad grassroot consultations all over Sudan;

Keeping up with all the initiatives submitted by the different factions of revolution forces;

Affirming that citizenship is the basis for rights and duties;

Recognizing sanctity of human rights and fundamental freedoms emanating from the inherent dignity in human beings;

Promoting/establishing the pillars of a civil democratic governance that instills the state of institutions and law;

Believing in the role of Sudanese women and youth to achieve the goals of the Sudanese revolution through its different stages and leading the revolutionary movement and its

improved and advanced progress toward change, and the importance of empowering and engaging them in the best ways possible;

Assuming that cultural, ethnic, racial and religious diversity is a source of strength and inspiration for our people, which requires engaging all groups and eliminating all forms of marginalization;

Resolved relentlessly to fight all forms of discrimination, racism, regionalism, tribalism, religious, ethnic and cultural supremacy and hate speech;

Strengthening grounds of civil peace, deepening the values of tolerance and reconciliation and building trust among all people of Sudan;

Solidifying the federal governance and the right of regions/provinces to administer their affairs and the local grassroot structures;

Committed to dismantling the structure of the 30 June 1989 regime and the 25 October 2021 regime and the recovery of all stolen funds and assets of the Sudanese people;

Highlighting the utmost priority of institutional reform of civil service, justice, security and military sector institutions; ensuring national nature and efficiency thereof, developing and modernizing them and removing the consolidation of power therein and enhancing their role in achieving a complete democratic transition;

Recognizing the importance of bringing all non-military investment and commercial activities of the regular troops under the civil government and putting them all under the power of the Auditor General;

Resolved to conduct an inclusive and transparent dialogue for the constitution making process to be crowned with a constitutional conference that discusses all constitutional issues to reach the most appropriate language for Sudan;

In preparation to hold free and fair general elections at the end of the transitional period, to be prepared in the best way possible as grounds to hand power over to those to be selected by the people with their free will;

Recognizing the suffering of the Sudanese people, especially in conflict areas, and the necessity to enforce an emergency plan to prevent the risk of a complete economic breakdown, achieve economic development, combat corruption, remove differences, and ensure social justice;

Believing in the importance of healing wounds of the past and the gross violations perpetrated after 30 June 1989 until today, through a comprehensive process of transitional justice which achieves accountability, addresses injustices, restitutes the rights, provides reparations and end the culture of impunity;

In furtherance of the peace process, peacebuilding and enforcing the resolutions contained in Juba Peace Agreement, and seeking to review it with the participation of the armed struggle movements;

Convinced with the persistent need to adopt a foreign policy away from axes, committed to national interest, mutual respect, international legitimacy, and respect of regional and international cooperation;

Affirming the right of the components of our people to enjoy all civil, political, economic, social, cultural, developmental and environmental rights without any kind of discrimination;

Affirming civility and underlying that the power is for the people;

We are resolved to abide by this constitution during the transitional period, to which we are bound and we resort to as the supreme terms of reference for the conscience and voice of our people.

CHAPTER ONE

PRELIMINARY PROVISIONS

NAME OF THE CONSTITUTION AND ENTRY INTO FORCE

1. This Constitution shall be cited as the “Transitional Constitution of 2022”, and shall enter into force as of the date of signature.

REVOCATION AND EXCEPTION

2. (1) The Transitional Constitutional Charter of 2019, as amended in 2020, shall be revoked, provided that all laws issued thereunder remain in force, unless amended or repealed.
(1) All decisions issued after the coup of 25 October 2021, including all regional and international agreements concluded after the coup up till this Constitution enters into force, shall be repealed.

NATURE OF THE STATE

3. (1) The Republic of Sudan is a democratic federal state whose diverse cultures, ethnicities, languages, schools of thought and religions coexist. Its system of governance is parliamentary. Rights and duties are based on citizenship without discrimination on grounds of ethnicity, religion, culture, color, language, gender, social or economic status, disability, regional affiliation, or any other type of discrimination.
- (2) The state shall be committed to the respect of human dignity and diversity. It shall be founded on justice, equality and on the guarantee of human rights and fundamental freedoms. It shall also be committed to the fundamentals of good governance, including participation, accountability, transparency and the rule of law.
- (3) The Sudanese state is a civil state, standing at the same distance from all religions and faiths.

SUPREMACY OF THE CONSTITUTION

4. (1) The Constitution is the supreme law of the country. Its provisions prevail over regional/provincial constitutions, which should not contradict with the constitution and they prevail over all laws.
- (2) The Juba Peace Agreement shall be part and parcel of this Constitution.

SOVEREIGNTY

5. Sovereignty is vested in the people and is exercised by the state in accordance with the provisions of this Constitution and international agreements ratified by Sudan.

RULE OF LAW

6. (1) All people, bodies, institutions and associations, whether public or private, shall be subject to the rule of law.
- (2) Institutions of the transitional authority and state agencies shall be committed to enforcing the rule of law and applying the principle of good governance, including accountability and restitution of grievances and rights.
- (3) Notwithstanding any text that is provided for in any law, the statute of limitation shall not apply to war crimes, crimes against humanity, crimes of extra-judicial killing, rape, torture, gross violations of human rights and the international humanitarian law, crime of undermining the constitutional order, and crimes of corruption committed since 30 June 1989 until the date of signing this transitional Constitution.

CHAPTER TWO

THE BILL OF RIGHTS AND FREEDOMS

Section One

General Provisions

7. (1) The Bill of Rights shall be a pact between all the people of Sudan, and between them and their governments at every level. It shall be an obligation on their part to respect the human rights and fundamental freedoms included therein, and to work to advance them.
- (2) Human rights shall be an integral part of human dignity inherent in all human beings. The rights and freedoms included in this document are a main pillar for this Constitution and considered to be the cornerstone of social justice, equality and democracy in Sudan.
- (3) All rights and freedoms contained in international and regional human rights agreements, pacts, and instruments ratified by the Republic of Sudan shall be considered an integral part of this document.
- (4) Legislations shall regulate the rights and freedoms contained in this document but shall not confiscate or derogate them.
- (5) The Bill of Rights is a key part of the state's democracy and it is the frame of social, economic, cultural and environmental policies in the country.
- (6) The Bill of Rights shall apply to all laws, and it is binding to the legislative authority, the executive authority, the judicial authority and all state agencies.

Section Two

The State's Obligations

8. (1) The state shall pledge to protect and promote the rights contained in this document and to guarantee them for all without discrimination on the basis of ethnic affiliation, color, gender, language, religion, political opinion, social status, or any other ground of discrimination.
- (2) The state shall enact and enforce legislations to meet its obligations in regards with the rights included in the bill of fundamental rights and freedoms included in this Constitution, and its international obligations related to fundamental rights and freedoms.
- (3) The state shall commit, within 6 months, as of signature of this Constitution, to review all laws in force in the country and abolish or amend anything that contradicts with the rights and freedoms therein.

Section Three
Fundamental Rights and Freedoms

The Right to Life and Human Dignity

9. Every human being shall have a fundamental right to life which shall be protected by law. No person may be arbitrarily deprived of life.

The Right to Liberty

10. (1) Everyone has the right to liberty, security of person and physical and mental safety. No one shall be subjected to arrest or detention and no one shall be deprived of freedom or restricted therefrom except according to measures regulated by the law in a democratic society.
- (2) Every person who is deprived of freedom shall have the right to humane treatment and respect of their dignity as regulated by the law in a democratic society.

Prohibition of Slavery and Forced Labor

11. (1) Slavery and human trafficking in all forms shall be prohibited. No person shall be enslaved or subjected to forced labor.
- (2) No person shall be compelled to perform work by force except as a punishment following conviction by a competent court.

Equality Before the Law

12. (1) People shall be equal before the law, and have the right to the protection of the law without discrimination on the basis of gender, color, language, religious belief, political opinion, racial or ethnic origin, social status, or any other reason.
- (2) The state shall take legislative measures and positive discrimination policies and programs appropriate to remedy the damage individuals or groups suffered from because of discrimination in the past, to ensure their participation and representation in governance and other life aspects.

Women's Rights

13. (1) The state shall protect women's rights as provided for in international and regional agreements and conventions ratified by Sudan.
- (2) The state shall guarantee, for men and women, the equal right to enjoy all civil and political rights, including the right to training and promotion and other professional

benefits, including equal opportunities in all state agencies. The state shall also guarantee, for men and women, the equal right in social, cultural and economic rights, including equal pay for the same work.

(3) The state shall take measures of positive discrimination to promote women participation in all of the state agencies, in all fields, including the right to own resources.

(4) Revoking or amending all laws and procedures stipulating discrimination against women. Seeking to combat customs and traditions that undermine the dignity and status of women.

(5) The state shall take the necessary measures to eliminate all forms of violence against women.

(6) The state shall ensure reproductive health, including the provision of free maternity healthcare.

Children's Rights

14. The state shall protect the rights of the child as provided for in international and regional agreements ratified by Sudan, including the right to free of charge basic education, and free of charge primary health care.

Prohibition of Torture

15. No one may be subjected to torture or harsh, inhumane, humiliating or degrading treatment or punishment, for any reason.

Fair Trial

16. (1) The defendant shall be deemed innocent until proven guilty by a final ruling before their normal judge.

(2) Any person shall be informed of the reasons of arrest at the time of the arrest and shall be informed of the charge against them without delay.

(3) Any person arrested shall be presented before their normal judge within 48 hours. The competent court may monitor any illegitimate measure or arrest conducted by any entity.

(4) Any person against whom civil or criminal proceedings are taken shall have the right to a fair and open hearing before a competent ordinary court in accordance with the procedures defined by law in a democratic society.

(5) Charges may not be brought against any person because of an act or failure to act if such act or failure to act did not constitute a crime at the time of its occurrence.

(6) Every person shall have the right to be tried in their presence without unjustified delay on any criminal charge. The law shall regulate trials in absentia, in accordance with the procedures defined by law in a democratic society.

(7) The accused shall have the right to defend themselves personally or through an attorney they select. They shall have the right to be provided with legal assistance by the state when they are unable to defend themselves in crimes of extreme gravity.

(8) The state shall provide the necessary protections for witnesses.

Right to Litigate

17. The right to litigate shall be guaranteed for all. No one shall be deprived of the right to resort to justice.

Restriction on the Death Penalty

18. (1) The death penalty may only be inflicted as retribution (qasas), a hudud punishment, or as a penalty for crimes of extreme gravity, in accordance with the law. It may not be inflicted on:

1. Those who have not reached eighteen years of age at the time the crime was committed.
2. Those who have reached seventy years of age, except in the case of qasas, hudud crimes, crimes against humanity, undermining the constitutional order and war crimes.
3. Pregnant women and nursing mothers until after two years of breastfeeding.

Right to Privacy

19. (1) No one's privacy may be violated. It is not permissible to interfere in the private or family life of any person in their home or correspondence, except in accordance with the law in a democratic society.

(2) Post, electronic and telegram correspondences, phone and over the internet conversations and other means of communications may not be confiscated, monitored or viewed, unless for a limited time and in accordance with sound legal procedures.

Freedom of Belief and Worship

20. (1) Every person shall have the right to freedom of religious belief and worship. They shall have the right to profess or express their religion or belief through worship, education, practice, performance of rituals, or celebrations, in accordance with the regulations of the law in a democratic society.

(2) No one shall be compelled to convert to a religion they do not believe in or to practice rites or rituals they do not voluntarily accept.

Freedom of Expression and Access to Information

21. (1) Every citizen shall have the right to freedom of expression, access to, receiving and publishing information and publications, as well as all means of media and the internet.
- (2) The state shall guarantee freedom and independence of the press, electronic and print media, as well as all public and private means of media.
- (3) Rights and freedoms provided for in paragraphs (1) and (2) above, may not be restricted except for protecting the rights and freedoms of others, in accordance with the regulations of the law in a democratic society.
- (4) All means of media shall adhere to the profession's ideals and ethics and shall not incite hatred; disseminate discrimination and contempt speech on grounds of gender, religion, ethnicity, region or culture; call for violence; abet the commitment of any terrorist act or acts contradicting the fundamental rights and freedoms included in this Constitution.
- (5) The state shall guarantee to all citizens or entities to access information available with its agencies, bureaus, departments and public facilities. The right to access information may only be restricted for the protection of public good or privacy of individuals, by a law that regulates the restrictions in a democratic society.
- (6) The state shall publish and circulate important information that impacts citizens' lives.

Freedom of Assembly and Organization

22. (1) The right to peaceful assembly, protest and processions shall be guaranteed. Every individual shall have the right to free organization with others, including the right to form political parties, associations, organizations, syndicates and professional trade unions, or to join the same in order to protect their interests.
- (2) The law shall regulate the formation and registration of associations, organizations, syndicates and professional trade unions, in accordance with what is required by a democratic society.
- (3) The state shall guarantee to individuals and groups the right to create political parties, and allow the freedom of partisan activity in accordance with the regulation of the law in a democratic society.

The Right to Political Participation

23. (1) Every citizen shall have the right to political participation and in managing public affairs, in accordance with the regulation of the law in a democratic society.
- (2) Notwithstanding the provisions of article 22(3), practicing political activity by the leaders and members of the dissolved National Congress Party, registering ore re-registering its societies, organizations or façades during the transitional period shall be prohibited.

Freedom of Movement and Residence

24. (1) Every citizen and every individual legally residing in the country shall have the right to freedom of movement and freedom to choose their place of residence. This right may only be restricted for reasons necessary for the protection of public order or safety or the rights and freedoms of others, in accordance with what is regulated by law in a democratic society.
- (2) Every citizen shall have the right to leave the country and return to it, in accordance with what is regulated by law in a democratic society.

Right to Ownership

25. (1) Every citizen shall have the right to acquire and own property in accordance with the law.
- (2) Private property may not be expropriated except by virtue of a law and for the public interest, and in return for fair and immediate compensation. Private funds may only be confiscated by virtue of a court ruling.
- (3) Public funds shall be recovered through the way defined by the law.

Right to Education

26. (1) Education is a right for every male/female citizen. The state shall guarantee access thereto without discrimination on the basis of religion, language, ethnicity, region, gender, disability or any other grounds.
- (2) Education at the general level shall be compulsory, and the state shall provide it free of charge.

The Right to Safe Environment

27. (1) Every individual and community shall have the right to safe environment and to live in a clean and healthy environment, including the right to protect the environment for the good of current and future generations.
- (2) The state shall take legislative measure, as well as any other measures necessary to face the problems of desertification, environmental pollution and other problems threatening the environment in Sudan.

Independence of Universities and Higher Institutes and Freedom of Academic Research

28. The state shall guarantee the independence of universities and freedom of think tanks and academic research centers.

Rights of Persons with Disabilities and The Elderly

29. (1) The state shall guarantee for persons with disabilities all the rights and freedoms set forth in this Constitution, and it shall respect their human dignity. It shall make available appropriate education and work for them and take the necessary measures and arrangements that are reasonable to ensure their full participation in society.
- (2) The state shall guarantee for the elderly the right to respect for their dignity, and shall provide them with the necessary medical care and services.

Right to Health

30. The state shall undertake to provide primary health care, reproductive health and emergency services free of charge for all citizens, improve public health, and establish, develop and rehabilitate health and basic diagnostic and treatment institutions.

Rights of Ethnic and Cultural Groups

31. All ethnic and cultural groups shall have the right to enjoy their own private culture and develop it freely. Members of such groups shall have the right to exercise their beliefs, use their languages, observe their religions and customs, and raise their children in the framework of such cultures and customs.

The Right to Nationality

32. (1) Anyone born to a Sudanese mother or father has an inalienable right to possess Sudanese nationality.
- (2) Any Sudanese person may acquire the nationality of another country as regulated by law.
- (3) The state shall review nationalization processes since 30 June 1989, until the date of this Constitution.

Sanctity of Rights and Freedoms

33. The rights and freedoms set forth in this Constitution and in international agreements ratified by Sudan cannot be derogated. The Constitutional Court and other competent courts shall preserve and protect such rights.

CHAPTER THREE

MANDATE OF THE TRANSITIONAL PERIOD

34. The transitional agencies and institutions shall be committed to the following tasks:
 - (1) Promote democratic transition and build transitional institutions, by taking the following measures:
 - a. Dismantle and eliminate the 30 June 1989 regime's structure, remove the consolidation of power (tamkeen) and repeal laws thereof, recover public funds, movable and immovable money inside Sudan and abroad, in accordance with the law.
 - b. The Constitutional Commission shall oversee conducting a dialogue through an inclusive and transparent process without exclusion for the constitution making, taking into account the exception in article 23(2). This process shall be crowned by holding a national constitutional conference that discusses governance issues until reaching an agreed Constitution and democratic endorsement thereof, provided that the conference is held six months before the end of the transitional justice.
 - c. The state is committed to hold free and fair general elections with international monitoring at the end of the transitional period, provided that the elections are preceded by the following procedures:
 - i. Conducting the census;
 - ii. Passing the elections law and the political parties law;

- iii. Taking the necessary measures to complete the voluntary return of refugees and internally displaced persons to their original homes, and preparing holding elections, for those who are not willing to return, in their current places.
 - d. Reform governance and civil service agencies; remove the consolidation of power (tamkeen) therein; ensure their national nature and fair distribution of opportunities, without altering conditions of aptitude and competence.
 - e. Legal and justice reform, including repealing or amending laws constricting freedoms and rebuilding and improving the legal, justice and judicial system. Ensure independence of the judiciary, public prosecution and lawyering and ensure the rule of law.
- (2) Security and military agencies reform:**
- a. Reform agencies of the armed forces, police and general intelligence to ensure the removal of consolidation of power therein, and ensure their national character and its full obedience to civil authority.
 - b. Complete security arrangements and conduct demobilization and reintegration processes to reach one national army.
 - c. Review legislations of the military establishment to ensure they are in line with the democratic development in Sudan.
- (3) Economic development:**
- a. Develop and implement a national strategy and effective programs for economic development, combating corruption, promoting equality and transparency, and focusing on the support of production and balanced economic growth, taking into account positive discrimination for areas less developed and affected by wars.
 - b. Develop and implement a national strategy to use and employ national resources within an emergency plan for economic growth, combating poverty and enhancing economic stability in Sudan.
 - c. Develop and implement plans and create national mechanisms to ensure social justice.
- (4) Transitional justice:** a commission for transitional justice shall be immediately created and a law for transitional justice shall be issued, listing the following requirements:
- a. A national plan to fulfil justice for all crimes committed during the armed conflict in Darfur, south Kordofan and south Blue Nile.
 - b. Within a month of appointment of the Council of Ministers, the resolution creating the national investigation committee to investigate the violations and crimes against human rights and the international humanitarian law

perpetrated on 3 June 2019 in the capital city and other provinces shall be supported, re-activated or amended by a decision of the Council of Ministers. The committee may seek international technical and financial support.

- c. Create a national investigation committee to investigate the murders and violations committed after 25 October 2021.
- d. The order creating both committees provided for in paragraphs (b) and (c) shall ensure their independence and granting them with the power of public prosecutor in terms of investigation, indictment, referral to court, representing or delegating the prosecution and stripping those summoned by either committee for investigation or indictment of any immunity stipulated by any law, decree or instrument.
- e. Review legislations and regulations that grant immunities from criminal accountability and promote impunity.
- f. The law shall define forms and levels of transitional justice, including special tribunals, customary justice and other means of transitional justice, including referral to the International Criminal Court.
- g. Immunity shall not be considered in relation to all violations and crimes perpetrated since 30 June 1989. A national investigation committee shall be established, by virtue of an order or decree issued by the Prime Minister or the Prosecutor General, as the case may be.
- h. Complete the implementation of the decision repealing the dismissal of arbitrarily dismissed personnel from 30 June 1989 to 11 April 2019. Reinstitute the arbitrarily dismissed personnel from civil, justice or military service, settle their status and provide them with fair and just reparations.
- i. The state shall be committed to provide care for the families of martyrs of the glorious December revolution and martyrs of civil conflicts and wars all over Sudan, treat the injured inside or outside Sudan, and provide reparations for the victims of crimes against humanity.

(5) Promote peace making and building as follows:

- a. Commitment to enforce Juba Peace Agreement for Sudan.
- b. Create an independent commission for peace that works on achieving just and durable peace in agreement with the movements not signatory to the Juba Peace Agreement for Sudan.
- c. Establish a national committee that contains the transitional government and movements signatory to the Juba Peace Agreement for Sudan, with the assistance of international and regional mediators to evaluate and correct the peace agreement and matrices developed and put forward mechanisms and plans to ensure the effective implementation thereof.

- d. Call upon the international community to contribute to creating a peace fund to support the obligations rising from the peace agreements.
- (6) Foreign relations: adopt a balanced foreign policy that achieves the state's supreme national interests and that works on improving and building Sudan's foreign relations, based on independence and shared interests in a manner that preserves the country's sovereignty, security and borders.

CHAPTER FOUR FEDERAL SYSTEM

Section One Levels of Government

35. (1) The Republic of Sudan is a federal state, composed of regions/provinces whose number, capitals, structures, powers and resources are determined by law. Levels of government thereof are as follows:
- a. The federal level, which shall exercise its powers at the federal level to protect the sovereignty and territorial integrity of Sudan, and promote the welfare of its people.
 - b. The regional/provincial level, which shall exercise its powers at the level of regions or provinces in accordance with what is decided by the law.
 - c. The local level is an authentic level of government whose powers and resources are defined by law and their relations regulated by law.
- (2) The different levels of government shall have exclusive and shared competencies and powers and resources for each level determined by law. The law shall define the structures and boundaries.
- (3) Until the geographical demarcation and distribution of powers and competencies among the levels of government are re-examined, the existing system shall remain in effect and executive governments shall be formed in the regions/provinces, in accordance with the parameters provided for in this transitional constitution and the detailed measures to be defined by law.

Section Two Regions/Provinces Constitutions

36. (1) Every region/province shall have a constitution compatible with this transitional constitution which define the structures of regional/provincial levels. The regional/provincial constitutions shall be drafted by committees with broad representation within the respective region/state.

(2) A legislative body shall be established in every region/state in which the diversity of representation shall be considered. Forces signatory to the political declaration within the region/state shall supervise creation of the legislative bodies.

Section Three Local Governance

37. (1) The local level promotes the broad popular participation and expresses the basic needs of citizens.
- (2) A law shall be passed establishing local councils that take into consideration grassroots representation, whose establishment is supervised by the forces signatory to the political declaration within the locality.
- (3) It shall be guaranteed to the local level the right to regulate all its local affairs within the limits defined by the law.
- (4) Local units enjoy financial and administrative autonomy. The law shall define reasonable financial resources for the local units, to enable them undertake local services and development.

Section Four Delegation Of Powers

38. The following principles shall be consulted when power is delegated and distributed among all levels of government:
- (1) Affirming the need for governance and administration rules and standards at the federal level as well as at the region/province levels, in a manner that reflects unity of the country and diversity of the Sudanese people.
- (2) Recognizing the role of public authority at all levels of government in promoting people's welfare and protection of people's fundamental human rights and freedoms.
- (3) Recognizing the necessity of engagement and participation of citizens in levels of government, in expression of the national unity of Sudan.
- (4) Achieving good governance through democracy, transparency, accountability and the rule of law at all levels of government.
- (5) The effective implementation of the principle of solidarity through the strive to achieve economic balance among the different areas of Sudan territories, paying special attention for the development in rural and the less developed areas, to achieve justice and consolidate the pillars of peace.
- (6) The right of regions to participate and be consulted in regards with licensing national projects.

- (7) The right of local communities to be consulted in regards with licensing projects to be established on their territories.
- (8) Preserving the historical rights of local communities in lands and resources.

CHAPTER FIVE

TRANSITIONAL GOVERNMENT STRUCTURES

Section One

Transitional Legislative Council

Composition of the Transitional Legislative Council

39. (1) The Transitional Legislative Council is an independent legislative authority, which may not be dissolved. It shall be composed of no less than (300) members, taking into consideration the broad representation of the components of the Sudanese people, including political, civil and professional forces, resistance committees, Sufi orders, community-based administrations and parties to the peace process signatory to the political declaration. Members of the dissolved National Congress, in all their forms and labels and façades shall be excluded.
- (2) The participation of women shall not be less than 40% of the Legislative Council's membership.
- (3) The Transitional Legislative Council shall be composed according to the representation agreed upon by the parties signatory to the political declaration, setting transparent procedures for appointment and taking into consideration the representation of age groups, regions, groups, persons with disabilities and religious minorities.
- (4) The Transitional Legislative Council shall be formed and it shall undertake its duties upon selection of its members within a month of signing this Constitution.

Competencies, Powers and Term of Office of the Transitional Legislative Council

40. (1) The Transitional Legislative Council shall have the following competencies and powers:
1. Enacting laws and legislations;
 2. Overseeing the performance of the Council of Ministers, holding it accountable and withdrawing confidence from its president or members;
 3. Approving the general budget of the state;
 4. Ratifying bilateral, regional and international agreements and treaties and loans;

5. Enacting the regulations that regulate its work and the selection of the Council Speaker and his/her deputies and its specialized committees.
 6. Overseeing the performance of the independent commissions, receiving reports therefrom about progress in issues they are responsible for.
- (2) In the event of withdrawing confidence from the Prime Minister, the Transitional Legislative Council shall name the successor Prime Minister, who shall be adopted by the Sovereignty Council within one week from the date of submitting the appointment decision.
- (3) Unless otherwise specifically stipulated in this Constitution, Decisions of the Transitional Legislative Council shall be issued by simple majority.
- (4) All sessions of the Legislative Council shall be open to the public, unless there are strong preventing reasons related to state security or privacy.
- (5) Term of the Legislative Council shall end with holding the first session of the elected Council.

Conditions of Membership in the Transitional Legislative Council

41. Members in the Transitional Legislative Council shall meet the following requirements:
- (1) Be a Sudanese national;
 - (2) Be no less than twenty-one years of age;
 - (3) Has not been convicted by a final ruling from a competent court for a disgraceful or dishonorable crime.
 - (4) Be literate.
 - (5) Be committed to the political declaration.

Loss of Membership in the Transitional Legislative Council

42. (1) Members of the Legislative Council shall lose their membership, by a decision by the Legislative Council, for any of the following reasons:
- a. Resignation and acceptance thereof by the Transitional Legislative Council;
 - b. Conviction by a final ruling from a competent court on a disgraceful or dishonorable crime.
 - c. Illness that prevents them from performing their duties, according to a medical report issued by a legally accredited body.
 - d. Death.
 - e. Loss of one of the requirements of membership stipulated in this Constitution.
- (2) In the event a seat on the Transitional Legislative Council becomes vacant, parties signatory to the political declaration shall select a replacement who shall be adopted by the Legislative Council's Speaker.

Oath of the Speaker and Members of the Transitional Legislative Council

43. The Speaker and members of the Transitional Legislative Council shall take the following oath: (I do solemnly swear by God the Almighty, as speaker/member of the Transitional Legislative Council, that I will be sincere and faithful in my loyalty to the Republic of Sudan, and that I will perform my duties and responsibilities with seriousness, trustworthiness and transparency for the advancement, prosperity and progress of the Sudanese people; and that I am committed to and will protect and preserve the Transitional Constitution; that I will observe the laws of the Republic of Sudan, and that I will defend the sovereignty of the country. I swear that I will work for its unity, that I will strengthen the pillars of democratic governance, and that I will safeguard the dignity and pride of the people of Sudan. May God be my witness.)

Section Two Transitional Sovereignty Council

44. (1) The Sovereignty Council is the head of state, the symbol of its sovereignty and unity, and the Supreme Commander of the Armed Forces. Regional representation therein shall be taken into account.
- (2) The Sovereignty Council shall consist of (.....) civilian members, with equal seats for men and women, to be selected and appointed by the parties signatory to the political declaration under which this Constitution is issued.
- (3) Presidency of the Council shall rotate among the members of the Sovereignty Council.

Competencies of the Sovereignty Council

45. The Sovereignty Council shall have the following powers and competencies:
- (1) Approve the appointment of the Prime Minister after being selected by the parties signatory to the political declaration under which this transitional Constitution is issued.
 - (2) Approve the appointment of the Chief Justice and deputies thereof, after being selected by the parties signatory to the political declaration.
 - (3) Approve the appointment of the president and members of the Constitutional Court, the Prosecutor General and assistants thereof selected by the parties signatory to the political declaration.
 - (4) Approve the appointment of the Auditor General during the transitional period after being appointed by the Legislative Council.

- (5) Approve the appointment of Sudan's ambassadors abroad and foreign ambassadors to Sudan.
- (6) Declare the state of emergency upon the request of Prime Minister.
- (7) Declare war based on a recommendation from the Council of Ministers, after the ratification of the Legislative Council.
- (8) Sign laws passed by the Legislative Council.
- (9) Ratify death penalties issued by the judicial authority in accordance with the law.
- (10) Approve international and regional agreements after ratification by the Transitional Legislative Council.
- (11) The power of full or conditional pardon and vacate the sentence or conviction in accordance with the law.
- (12) Decisions thereof shall be made by consensus or ordinary majority.
- (13) For the purpose of this article, approval shall mean signature which is necessary in form to enforce the issued decision. The decision shall be deemed valid after 15 days of being submitted.

Conditions For Membership in the Sovereignty Council

46. The Chairperson and members of the Sovereignty Council shall meet the following conditions:
- (1) He/she is of Sudanese nationality by birth, and does not hold the nationality of another country;
 - (2) He/she is not less than thirty-five years of age;
 - (3) He/she possesses qualifications and competence;
 - (4) He/she has not been convicted by a final ruling from a competent court for a disgraceful or dishonorable crime;
 - (5) Commitment to the political declaration.

Loss of Membership in the Sovereignty Council

47. (1) The Chairman/Chairwoman and members of the Sovereignty Council shall lose their membership for any of the following reasons:
- a. Death.
 - b. Resignation.
 - c. Illness that prevents them from performing their duties, according to a medical report issued by a competent body.
 - d. Conviction by a final ruling from a competent court on a disgraceful or dishonorable crime.

- e. Loss of one of the conditions of membership.
- (2) In the event a seat on the Sovereignty Council becomes vacant, the parties signatory to the political declaration shall appoint the replacement within no more than two months as of the vacancy of the seat, and the Council shall adopt him/her.

Section Three

Transitional Council of Ministers

Composition of the Transitional Council of Ministers

48. (1) The Council of Minister shall be composed of a Prime Minister and a number of ministers not exceeding twenty-five from national competent figures, selected by the parties signatory to the political declaration, with equal number of men and women as ministers, taking into consideration the age and regional variety, without infringing on the principle of competence.
- (2) The head and members of the Council of Ministers shall bear collective and individual responsibility before the Legislative Council for the performance of the head and members of the Council of Ministers and ministries.

Competencies and Powers of the Prime Minister

49. The Prime Ministers shall have the following competencies and powers:
- (1) Appoint ministers who are selected by the forces signatory to the political declaration, abiding by the criteria of competence, independence, impartiality, and appropriate experience.
 - (2) Appoint and dismiss governors of regions/provinces who are selected or from whom the confidence is withdrawn by the parties signatory to the political declaration in their respective provinces, taking into consideration diversity and promoting women participation.
 - (3) Appoint and dismiss heads of civil services, the police and the intelligence.
 - (4) Oversee the performance of ministers and holding them accountable.
 - (5) Oversee security and defense affairs.
 - (6) Chair the Security and Defense Council.
 - (7) Oversee the General Intelligence and the Police.
 - (8) Oversee the Central Bank of Sudan.

Competencies and Powers of the Council of Ministers

50. The Council of Ministers shall have the following competencies and powers:

- (1) Implement tasks of the transitional period provided for in this transitional Constitution.
- (2) Work to stop wars, resolve conflicts and complete and build peace.
- (3) Initiate draft laws, the draft general budget of the state, bilateral and international treaties and agreements and loans.
- (4) Monitor and instruct the work of state organs, including the work of ministries, institutions, public bodies and companies affiliated or connected thereto.
- (5) Develop plans, programs and policies relating to public civil service, which shall be responsible for administering the apparatus of the state and for implementing such plans and programs.
- (6) Form independent national commissions in accordance with the provisions of this transitional Constitution.
- (7) Enforce laws in accordance with the various competencies and take all measures and procedures to perform the transitional period tasks.
- (8) Manage foreign and diplomatic affairs.
- (9) Recommend the declaration of war.
- (10) Issue regulations governing its activities.

Conditions for Membership in the Council of Ministers

51. The Prime Minister and members of the Council of Ministers shall meet the following requirements:
- (1) He/she is Sudanese by birth;
 - (2) He/she is not less than twenty-five years of age;
 - (3) He/she possesses integrity, competence, qualification, practical expertise and capabilities appropriate with the position;
 - (4) He/she has not been convicted by a final ruling from a competent court for a disgraceful or dishonorable crime.
 - (5) He/she committed by the political declaration.

Loss of Membership in the Council of Ministers

52. The Prime Minister or members of the Council of Ministers shall lose their position for any of the following reasons:
- (1) Resignation of the Prime Minister and acceptance thereof by the Sovereignty Council. In this case, the cabinet shall be deemed dissolved and all members thereof lose their membership in the Council of Ministers.
 - (2) Resignation of the minister and acceptance thereof by the Prime Minister.
 - (3) Dismissal of the minister by the Prime Minister.

- (4) Withdrawal of confidence from the Prime Minister or the member by the Transitional Legislative Council with a two-thirds majority vote. In the event of a withdrawing confidence from the Prime Minister, the cabinet shall be deemed dissolved and all members thereof lose their membership in the Council of Ministers.
- (5) Conviction by a final ruling from a competent court on a disgraceful, dishonorable crime.
- (6) Illness that prevents them from performing their duties, according to a medical report issued by a legally accredited body.
- (7) Death.
- (8) Loss of one of the requirements of membership.

Section Four

Common Provisions for Constitutional Positions

Financial Disclosure and Prohibition of Commercial Activities

53. (1) Upon assuming their positions, the chairpersons and members of the Sovereignty Council and Council of Ministers, governors of regions, governors and ministers of provinces, members of the Transitional Legislative Council and heads of commissions shall submit a financial disclosure which includes their assets and obligations, including those of their spouses and children in accordance with sound legal procedures.
- (2) Chairpersons and members of the Sovereignty Council and Council of Ministers, governors of regions, governors and ministers of provinces and heads of commissions shall commit to refrain from practicing any private profession or commercial or financial activity while occupying their position. They may not receive any financial return, gifts or work of any kind from any entity.

Challenging Actions of the Sovereignty Council and Council of Ministers

54. (1) Anyone harmed by the actions of the Sovereignty Council or of the Council of Ministers may challenge these actions before:
- a. The Constitutional Court, if the challenge is related to any infringement of the constitutional order or constitutional freedoms, sanctities or rights.
 - b. A competent court, if the challenge is related to any violation of the law.

Procedural Immunity

55. (1) Unless in cases of flagrante delicto, criminal procedures may not be taken against any member of the Sovereignty Council, Council of Ministers, Transitional Legislative Council,

governors of regions and governors of provinces/ or province ministers or any member of the constitutional institutions established under this Constitution without receiving the necessary permission from the Legislative Council.

(2) The decision to lift this procedural immunity shall be made by a simple majority of members of the Transitional Legislative Council.

(3) Lifting immunity falls within the competency of the Constitutional Court, in the event the Transitional Legislative Council is not in session.

**Oath of the Chairpersons and Members of the Sovereignty Council
and Council of Ministers**

56. The chairpersons and members of the Sovereignty Council shall take the oath before the Chief Justice, and the Prime Minister and ministers shall take the oath before the Sovereignty Council: (I do solemnly swear by God the Almighty, as Chairperson/member of the Transitional Sovereignty Council/Council of Ministers, that I will be sincere and faithful in my loyalty to the Republic of Sudan, and that I will perform my duties and responsibilities with seriousness, trustworthiness and transparency for the advancement, prosperity and progress of the Sudanese people; and that I am committed to and will protect and preserve the Transitional Constitution; that I will observe the laws of the Republic of Sudan, and that I will defend the sovereignty of the country. I swear that I will work for its unity, that I will strengthen the pillars of democratic governance, and that I will safeguard the dignity and pride of the people of Sudan. May God be my witness.)

**CHAPTER SIX
JUSTICE AGENCIES**

**Section One
The Judicial Authority**

Supreme Judicial Council

57. (1) A supreme judicial council shall be established.

(2) The Chief Justice shall preside over the Supreme Judicial Council.

The Judicial Authority

58. (1) In the Republic of Sudan, jurisdiction over the judiciary shall be entrusted to the judicial authority.

(2) The judicial authority shall be independent from the national legislative authority and the executive authority, and it shall have the necessary financial and administrative independence.

(3) The judicial authority shall have jurisdiction to adjudicate disputes and issue rulings in accordance with the law.

(4) The Chief Justice shall be the head of the judicial authority and president of the National Supreme Court.

(5) The Sovereignty Council shall approve the Chief Justice and deputies thereof after being selected by the parties signatory to the political declaration.

(6) All state agencies and institutions shall implement courts' orders.

(7) The judicial authority shall be subject to institutional reform in accordance with the law of the justice and legal system reform.

Independence of the Judges

59. (1) Judges shall enjoy complete independence while performing their tasks. The appointment of judges may not be subject to partisan, ideological or political quotas.

(2) The Sovereignty Council shall approve the judges appointed by the Supreme Judicial Council.

(3) Judges shall abide by this Constitution, the rule of law and serving justice professionally.

(4) The law shall define the conditions of judges service, immunities thereof and holding them accountable.

Section Two

The Constitutional Court

60. (1) The Constitutional Court is an independent court and is separate from the judicial authority. It shall have the jurisdiction to oversee the constitutionality of laws and measures and interpret them, to protect rights and freedoms, and to adjudicate constitutional disputes.

(2) The Sovereignty Council shall approve the president and members of the Constitutional Court after being selected by the parties signatory to the political declaration, with equal seats for men and women, and taking diversity into consideration.

(3) The law shall define competencies and powers thereof.

Section Three Public Prosecution

61. (1) The Public Prosecution is an organ of the justice system that works in accordance with the laws regulating it.
- (2) When practicing their powers, prosecutors shall abide by the Guidelines on the Role of Prosecutors issued by the United Nations' General Assembly, especially in relation to crimes that affect society.
- (3) It shall be guaranteed for the prosecutors all they need to perform their professional functions, in accordance with the said Guidelines.
- (4) The Sovereignty Council shall approve the Prosecutor General and deputies thereof after being selected by the parties signatory to the political declaration.
- (5) The public prosecution shall be subject to institutional reform in accordance with the legal and justice system reform law.
- (6) To ensure serving justice and the good performance of the prosecution, consolidation of power (tamkeen) therein shall be removed.
- (7) A Supreme Council of Prosecution shall be formed and its powers and competencies shall be determined by the law.

Section Four Lawyering

62. (1) Lawyering is an independent profession governed by a law that regulates its functions and how it is managed.
- (2) Lawyers shall undertake the following tasks:
- a. Promote, protect and advance basic rights of citizens, confront violations, derogation or infringement on such rights;
 - b. Defend the rights and interests of their clients and provide legal service demanded by the citizens in need in accordance with the law.
 - c. Provide legal counseling in issues of opinion, conscience, national causes and public affairs within their social responsibility.

CHAPTER SEVEN
REMOVAL OF THE CONSOLIDATION OF POWER (TAMKEEN)
AND RECOVERY OF LOOTED FUNDS

63. (1) The consolidation of power of the regime of 3 June 1989 shall be removed, including all forms of consolidation of power that took place before and after the coup of 25 October 2021.
- (2) The law shall regulate the removal of consolidation of power through a body that possesses the competency, integrity, mandate and the complete independence from any influences and provide the necessary training, logistical support and what assists to conduct its work.
- (3) The law shall provide for a mechanism to appeal the decisions and rulings of the body stipulated in the aforementioned paragraph (2), provided that it is created concurrently with the body.
- (4) The law shall define the procedures of dismantling anything obstructing democratic transition, or the incompetent persons who have been appointed in their positions based on their loyalty to the regime of 30 June 1989, or the regime of 25 October 2021, inside the following agencies and institutions:
- a) Regular forces stipulated in Chapter Ten of this Constitution.
 - b) Justice agencies stipulated in Chapter Six of this Constitution.
 - c) Civil service stipulated in Chapter Eight of this Constitution.
 - d) The Central Bank of Sudan stipulated in article 65 of this Constitution, and all banks and institutions the state owns share therein.
 - e) The General Audit Bureau stipulated in article 66 of this Constitution.
- (5) The law shall regulate the recovery of funds and assets looted through the consolidation of power, as well as all companies, partnerships, businesses, façades and funds looted abroad.
- (6) The Chief of Justice shall create a department to examine all rulings and decisions taken by the judicial circle to look into the decisions issued by the committee of dismantling the regime of 30 June 1989, before the issuance of this Constitution.

CHAPTER EIGHT
CIVIL SERVICE

64. (1) The civil service shall comprise all state employees in civil institutions at all levels. They perform designated tasks impartially and in accordance with the law.
- (2) The laws and regulations of the civil service shall determine the service conditions and provisions and the rights and duties of workers therein.

(3) Civil service in Sudan, especially at high and middle levels, shall be representative of the Sudanese people. To ensure that, the following principles and guidelines shall be recognized and considered:

- a) Taking into account merit and competency in holding positions, and adopting the principle of ongoing training.
- b) No level of government may discriminate against any qualified citizen on the basis of gender, religion, ethnic origin, region or political affiliation.
- c) Fair competition for jobs and opportunities of job training.
- d) Apply the principle of positive discrimination to achieve fair representation of women, the youth, people from marginalized areas and persons with disabilities.

CHAPTER NINE INDEPENDENT BODIES

Section One Central Bank of Sudan

65. (1) The main objectives of the Central Bank of Sudan shall be the following:
- a) Achieving the general stability of prices and sustainability thereof.
 - b) Contributing to achieving stability of the financial sector and sustainability thereof.
- (2) The Central Bank of Sudan shall be responsible for:
- a) Formulating and implementing the monetary policy.
 - b) Define and implement the system of currency exchange in consultation with the government.
 - c) Issue, regulate and monitor the currency.
 - d) Regulate, monitor, improve and develop banking business.
- (3) The Central Bank of Sudan shall be independent in selecting the tools of its monetary policy and practicing its powers, without interference of any party.
- (4) The Bank shall be financially, administratively and technically independent in undertaking its functions, in accordance with the regulations it issues.
- (5) The Council of Minister shall appoint the Sudan's Central Bank Governor, deputies thereof and board of directors of the Central Bank of Sudan, equally occupied by the two sexes, abiding by the criteria of professional competency and taking diversity into consideration. They shall be accountable before the Prime Minister for the conduct of their tasks.

Section Two

General Audit Bureau

66. (1) The National Public Audit Bureau is an independent body that audits the accounts of all the state institutions, banks and agencies with no exception, as well as companies and banks that the state has any shares therein or the parties that are provided by financial support from the state. It shall work in accordance with the regulating laws in a democratic society.
- (2) The Auditor General is the head of the bureau. He/she shall abide by the international standards to ensure transparency and combating money laundry.
- (3) The Auditor General shall be appointed by the forces signatory to the political declaration and adopted by the Sovereignty Council.

Section Three

Commissions

67. (1) Independent commissions shall be established. Experts with attested competence and integrity, including equal seats for men and women, shall be selected therefor by the parties signatory to the political declaration, then they get appointed by the Prime Minister.
- (2) The commissions are formed and their competencies are defined by the laws establishing them.
- (3) Candidates for membership on the commissions shall meet the following requirements:
- a) Academic qualifications and practical expertise in the relevant field;
 - b) Impartiality, integrity, competence and professional independence;
 - c) Commitment to the political declaration.
- (4) The Prime Minister shall appoint the heads and members of the following commissions:
- 1. The Peace Commission;
 - 2. The Women and Gender Equality Commission;
 - 3. The Constitutional Drafting and Constitutional Conference Commission;
 - 4. The Elections Commission;
 - 5. The Legal and Justice Reform Commission;
 - 6. The Anti-Corruption and Transparency Promotion Commission;
 - 7. The Human Rights Commission;
 - 8. The Civil Service Reform Commission;
 - 9. The Land Commission;
 - 10. The Borders Commission;

11. The Voluntary Return of IDPs and Refugees Commission;
12. The Demobilization and Reintegration Commission;
13. The Transitional Justice Commission;
14. The Commission of National Revenue Allocation, Distribution and Monitoring;
15. Any other commissions that the Council of Ministers deems necessary to establish.

CHAPTER TEN UNIFORMED AGENCIES

68. The uniformed agencies in the Republic of Sudan are:
1. The Armed Forces.
 2. The Police.
 3. The General Intelligence Agency.

Section One The Armed Forces

69. The Armed Forces is a national uniformed professional non-partisan institution that is structurally composed and organized in accordance with the law. It shall undertake the duty of defending the homeland, its unity and sovereignty, safeguarding its security, territorial integrity and borders.
- (2) The Armed Forces adopt a military doctrine that abides by the constitutional order and the law, acknowledge the democratic civil system as a basis for governance and it shall be subordinate to the Commander-in-Chief of the Armed Forces.
- (3) The state shall be solely responsible for establishing the Armed Forces.
- (4) The law shall define conditions under which the Council of Ministers may resort to involve the Armed Forces in non-military tasks.
- (5) The Armed Forces shall be composed of the different components of the Sudanese people taking into consideration its national nature, balance and representativeness without discrimination or exclusion. It shall be subject to a civilian authority and may not be used against the Sudanese people and their revolution, nor may interfere in political affairs.
- (6) The establishment of military or paramilitary militias shall be prohibited.
- (7) The Armed Forces shall be banned from conducting economic and commercial activities, except those related to military industry and military tasks, in accordance with the policy set by the transitional government.

- (7) The mandate of the Armed Forces during the transitional period is:
- a) Abiding by the constitutional order and respecting the rule of law, the democratic civilian government, human rights, sovereignty of the country and protecting its borders against any foreign aggression.
 - b) Respecting the will of the Sudanese people in terms of having a pluralistic democratic civilian government and working under its administration.
 - c) Implementing policies related to security and military reform in accordance with the plan of the civilian transitional government, until reaching a professional national army. This shall include the integration of the Rapid Support Forces and forces from the armed struggle movements within the Armed Forces, as detailed by the Demobilization and Reintegration Commission.
 - d) Implementing the security arrangements stipulated in Juba Agreement for Peace in Sudan and the subsequent agreements.
 - e) Reviewing the conditions of admission to the military academy and reviewing the military curricula, in line with the requirements of justice, equal citizenship and the democratic military doctrine, in accordance with the law in a democratic society.
 - f) Participating through its representative in the Security and Defense Council which is headed by the Prime Minister.

Section Two

The Police Forces

70. (1) The police forces are national and federal professional uniformed civilian law enforcement forces. They shall have jurisdiction to protect and serve citizens and their freedom, maintain security and safety of society, and they shall be subject to the policies and decisions of the Council of Ministers, in accordance with the law in a democratic society.
- (2) An internal security service shall be established and shall be technically and administratively under the Ministry of Interior in accordance with the sound legal measures.
- (3) The establishment of special police forces or units that constrain public freedoms and human rights shall be prohibited.
- (4) The Police Forces shall be reformed; the consolidation of power therein shall be removed; and they shall be modernized to achieve their tasks and national nature.
- (5) The Police forces are banned from conducting any commercial or investment activities.

Section Three

The General Intelligence Agency

71. (1) The General Intelligence Agency is a national uniformed civilian service whose jurisdiction is over national security. Its duties shall be limited to gathering and analyzing information and submitting it to the competent authorities. It may not have the power to arrest or detain and may not have any facility for that purpose.
- (2) The Agency shall be banned from practicing commercial or investment business, unless within the scope of undertaking its tasks.
- (3) The Agency shall be under the Prime Minister. The law shall define its duties, tasks and budget, in accordance with the requirements of a democratic system.
- (4) The Prime Minister shall appoint the Agency's Director General and deputies thereof.
- (5) The transitional government shall take the necessary measures and arrangements to reform and modernize the General Intelligence Agency, so as to remove the consolidation of power therein. It shall be based on the doctrine of protecting the security of homeland and citizens.

Section Four

Courts of the Uniformed Services

72. (1) Notwithstanding the general jurisdiction of the judiciary, military courts shall be established for the Armed Forces, the Police Forces, and the General Intelligence Agency to try their members in relation to their violations of military laws. This does not apply to crimes against civilians or relating to the rights of civilians, in accordance with laws.
- (2) The military courts may not have the jurisdiction to try the gross violations of human rights, such as the extrajudicial executions, forced disappearance and torture.

Section Five

Security and Defense Council

73. (1) A Security and Defense Council shall be established at the federal level, presided over by the Prime Minister. The law shall define its composition, mandates and competencies.

CHAPTER ELEVEN

STATE OF EMERGENCY AND THE DECLARATION OF WAR

Section One

Declaration of the State of Emergency

74. (1) Upon the occurrence of any urgent danger, natural disaster, epidemics or aggression that threatens the unity of the country, or any part thereof, or its safety or economy, the Sovereignty Council may, upon a recommendation by the Council of Ministers, declare a state of emergency in the country or any part thereof, in accordance with this Constitution.
- (2) The declaration of a state of emergency shall be presented to the Transitional Legislative Council within fifteen days from the date of its issuance for endorsement. If the Transitional Legislative Council is not in session, an emergency session shall be convened.
- (3) Upon the Transitional Legislative Council's endorsement of the declaration of a state of emergency, all exceptional laws, orders and measures issued thereunder remain in force, unless if revoked by two-thirds vote of the Legislative Council.
- (4) The declaration of a state of emergency shall be deemed null should the Legislative Council not endorse it, and all measures taken thereunder shall be deemed null.
- (5) Despite the declaration of state of emergency, the Council of Ministers and the Legislative Council continue undertaking their constitutional tasks without any derogation thereof.
- (6) It shall be observed, upon the declaration of the state of emergency, taking all measures required by the international law.
- (7) Powers of the Council of Ministers in a state of emergency: while the state of emergency is in effect, the Council of Ministers may take any measures which restrict, or partially repeal or limit the effects of provisions of this Constitution. However, if the exceptional situation reaches the point that it threatens the safety of citizens, the Council may, in consultation with the Sovereignty Council, suspend part of the Bill of Rights found in this Constitution. However, the right to life, protection from enslavement or torture, the freedom of belief and conscience, or the principle of non-discrimination on the basis of ethnicity, gender, religious conviction or disability, the right to litigate or the right to a fair trial may not be derogated.

Section Two
Declaring War

75. The Sovereignty Council shall declare the state of war, upon a recommendation by the Council of Ministers, when it decides that the country is under a foreign aggression. This declaration shall be legally implementable after the approval of the Legislative Council with two-thirds majority of its membership.

CHAPTER TWELVE
AMENDMENT OF THE CONSTITUTION

76. (1) The Constitution may only be amended by a two-thirds majority vote of the Legislative Council.
- (2) Fundamental rights and freedoms are inalienable and inviolable.