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CONSTITUTION of the REPUBLIC OF CHAD¹

April 16, 1962, amended in 1965 and 1967

PREAMBLE

The people of Chad solemnly proclaims its attachment to the principles of democracy as defined by the Declaration of the Rights of Man and of the Citizen in 1789, by the Universal Declaration of 1948, and as guaranteed by the present Constitution.

They affirm their willingness to co-operate in peace and friendship with all peoples who share their ideal of justice, liberty, equality, fraternity and human solidarity.

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

The defense of the rights of man and of the public liberties in the name of one ideal of universal justice;

The establishment of a democracy, based on the system of separation of powers: legislative, executive and judicial, and on the principle of government of the people, by the people and for the people;

The ensuring of the rights of the citizen, based on the principles of liberty, humanity and equality.

The Republic of Chad, secular, democratic and social, declares that:

No one may be arrested or detained except in accordance with the law or by order of the legitimate authority;

The domicile of anyone inhabiting the territory of the Republic is inviolable; entry is permissible only in accordance with the forms of and in the cases provided by law;

The oppression of one section of the people by another is unconstitutional;

Any manifestation or propaganda of an ethnic character shall be punished by law;

Citizens have the right to associate, petition and to express freely their

¹ *Annuaire Officiel du Tchad*, 1972, supplied by the Chad Embassy in Washington in June 1972. Translated by the Editor. Ed.

opinions; the exercise of these rights shall be limited only by the liberty of others and by public security;

The press is free whatever its manner of expression. The conditions within which freedom of the press may be exercised shall be determined by law;

Public education is secular; it shall be given in the French language; a special position shall be accorded to the Arabic language. The education given in all the establishments of the Republic shall be gratuitous;

All citizens have an equal right of access to all public offices;

Any distinction of birth, class or caste is abolished;

The right to work and to assistance for the family is guaranteed within the framework of the social laws; the same applies to freedom of work;

Citizens are equal in respect of taxes; they shall contribute to the public expenses according to their abilities.

The preceding provisions are an integral part of this Constitution.

TITLE I

THE STATE AND SOVEREIGNTY

Art. 1. Chad is a sovereign Republic, one and indivisible; it shall recognize the existence of the territorial units established by law; it shall ensure the equality of all its citizens before the law; it shall affirm the separation of religion and the State.

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

The National Anthem is the "*Tchadienne*."

The motto of the Republic is "Unity, Work, Progress."

The official language is French.

Art. 2. Sovereignty belongs to the people who shall exercise it, either directly by means of referendum, or indirectly through their representatives.

Conditions for the recourse to referendum shall be determined by law.

The representatives of the people shall be appointed by universal, equal and secret vote.

All Chadian nationals of both sexes who enjoy civil and political rights may vote under conditions to be determined by law.

No section of the people nor any individual may attribute to themselves or himself the exercise of sovereignty.

Art. 3. The rights of the citizen shall be guaranteed by the Constitution. They shall be indefeasible, inviolable and shall rest upon the fundamental principles set forth in the Preamble to the Constitution.

The Republic shall ensure equality of all citizens before the law without distinction of origin or of religion.

Art. 4. Abrogated.

TITLE II
THE PRESIDENT OF THE REPUBLIC,
HEAD OF THE GOVERNMENT

Art. 5. The President of the Republic shall be the Head of State and of the Government. He shall determine and conduct the policy of the nation.

He shall be the exclusive holder of the executive power. He shall uphold respect for the Constitution: he shall ensure by his arbitration the regular functioning of the public services as well as the continuance of the State.

He shall be the guarantor of national independence, of the integrity of the territory of the Republic, of respect for international treaties and conventions and agreements.

Art. 6. The President of the Republic shall be elected for seven years by an electoral college comprising:

Members of the National Assembly;

Mayors and Municipal Councillors;

Mayors and Councillors of the rural communities;

Chiefs of the customary communities within the conditions set forth by law.

The outgoing President shall be eligible for reelection; he shall remain in full exercise of his powers until the investiture of his successor which shall take place immediately following his election.

The office of the President of the Republic shall be incompatible with the exercise of any public employment and of any remunerated private activity.

Art. 7. The electoral college shall be convened by decree of the Council of Ministers ten days at the least or sixty days at the most after the expiration of the mandate of the President of the Republic in office.

Election of the President of the Republic shall be by a two-thirds majority in the first ballot. If this is not obtained, he shall be elected by absolute majority on the second ballot or, in the event, by relative majority on the following ballot.

Candidates for the office of President of the Republic must enjoy civil and political rights and must be 30 years of age at the date of the election.

Before assuming office, the President of the Republic shall take before the Parliament the following oath:

“I swear and promise faithfully to fulfil my office in the overriding interest of the country, to respect the Constitution and to defend it in all circumstances.”

Art. 8. The President of the Republic shall preside over the Council of Ministers. Immediately after his election he shall appoint the members

of the Government and determine their powers; he shall then present his Government to the National Assembly.

He may by a decree taken within the Council of Ministers terminate the functions of members of the Government and replace them.

The decree terminating the functions of a minister and appointing his successor shall be communicated to the National Assembly.

Ministers shall be responsible to the President of the Republic.

Art. 9. If the President of the Republic is temporarily unable to exercise his duties, for whatever reason, during the period between the end of his term and the appointment of his successor, his powers shall be exercised by a member of the Government appointed by the Council of Ministers.

If the Presidency of the Republic falls vacant by reason of the expiration of the term of office, by death or by definitive impediment, election of a new President shall take place.

A definitive impediment to the Presidency of the Republic shall be declared by vote of a two-thirds majority of the members of the National Assembly upon the advice of the Supreme Court.

Art. 10. The Council of Ministers must be informed of:

- decisions affecting the general policy of the State;
- bills;
- ordinances;
- decrees other than those excepted by the Constitution or the laws;
- appointments to the higher offices of State, as set forth in a list enacted by law.

Art. 11. The President of the Republic may submit to a referendum any bill which seems to him to require direct consultation with the people.

When the referendum decides in favor of the bill, the President shall promulgate it within the time limit stipulated in Article 55, paragraph 3, below.

Any law contrary to the will of the people as expressed by referendum shall be null and void.

Art. 12. The President of the Republic shall sign ordinances and decrees whether or not discussed in the Council of Ministers;

- he shall have regulatory power;
- he shall ensure the implementation of the laws he promulgates;
- he shall be the head of the administration and shall make the civil and military appointments of the State. The law shall determine the conditions under which the power of appointment granted to the President of the Republic may be delegated by him.
- he shall be Commander of the Armed Forces.
- he shall accredit Ambassadors and Envoys Extraordinary to foreign powers; foreign Ambassadors and Envoys Extraordinary shall be accredited to him.

Art. 13. The President of the Republic shall exercise the right of pardon in the manner provided in Article 64.

Art. 14. When the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments are threatened in a grave and immediate manner, or when the regular functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall, in the Council of Ministers and after consultation with the Presidents of the National Assembly and of the Supreme Court, take such measures as the circumstances require.

He shall inform the nation of these measures in a message.

Art. 15. The President of the Republic, shall decree in the Council of Ministers a state of siege or a state of emergency.

Art. 16. The acts of the President of the Republic, other than those provided for under Articles 8 (paragraph 1), 11, 14 (paragraph 2), 45, 51 and 65 of this Constitution, shall be countersigned, should circumstances so require, by the responsible ministers.

Art. 17. Bills, ordinances and decrees may, before being submitted to the Council of Ministers, be examined by the Supreme Court for an opinion.

Art. 18. The President of the Republic may delegate certain of his powers to members of the Government.

Art. 19. The powers of the President of the Republic with respect to the National Assembly shall be as stipulated in Articles 33 and 55 of this Constitution.

TITLE III

THE NATIONAL ASSEMBLY

Art. 20. The Parliament shall comprise a single Assembly, called the "National Assembly," whose members shall bear the title of deputies.

Art. 21. The National Assembly shall pass the laws and approve taxation; it shall take part in the election of the President of the Republic and supervise the activities of the Government in accordance with the procedures laid down in Articles 33 and 55 of this Constitution. It shall authorize the declaration of war.

Art. 22. Deputies shall be elected by universal direct suffrage from a national list.

The term of the legislature shall be five years.

A law shall determine the number and the method of election of deputies as well as the conditions of eligibility and ineligibility and the offices incompatible with membership in the Assembly. The conditions under which new elections shall be organized when the seats of deputies become vacant shall also be determined by law.

Art. 23. The National Assembly shall pronounce on the validity of the elections of its members. In cases of dispute, the Supreme Court, at the request of a candidate, shall rule on the eligibility of deputies and the regularity of their election.

Art. 24. The Assembly shall convene by right on the first working day after the fifteenth day after its election; this date may, however, be put forward at the request of a majority of the deputies; its agenda shall automatically include the appointment of its officers.

The National Assembly shall convene by right in two ordinary sessions a year.

Except where earlier closure is decided by vote of a majority of the members of the National Assembly, the ordinary session shall automatically close forty-five days after the opening of the first meeting.

The first session shall begin on the first Tuesday of April, the second session, called the budgetary session, shall begin on the last Tuesday of October.

Opening of the session shall be postponed to the following day if the day stipulated is a holiday.

Art. 25. The National Assembly may be convened in extraordinary session by the President of the Republic; an extraordinary session may also be convened by the President of the Assembly upon written request by a majority of its members.

The agenda of extraordinary sessions shall be limited and defined in the act of convocation.

The extraordinary session shall end as soon as the agenda has been exhausted and at the latest fifteen days from the date of its meeting.

Only the President of the Republic may ask for a new session before the end of the month following the closure of the preceding session.

Art. 26. The President of the Assembly shall be elected for the duration of the legislature; his term of office may, however, be ended upon the written request of twenty deputies approved by vote of a majority of two thirds of the members of the National Assembly. The Secretariat of the Assembly shall be elected for one year. It is eligible for re-election.

Art. 27. Meetings of the National Assembly shall be public. A full transcript of the debates shall be published.

The Assembly may decide to sit in secret committee at the request of the President of the Republic or of a quarter of its members.

Art. 28. Whatever his regional origin, each deputy shall represent the whole nation.

All binding instructions upon deputies shall be null and void.

A deputy's right to vote shall be personal; delegation of the vote shall, however, be permitted when a deputy is absent because of illness, or in order to carry out a mission entrusted to him by the Government, at the request of the Assembly, or in order to fulfil his military obligations.

Not more than one vote on a ballot may be delegated to any one deputy.

Art. 29. No deputy may be prosecuted, investigated, arrested, detained or tried because of his opinions and votes during a plenary session of the Assembly or in committee.

Art. 30. No deputy may, during sessions, be prosecuted or arrested for criminal or minor offences without the authorization of the Assembly, except in cases of *flagrante delicto*.

When the Assembly is not in session, no deputy may be arrested without the authorization of the secretariat of the Assembly, except in cases of *flagrante delicto*, of authorized prosecution or of final conviction.

Art. 31. Deputies shall receive an emolument the amount of which shall be fixed by a law.

Art. 32. The National Assembly shall draw up its rules of procedure.

TITLE IV

LEGISLATIVE AND REGULATORY POWERS

Art. 33. A law is the deliberation of the Assembly duly promulgated.

Laws that the Constitution characterizes as organic are those deliberations which have been voted by a majority of two thirds of the National Assembly and duly promulgated after the Supreme Court has declared them to be constitutional.

The President of the Republic and the deputies alike shall have the right to initiate legislation. In the former case the legislation shall be submitted to the Assembly under the name of "Government bill"; in the latter case, under the name of "Parliamentary bill." Government bills shall be discussed in the Council of Ministers and filed with the Secretariat of the National Assembly.

Both the Government and members of the National Assembly have the right of amendment.

Art. 34. Ordinances are acts signed by the President of the Republic in the Council of Ministers under the conditions stipulated for laws between sessions and in the cases provided for in Articles 38 and 54 of this Constitution. They shall come into force upon their publication. Except as provided in Article 38 below, they shall be submitted to ratification by the National Assembly at its first session following signature of the ordinance, and shall become null and void if the bill for their ratification is not submitted to the National Assembly at least eight days before the end of the session.

An ordinance which has not been declared null and void may be modified only by law or by ordinance in those matters which are within the legislative domain.

Art. 35. A plain decree is an act signed by the President of the Republic, countersigned by the interested ministers should the circumstances so require.

A decree in Council of Ministers is an act signed by the President of the Republic upon the advice of the Council of Ministers; it shall be countersigned by the interested ministers should the circumstances so require.

A decree that the law characterizes as organic is an act signed by the President of the Republic upon advice of the Council of Ministers and of the Supreme Court. It shall be countersigned by the interested ministers should the circumstances so require.

An order is an act signed by a member of the Government within the realm of his powers and for the execution of a law or decree.

A decision is an act signed, within the realm of his powers, by an official so authorized by law or ordinance.

Art. 36. Laws shall establish the fundamental regulations regarding:

- citizenship, civil rights and fundamental guarantees granted to the citizens for the exercise of their public liberties, the obligations imposed by the national defense upon the persons and property of citizens;
- nationality, status and legal capacity of persons, the system of property, marriage contracts, inheritance and gifts;
- determination of crimes and misdemeanors as well as the penalties imposed therefor, criminal procedure, amnesty;
- the organization of the courts, the status of magistrates;
- civil procedure;
- the basis, the rate and the methods of collecting taxes of all kinds, the issuance of currency;
- the system of property and property rights;
- the electoral system for the National Assembly and the local assemblies;
- the fundamental guarantees granted to civil personnel employed by the State and the general statute for the civil service;
- the establishment of public institutions;
- the general organization of the administration and of national defense;
- the free administration of territorial units, the extent of their jurisdiction and their resources;
- education;
- legislation pertaining to employment, unions and social security;
- the sale and the administration of State property;
- internal river and air navigation;
- investment and savings;
- the organization of production;
- the prison regime;
- the resources and obligations of the State.

Art. 37. Regulatory measures concerning matters stipulated in Article 36 above, taken in order to implement a law, shall take the form either

of organic decrees if the laws in question so state, or of decrees taken in Council of Ministers.

Art. 38. The resources and obligations of the State shall be determined by the National Assembly by financial laws passed under the conditions stipulated by an organic law. The same shall apply to laws pertaining to national planning which determine the objectives of economic and social action of the Republic.

The Government shall file the finance bill with the National Assembly at the latest on the eve of the opening of the budgetary session. The finance bill shall provide for receipts sufficient wholly to cover expenditures.

Should the Assembly fail to reach a decision before the end of the session, the provisions of the finance bill may be enforced by ordinance.

If the Assembly modifies the bill in such a manner that receipts do not balance expenditure, the Government, by decree, shall reduce the credits or shall create new receipts to the necessary amount. This ordinance must be submitted to ratification by the Assembly if the ordinary session has not yet been adjourned. In case of adjournment, the ordinance shall be submitted for ratification to the next ordinary session of the Assembly; if ratification of the ordinance has been placed before the Assembly and the Assembly has not voted the budget in balance, either at the end of the budgetary session or at the end of the following ordinary session, the budget shall be definitively established by an ordinance which shall not be subject to ratification.

Should the finance bill not be filed by the Government within the conditions and time limits stipulated in the second paragraph of this article and, therefore, not be passed before the adjournment of the session, the President of the Republic shall request the National Assembly, in accordance with the emergency procedure provided in Article 54 below, to extend the fiscal regulations presently in force; he shall make available by decree in Council of Ministers and in the form of provisional monthly amounts, the funds needed to meet the Government commitments already voted.

The ordinary session shall than be extended by an extraordinary session, the duration of which shall not be longer than the delay by the Government in filing the finance bill. If, at the expiration of the extraordinary session the budget has not been adopted in balance, the procedure provided in paragraphs 2 and 3 of this article shall apply.

Art. 39. Bills and amendments introduced by deputies shall not be considered when their adoption would result either in a diminution of public financial resources or in the creation or increase of public expenditures, unless accompanied by a bill for an increase of public receipts or for equivalent savings.

Art. 40. Bills or amendments which are not within the domain of law shall be inadmissible. Inadmissibility shall be declared by the President of the National Assembly.

In case of disagreement, the Supreme Court, upon the request of the President of the Republic or of the President of the National Assembly, shall rule within a time limit of eight days.

Art. 41. Matters other than those that fall within the domain of law shall be of a regulatory character and shall take the form of decrees, orders or decisions.

Legislative texts concerning these matters passed prior to the entry into force of the present Constitution may be modified by organic decrees.

TITLE V

RELATIONS BETWEEN THE ASSEMBLY AND THE GOVERNMENT

Art. 42. The mutual relations of the Assembly and of the Government shall be expressed by:

- the motion of censure;
- the question of confidence;
- the procedure of emergency discussion;
- the second reading;
- the termination of the functions of members of the Government;
- the dissolution of the Assembly;
- the prorogation of the powers of the Assembly.

Art. 43. The National Assembly may question the responsibility of the Government by the vote of a motion of censure; such a motion must be signed by one third of the members of the Assembly and approved by a majority of two thirds.

If the motion of censure is rejected, its signatories may not introduce another motion of censure in the course of the same session.

Art. 44. The President of the Republic may, after deliberation in the Council of Ministers, introduce the question of confidence with regard to a declaration of general policy or to a vote on a bill.

Confidence of the Assembly in the Government shall be deemed denied if the text presented does not:

- receive two thirds of the votes of the members of the National Assembly
- in the case of a bill for an organic law;
- receive an absolute majority of the votes of members of the National Assembly in the case of a declaration of general policy or a bill.

Art. 45. When confidence has been denied or the motion of censure voted in accordance with the majority provided in the Constitution the President of the Republic must, within a period of three days:

- either dissolve the Assembly;
- or submit the resignation of the Government.

Art. 46. Members of the Government whose functions have been

terminated by decree of the President of the Republic, shall ensure the despatch of current business pending the appointment of their successors.

The President of the Republic shall present the members of the Government to the National Assembly within twenty four hours of their appointment.

Art. 47. Dissolution of the Assembly shall be declared in the Council of Ministers by the President of the Republic after consultation with the President of the National Assembly; the latter shall by right become a Minister of State.

The election of a new National Assembly shall take place at least thirty and at most sixty days after the dissolution; the electoral college shall be convoked by decree taken in the Council of Ministers.

Art. 48. Closure of an ordinary or extraordinary session shall by right be delayed for four days, should the occasion arise, in order to permit the application of the provisions of Articles 43 to 46 of this Constitution.

Art. 49. In addition to the stipulations of Article 48 above, the President of the Republic may prolong the Assembly at the end of its legislative term, after consultation with its President, for a period amounting at the most to eighteen months.

Art. 50. During the seven year term of the President of the Republic, the National Assembly may not be dissolved more than three times.

The President of the Republic may not, during the last six months of his term, dissolve the National Assembly.

Art. 51. The President of the Republic shall have access to the Assembly. He shall also communicate with the Assembly by messages. Interventions and messages of the President of the Republic shall not be followed by any debate. Between sessions, the Assembly shall be convened especially for this purpose.

Upon the opening of the first ordinary session of the National Assembly, the President of the Republic shall describe, directly or by message, the state of the Nation.

The President of the Republic may entrust a minister with representing the Government before the Assembly, who may be assisted during the debates or in committee by other ministers or by experts chosen by him.

Ministers shall be heard in committee; they may be assisted by experts chosen by them.

Art. 52. After the opening of the debate of the National Assembly, the Government may oppose the examination of any amendment which has not previously been submitted to the competent committee.

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

Art. 53. Discussion of the bills filed or agreed upon by the Government

shall have priority on the agenda of the National Assembly in the order set by the Government.

One meeting a week shall be reserved by priority for questions asked by deputies and for answers by the Government.

Art. 54. In cases of emergency recognized by the Council of Ministers, the National Assembly shall decide on bills within a period of ten days or, when financial bills are concerned, within a period of thirty days. If at the end of this period, there has been no vote, the bill shall be promulgated by the President of the Republic as an ordinance.

Art. 55. The President of the Republic shall, with the countersignature of the interested ministers should the occasion arise, promulgate the laws within fifteen days following the transmission to the Government of the finally adopted law. In cases of urgency declared by the National Assembly, this time limit shall be reduced to eight days.

The President of the Republic may before the expiration of this time limit, ask the Assembly for a reconsideration of the law or of certain of its articles. This reconsideration may not be refused.

He may also, before the expiration of this time limit, request that such reconsideration not take place before the next ordinary session following the session at which the text has been adopted. This request shall be granted by right.

At the second reading the decision shall be taken by a two-thirds majority vote of the members of the National Assembly.

Within this same time limit, the President of the Republic may submit the law to the Supreme Court for a ruling on its constitutionality.

The time limit for promulgation shall be postponed until the outcome of the second consideration by the National Assembly or until a ruling by the Supreme Court that the law conforms to the Constitution.

If promulgation does not take place within the time limits and under the conditions stipulated above, it shall be carried out by the President of the National Assembly.

TITLE VI

TERRITORIAL UNITS

Art. 56. The territorial units of the State shall be established by law and created by decree.

A law shall stipulate the fundamental principles of the free administration of the territorial units, of their powers and their resources.

TITLE VII
THE ECONOMIC AND SOCIAL COUNCIL

Art. 57. The Economic and Social Council shall give its opinion on Government bills, ordinances and decrees as well as on Parliamentary bills submitted to it.

Any plan, or any bill dealing with a plan, of an economic or social character shall be submitted to it for its advice.

The President of the Republic may consult the Economic and Social Council on any problem of an economic or social character.

The composition of the Economic and Social Council and its rules of procedure shall be determined by an organic law.

TITLE VIII
THE JUDICIAL AUTHORITY

Art. 58. Justice shall be rendered in the name of the people throughout the territory of the State.

Art. 59. Judges shall be subject only to the authority of the law in the exercise of their duties.

The President of the Republic shall be guarantor of their independence.

Art. 60. Abrogated.

Art. 62.¹ Abrogated.

Art. 63. Noone may be arbitrarily detained.

Any arrested person shall be presumed innocent until his guilt has been decided following a procedure which provides the guarantees necessary to his defense. The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

TITLE IX
THE SUPREME COURT

Art. 64. A Supreme Court shall be instituted which shall rule on the constitutionality of laws and on the conformity of international agreements and commitments with the Constitution.

It shall also exercise those powers granted to it by Articles 9, 14, 17, 23, 33, 35 and 40 of this Constitution.

¹ Art. 61 is missing in the original text.

It shall be consulted by the President of the Republic concerning the right of pardon and shall assist him in the exercise of this right.

It shall participate in the setting up of the High Court of Justice in accordance with the provisions of Articles 76 to 79 of this Constitution.

Other powers, moreover, may be granted to it by organic laws.

Art. 65. Members of the Supreme Court shall be appointed by the President of the Republic in the Council of Ministers after consultation with the President of the National Assembly.

The composition of the Supreme Court, its organization and the regulations of its members shall be set forth in an organic law.

Art. 66. Abrogated.

Art. 67. Decisions of the Supreme Court may not be appealed to any jurisdiction whatsoever. They are binding upon the Government authorities and all administrative and judicial authorities. A provision declared unconstitutional by the Court may not be promulgated nor form part of an international agreement.

These decisions shall be issued in a special publication.

Art. 68. Abrogated.

TITLE X

TREATIES AND INTERNATIONAL AGREEMENTS

Art. 69. The President of the Republic shall negotiate, sign and ratify treaties and international agreements.

Art. 70. Peace treaties, treaties or agreements relative to international organization, treaties which modify provisions of a legislative nature, may be ratified only by a law.

Art. 71. If the Supreme Court, the matter having been referred to it by the President of the Republic or by the President of the National Assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify this commitment may be given only after amendment of the Constitution.

Art. 72. Treaties or agreements duly ratified shall, upon their publication, have an authority superior to that of laws subject, for each agreement or treaty, to its application by the other party.

TITLE XI

AMENDMENT OF THE CONSTITUTION

Art. 73. The President of the Republic and deputies alike shall have the right to initiate amendment of the Constitution.

Art. 74. The principle of a constitutional amendment must be approved

by a majority vote of three fourths of the members of the National Assembly.

The text containing the amendment shall be submitted to referendum except where the bill in question has been approved by a majority of four fifths of the members of the Assembly.

Art. 75. No amendment procedure may be undertaken or continued which affects the integrity of the territory.

The republican form of government shall not be subject to amendment.

TITLE XII

THE HIGH COURT OF JUSTICE

Art. 76. A High Court of Justice shall be established whenever it is decided to institute proceedings under the conditions stipulated in Article 77 below. It shall be composed of the court and the jury.

The Court shall be composed of the President and the members of the Supreme Court, the President of the Supreme Court presiding. The jury shall be composed of fifteen members, chosen from among the members of the electoral college stipulated in Article 6 above, in accordance with procedures which shall be determined by an organic law, which shall also determine the rules of procedure of the High Court.

The powers of the Public Prosecutors Office shall be exercised by Prosecutor-General appointed for the session by the President of the Republic in the Council of Ministers after consultation with the President of the National Assembly.

If the President of the Republic is being impeached and thus temporarily prevented from exercising his functions; the appointment of the Prosecutor-General before the High Court of Justice shall be made by the Minister taking his place in accordance with the provisions of Article 9 of this Constitution.

Art. 77. The High Court may not be called upon to try the President of the Republic for actions performed in the exercise of his office except in the case of high treason.

The High Court shall be competent to try members of the Government for crimes or misdemeanors of a political character committed during the exercise of their office, as well as to try their accomplices in case of a conspiracy against the security of the State.

Art. 78. The President of the Republic and members of the Government may be indicted only by vote in open balloting and by a majority of two thirds of the members of the National Assembly.

Art. 79. The High Court shall be bound by the definition of crimes and misdemeanors as well as by the determination of penalties as they are established by the criminal laws in force when the acts are committed.

TITLE XIII
INTERNATIONAL ASSOCIATION AND
CO-OPERATION

Art. 80. The Republic of Chad may conclude agreements of association with other States.

The Republic may create with other States intergovernmental organizations of coordination and free co-operation with a common administration.

Art. 81. Such organizations may in particular, have the following objectives:

- harmonization of monetary, economic and financial policy;
- establishment of customs unions;
- creation of joint assistance funds;
- harmonization of foreign policy;
- harmonization of development plans;
- taking common measures to ensure national defense;
- co-ordination of the judicial organization;
- co-operation in questions of higher education;
- harmonization of rules concerning the organization of the civil service and the right to work;
- coordination of transportation, communications and telecommunications.

TITLE XIV
TRANSITIONAL PROVISIONS

Art. 82. The Chief of State shall, by an act countersigned by the ministers now in office, promulgate this Constitution within three days of its adoption by the National Assembly.

Within thirty days of the promulgation of the Constitution, the electoral college stipulated in Article 6 above shall proceed to the election of the President of the Republic; it shall be convoked by decree taken in Council of Ministers.

Art. 83. The President of the Republic shall be installed in office as soon as the result of the election provided in the above article has been proclaimed; he shall immediately appoint the members of the Government and define their powers; he shall present them to the National Assembly under the conditions stipulated in Article 8 of this Constitution.

Art. 84. The term of office of members of the National Assembly elected on March 4, 1962, shall expire on March 4, 1967. The President and officers

shall be re-elected as soon as voting has taken place on this Constitution; members of committees shall be continued in office. The first ordinary session of the year 1962 of the National Assembly shall resume by right the day after the election of the President of the Republic.

Art. 85. Until the Supreme Court provided for in Title IX, is set up, matters for which this Constitution requires the enactment of an organic law shall form the object of laws voted by a majority of two thirds of the members of the National Assembly; matters for which the law requires the enactment of an organic decree shall be regulated by decree taken in Council of Ministers.

Art. 86. The established authorities of the Republic shall continue to exercise their functions and the institutions already in existence shall be continued until the establishment of new authorities and institutions.

Art. 87. Legislation and regulations presently in force in Chad shall remain applicable, except where altered by new texts, insofar as they are not contrary to this Constitution.

Art. 88. The provisions necessary for the application of this Constitution shall form the subject of laws voted by the National Assembly.

Art. 89. This law shall be executed as the Constitution of the Republic of Chad.

Done at Fort-Lamy, April 16, 1962

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PEOPLE'S REPUBLIC OF THE CONGO

SUMMARY

INTERNATIONAL STATUS

The Congo is a member of the United Nations (September 20, 1960). It is a member of the Organization of African Unity, the Central African Customs and Economic Union and of other international organizations.¹

The Congo became independent on August 15, 1960. Having approved

¹ It withdrew, in September 1972 from the Common African, Malagasy and Mauritian Organization.