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# THE CONSTITUTION OF SYRIA<sup>1</sup>

OF SEPTEMBER 5, 1950

## PREAMBLE

We, the Representatives of the Syrian Arab People, meeting in a Constituent Assembly, by the will of God and the free wish of the people, declare that we have ordained this Constitution in order to achieve the following sacred aims:

To establish justice on firm foundations by strengthening the judicial power and strengthening its independence under a free democratic regime, so that the right of every individual shall be guaranteed without fear or discrimination.

To safeguard fundamental public freedoms for all citizens and to ensure the enjoyment of those freedoms under law and order, public freedoms being the most noble expressions of individuality, dignity and humanity.

To promote the spirit of brotherhood and social consciousness among citizens, so that every individual may feel that he is an integral part of the structure of the country and that the country is in need of him.

To strengthen the sense of duty towards the defense of the country, the Republic and the Constitution for whose maintenance every citizen should contribute his life, effort, wealth and knowledge.

To liberate citizens from the miseries of poverty, disease, ignorance and fear by establishing a sound economic and social system which achieves social justice, protects worker and peasant, offers security to the weak and the fearful and enables every citizen to have free access to the benefits of the country.

To guarantee equality in public duties and the rights proclaimed by the Constitution and confirmed by laws, especially taxation on a progressive basis, so that there may be equality in sacrifice and ability to contribute.

<sup>1</sup> English translation prepared by Dr. George J. Tomeh, Secretary, Syrian Legation, Washington.

To develop, educate and protect the individual in order that every citizen may feel that he is responsible for the safety of the country and for its present and future; that the country is the immortal and eternal truth; that all Syrians are its guardians until they hand it over to their sons in dignity and high mindedness. This aim shall be achieved by giving the people a sound and patriotic culture, by providing widespread education and creating facilities for this purpose and by promoting the spirit of sacrifice for the good of the community.

And, whereas the majority of the people are believers in the Islamic religion, the Government declares its attachment to Islam, and its ideals.

We also declare that our people are determined to cement the ties of friendship and cooperation with the peoples of the Moslem and the Arab World, and to build their modern state on those sound ethical bases advocated by Islam and the other Theistic Religions and to combat atheism and moral decadence.

And, furthermore, we declare that our people is a part of the whole Arab nation, bound to it with its past, present and future, and is looking forward to the day when our Arab nation shall be united in one State. Our people shall, therefore, assiduously strive to fulfil this sacred desire in freedom and independence.

We finally declare that this Preamble is an indivisible part of this Constitution made to remind all citizens of the principles upon which their basic law is founded.

We, the Representatives of the Syrian Arab people, pray to Almighty God to preserve our nation and people, to guard against all calamities, to guide our steps so that our ideals may become living realities thus enabling us to restore the magnificence and glory which our great ancestors have built, and to inaugurate for our sons the path to dignity and splendor.

## CHAPTER I

### THE REPUBLIC OF SYRIA

Art. 1. (1) Syria is a fully sovereign Arab Republic with a democratic parliamentary regime.

(2) It constitutes an indivisible political unit. No part of its territory may be alienated or ceded.

(3) The people of Syria is a part of the Arab nation.

Art. 2. (1) Sovereignty is vested in the people. No individual or group may claim it.

(2) Sovereignty is based on the principle of the rule of the people, by the people, for the people.

(3) The people shall exercise sovereignty within the forms defined by the Constitution and the limits assigned by it.

Art. 3. (1) The religion of the President of the Republic is Islam.

(2) Islamic law shall be the main source of legislation.

(3) Freedom of belief shall be guaranteed. The State shall respect all theistic religions and shall protect the free exercise of all forms of worship consistent with public order.

(4) Personal rights of religious communities shall be respected and observed.

Art. 4. Arabic is the official language.

Art. 5. Damascus is the capital of the Republic.

Art. 6. (1) The Syrian flag shall be composed as follows:

The length shall be double the height. It shall contain three bands of equal dimensions: the upper being green, then white and black respectively. The white portion of the flag shall bear three red stars in line, having five points each.

(2) The emblem of the Republic and its National Anthem shall be designated by a law.

## CHAPTER II

### FUNDAMENTAL PRINCIPLES

Art. 7. All citizens shall be equal before the law in obligations, rights, dignity and social status.

Art. 8. The State shall guarantee freedom, security and equal opportunities for all citizens.

Art. 9. Everyone shall have the right to petition the courts within the limits of law. Trials shall be held in public unless the law provides otherwise.

Art. 10. Personal freedom shall be guaranteed.

(1) Everyone shall be presumed innocent until proved guilty by a verdict according to law.

(2) No one may be investigated or kept in custody except in accordance with an order or a warrant emanating from judicial authorities, or except in the case of *flagrante delicto* of committing an offence, or except for the purpose of bringing him before the judicial authorities on a charge of having committed a crime or a penal offence.

(3) No one shall be subjected to torture or degrading treatment. The penalty for contraventions of this provision shall be prescribed by law.

(4) Administrative authorities shall not have the right to arrest any person as a security measure except in accordance with a law passed in conjunction with the declaration of a state of emergency or martial law or war.

(5) Every person who is arrested or detained in custody shall be informed in writing within twenty-four hours of the grounds for such detention or arrest, and the legal text in accordance with which he was arrested; furthermore, he shall be brought before the judicial authorities within forty-eight hours of his arrest.

(6) Every person who is detained has the right, either personally or through a lawyer or a relative, by application to the appropriate judge to question the legality of his arrest. The judge shall consider the application without delay and may summon the officer who ordered the arrest and question him about the case. If he finds that the detention is unlawful, the detainee shall be released immediately.

(7) The right of defense shall be guaranteed throughout all the stages of investigation and legal proceedings before all courts and in conformity with the law.

(8) There shall not be established extraordinary criminal courts; a special procedure for trial in a state of emergency shall be prescribed.

(9) Nobody shall be tried by Military Courts except persons subject to military law. Exceptions to this rule shall be determined by law.

(10) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence

under the law in effect when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed.

(11) Every person against whom a final sentence was passed and executed shall have the right to demand indemnity for harm inflicted upon him should it be proved that the sentence was erroneous.

Art. 11. The prison is a place of punishment, but it is also a means to reform the criminal and to educate him properly. The law shall guarantee the implementation of this principle.

Art. 12. Dwellings shall be inviolable; no one may enter or search them except in the case of *flagrante delicto*, or by permission of their owners or in accordance with a judicial warrant.

Art. 13. Postal, telegraphic and telephonic communications shall be inviolable and may not be confiscated, delayed or censored, except as provided by law.

Art. 14 (1) The State shall guarantee freedom of opinion and all Syrians shall be entitled to express their views freely in writing, speeches, graphically, or by any other means of expression.

(2) No person shall be prosecuted on account of his opinions, except when he has transgressed the limits of the law.

Art. 15. (1) Freedom of the press and of printing shall be guaranteed within the limits of the law.

(2) Newspapers shall not be suspended nor shall their licenses be revoked, except in accordance with the law.

(3) In a state of emergency or of martial law, a limited censorship on matters related to public safety or national defense, may be imposed on newspapers, publications, books and broadcasts.

(4) The procedure for supervising the financial resources of the press shall be determined by law.

Art. 16. Syrians shall have the right to freedom of assembly and of peaceful demonstration without arms subject to the conditions laid down by law.

Art. 17. (1) Syrians shall have the right to form and belong to societies provided their objectives are not forbidden by law.

(2) The law shall determine the procedure for informing ad-

ministrative authorities of the formation of societies and the supervision of their financial resources.

Art. 18. (1) Syrians shall have the right to form political parties provided their objectives are legitimate, their methods are peaceful and their regulations are democratic.

(2) The law shall determine the procedure for informing administrative authorities about the formation of such parties and the supervision of their financial resources.

Art. 19. (1) Syrians shall not be deported from their national territory.

(2) Every Syrian shall have the right to reside and move within the territory of Syria, unless forbidden to do so as a result of a judicial order or in execution of laws related to health and public safety.

Art. 20. (1) Refugees shall not be extradited because of their political beliefs or because of their defence of freedom.

(2) The extradition of ordinary criminals shall be determined by laws and international agreements.

Art. 21. Property is public and private.

(1) The State, legal persons and individuals have the right of ownership, subject to the limitations provided by the law.

(2) The law shall determine the conditions and limits of ownership by aliens.

(3) Private property shall be guaranteed. The law shall determine the means whereby the possession and disposal of property shall fulfil its social function.

(4) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

(5) Nobody shall be permitted to use private property in such a way as to conflict with public interest.

(6) Expropriation on grounds of public utility shall be allowed and shall be effected in accordance with a law giving the right to a fair compensation.

(7) Mines, minerals—solid, liquid, radiant, and similar substances—subterranean wealth, mineral waters, water falls, public

forests and roads and all other sources of natural wealth are the property of the State.

(8) The law shall determine the conditions under which permits may be granted to explore for minerals and similar substances.

(9) The right to exploit minerals and similar substances shall be granted by a law provided considerations concerning the defence of the country and the safeguarding of its independence are given priority.

Art. 22. (1) In order to secure the most productive utilization of the land of the country, and in order to establish just social relationships among citizens, special legislation shall be enacted based on the following principles:

(a) The obligation to utilize the land shall be laid down and, if the land is neglected for a period of time to be fixed by law, one's right of user shall be forfeited.

(b) The maximum area of land that may be owned, exploited and disposed of, according to districts, shall be determined by a law provided that it shall not have a retroactive effect.

(c) Productivity shall be improved.

(d) Small and medium properties shall be encouraged.

(e) The State shall distribute among landless peasants, at a small cost to be paid by instalments, sufficient land to secure their livelihood.

(2) The State shall encourage the establishment of cooperative societies and supervise them.

(3) The State shall endeavor to build model villages and provide sanitary housing for peasants.

(4) A law to protect the peasant and to raise his standard of living shall be promulgated.

Art. 23. (1) General confiscation of property is forbidden.

(2) Special confiscation may not be imposed except in accordance with a judicial order.

(3) Special confiscation by law shall be permitted in cases of necessity in time of war or public catastrophes.

Art. 24. The State may, subject to payment of fair compensation, nationalize any institution or project on the grounds of public utility.

Art. 25. Taxes shall be levied on a just and progressive basis and in such a way as to ensure equality and social justice.



Art. 26. (1) Work is the right of all citizens and a duty dictated by law.

It is the most important of the basic factors in social life. The State shall secure work for its citizens and guarantee it by directing and developing national economy.

(2) The State shall protect employment and enact for that purpose special legislation based on the following principles:

(a) To give the workers wages proportional to the volume and quality of their work.

(b) To limit working hours per week, and to grant workers weekly holidays and annual leave with pay.

(c) To establish special compensation of workers with large families and in cases of discharge, sickness, disability and accidents caused by work.

(d) to determine special conditions for the employment of women and adolescents.

(e) to ensure the compliance of factories with the rules of hygiene and sanitation.

(3) The State shall secure for workers sanitary housing through means to be defined by the law.

(4) The organization of trade unions shall be free, subject to the conditions laid down by law.

A trade union shall be considered as possessing juridical personality.

Art. 27. (1) Everyone has the right to be insured for himself and his family by the State against sickness, disability, orphanhood, old age and such unemployment as is beyond his control.

In order to realize this objective, social security shall be established in which the State, institutions and individuals shall cooperate to secure the necessary funds.

(2) The State shall protect the health of citizens, build for them hospitals, convalescent and maternity homes and shall facilitate means of treatment and care for pregnant women, nursing mothers and babies.

Art. 28. (1) Every citizen has the right to education and instruction.

Primary education shall be compulsory, free and uniform in the State schools.

Private primary schools shall be required to apply the educational programs adopted by the State; they may teach such additional material as may be defined by law.

Secondary and vocational education shall be free in the State schools.

The law shall determine the obligatory subjects to be taught by private secondary schools in conformity with the educational program adopted by the State.

Religious instruction for each religion in accordance with its faith shall be compulsory in primary and secondary stages.

The State shall give priority in the budget for appropriations to spread primary, vocational and rural education and make it available to all. This shall be pursued in order to realize equality among Syrians, to establish national awakening on sound foundations and to facilitate the utilization of the land.

The State shall make higher education accessible and its institutions shall enjoy financial and administrative independence.

(2) Education shall be directed at creating a generation strong physically and mentally, believing in God, morality and virtue, proud of the Arab legacy, equipped with knowledge, conscious of its duties and rights, working for the public interest and full of the spirit of solidarity and brotherhood that should prevail among all citizens.

Any teaching that conflicts with the aims stated in the previous paragraph shall be forbidden.

(3) Education shall be directed at the full development of the human personality and fundamental freedoms.

(4) The State may supervise all institutions of learning in the country. The procedure for such supervision shall be determined by law.

(5) The State alone shall have the right to grant school certificates and to establish equivalent standards.

(6) The State shall adopt scout and youth movements and shall endeavour to strengthen, to protect and to promote them.

(7) In order to realize the aims of education and instruction and to bring into operation a stable educational policy, there shall

be established a "Council of Education"; the law shall determine the number of its members, their qualifications and the procedure for appointing them.

The task of this Council shall be the purpose to propose plans and programs so that education in all its stages may achieve its objectives.

The Council of Education shall submit its reports to the Government.

(8) The State shall protect and promote the arts and sciences, and encourage scientific research.

(9) The State shall protect all historical sites, monuments and all objects that have an artistic, historical or cultural value.

Art. 29. Compulsory work shall not be imposed on anyone except in accordance with a law and in the following situations:

(1) To render cultural, constructional and health services.

(2) To combat public catastrophes.

(3) In a state of war and emergency.

Art. 30. (1) The defence of the country and of the Constitution is a sacred duty binding on all citizens.

(2) Military service is compulsory and shall be regulated by a special law.

(3) The army is the guardian of the country entrusted with the sole task of defending its frontiers and insuring its safety.

(4) There shall be established a "Council of National Defense."

A law shall determine its powers and the number of its members.

Art. 31. (1) The conditions for the acquisition of Syrian nationality shall be determined by law; special facilities shall be accorded to Syrian emigrants, their descendants and to citizens of the Arab countries.

(2) The legal status of aliens shall be defined by a law in accordance with international customs and international agreements.

Art. 32. (1) The family is the fundamental unit of society and is entitled to the protection of the State.

(2) The State shall protect and encourage marriage, and shall remove material and social obstacles that hinder it.

Art. 33. (1) Every Syrian has the right of access to public service, subject to the conditions laid down by the law.

(2) Appointment to public offices, either temporary or permanent, in the State, the departments attached to it and its municipalities shall be effected by public competition. The law shall determine the exceptions to this rule.

Art. 34. Islamic wakfs belong exclusively to Moslems; they constitute one of the public institutions of the State and enjoy financial and administrative independence. Their status shall be regulated by law.

### CHAPTER III

#### THE LEGISLATIVE POWER

Art. 35. The legislative power shall be exercised by the Chamber of Deputies. Elections for this Chamber shall be public, secret, direct, uniform and in conformity with the provisions of the Electoral Law.

Art. 36. The duration of the Chamber shall be for a period of four years beginning from the date of the decree declaring the final results of elections; this period shall not be extended except by law in a state of war.

Art. 37. Every deputy shall represent the whole of the nation and may not accept any restriction on his mandate; he shall discharge his responsibilities guided by the dictates of his honour and conscience.

Art. 38. Electors are Syrian men and women who have completed the eighteenth year of their age, who are listed in the civil census register and who have all other qualifications specified in the Electoral Law.

Art. 39. Any Syrian (*Souri*) may stand for election as a deputy if he qualifies as an elector; provided that he is educated, has completed his thirtieth year of age and has fulfilled all other conditions specified by the Electoral Law.

Art. 40. The Electoral Law shall include provisions to guarantee the following:

- (1) The validity of elections.
- (2) The right of candidates to take part in the supervision of the electoral procedure.

(3) The punishment of those who interfere with the will of electors.

Art. 41. (1) General elections shall take place within sixty days preceding the expiration of the term of the Chamber; if elections are not completed when the term of the Chamber expires, or are delayed for some reason, the Chamber of Deputies shall continue to function until the new Chamber is elected. In all cases, the authority of the Chamber of Deputies shall remain effective until the final results of the general elections are declared.

(2) If the Chamber of Deputies is dissolved, general elections shall take place within sixty days from the date of the decree dissolving the Chamber.

If elections are not held accordingly, the dissolved Chamber shall regain its full constitutional authority and shall convene immediately as though it had never been dissolved.

(3) Should general elections be delayed beyond the specified date, the Chamber shall investigate the reasons and determine the responsibility for such delay.

Art. 42. (1) The Chamber of Deputies shall be invited by a decree to convene within twenty days beginning from the second day of elections. If the necessary decree inviting the Chamber to convene is not promulgated, the Chamber shall definitely meet on the twenty-first day.

(2) The Chamber shall elect at the first meeting, its president and the members of its Bureau.

Art. 43. (1) The Chamber of Deputies shall be considered as being in permanent session.

(2) The Chamber shall definitely convene from October first until the end of December, and from March first until the middle of May.

(3) The President of the Chamber shall fix dates of meetings outside these two periods either by a decision of his Bureau, or upon a written request from a quarter of the deputies or from the Government.

Art. 44. Deputies shall not be prosecuted by civil or criminal courts for stating facts, expressing opinions or for voting in public and secret sessions or in committees.

Art. 45. Deputies shall enjoy immunity while the Chamber is meeting; they shall not be liable to criminal prosecution, nor shall a criminal sentence be enforced against them without the assent of the Assembly, except in the case of *flagrante delicto* and, in such a case, the Chamber of Deputies shall be promptly informed.

Art. 46. Before assuming his duty, every deputy shall take publicly in the presence of the Assembly the following oath:

“I swear by Almighty God to be loyal to the Constitution, to defend it, to maintain the independence of the country, the freedoms, interest, wealth and dignity of the people. I also swear to observe the laws of the country, to discharge my parliamentary responsibility in honor, truthfulness and sincerity and to work for the achievement of the unity of the Arab countries.”

Art. 47. The remuneration of members of the Chamber shall be determined by a law.

Art. 48. (1) No deputy shall exploit his parliamentary office in any work.

(2) Incompatibilities between the office of a deputy and other functions shall be determined by law.

Art. 49. In the event of a vacancy occurring for some reason, the seat shall be filled within two months, provided the remaining period for mandate of the Chamber is not less than six months. The new member's term of office shall terminate with the mandate of the legislature.

Art. 50. The Chamber of Deputies shall have the right to grant a general amnesty for crimes committed before the amnesty was proposed, provided an absolute majority of the members of the Chamber vote for it.

Art. 51. Treaties affecting the safety of the State or its public finances, commercial agreements and, in general, every other treaty entered into for more than one year, shall not come finally into force except after being adopted by the Chamber.

Art. 52. The Chamber shall have the right at all times to form committees, or to delegate one or more of its members for investigation of any matter; ministers and all officers of the State shall co-

operate by testifying, submitting documents and giving statements that may be asked of them.

Art. 53. (1) Every year at the opening of the October session, the Chamber, under the Presidency of its oldest member and the two youngest members acting as Secretaries, shall proceed immediately to elect a President and the members of its Bureau in accordance with the Rules of Procedure of the Chamber.

(2) The President of the Chamber of Deputies shall be elected by an absolute majority of the total number of the Deputies. A relative majority shall be sufficient at the second ballot.

Art. 54. (1) The President shall maintain order inside the Parliament.

(2) The Parliament shall have a special guard obeying the orders of the President. No armed forces may enter the Assembly buildings, nor be posted in their neighborhood, except at the demand of the President.

Art. 55. (1) The meetings of the Assembly shall be public.

(2) The Assembly may, however, decide to hold secret meetings to discuss specific matters at the request of the Government or of ten of its members.

Art. 56. (1) The Assembly cannot meet unless an absolute majority of the members composing it are present.

(2) The Rules of Procedure shall determine the responsibility of any member who does not attend a meeting without a reasonable excuse.

Art. 57. (1) Voting in the Chamber shall be conducted in accordance with the rules of Procedure.

(2) Deputies may only vote if they are present at a meeting.

(3) Elections shall be decided by secret ballot.

(4) Decisions shall be taken by the majority of those present and voting, except where otherwise provided by the Constitution or the Rules of Procedure. Should the votes be equal, the proposal under discussion shall be rejected.

Art. 58. (1) The President of the Republic, with the approval of the Cabinet, and every deputy shall have the right to introduce bills.

(2) Financial bills proposing to abolish or decrease a tax, or remit a part of it, or involving appropriations from the State budget

to a certain project, or proposing the floating of a loan, its guarantee or payment, may only be introduced by the President of the Republic with the approval of the Cabinet, or by twenty deputies or more.

Art. 59. The Chamber of Deputies shall never abandon its legislative power.

Art. 60. No bill which has been rejected by the Chamber may be reintroduced before the lapse of six months.

Art. 61. (1) If the Chamber of Deputies passes a bill, the President of the Republic shall promulgate it within fifteen days from the date thereof.

(2) However, if an absolute majority of the members of the Chamber vote that a bill is of an urgent nature, the President of the Republic shall promulgate it within the time prescribed in it; if he fails to do so, the President of the Chamber shall then promulgate it immediately.

Art. 62. (1) Within the time allowed for promulgation, the President of the Republic may return to the Chamber non-urgent bills for reconsideration. This shall be done in accordance with a decree issued by the Cabinet and giving the justification thereof.

(2) Should the Chamber confirm its former vote by an absolute majority of its members, the law shall be promulgated immediately.

Art. 63. (1) If a quarter of the Deputies object to a bill as unconstitutional prior to its promulgation, or if the President of the Republic sends it to the Supreme Court for the same reason, such a bill shall not be promulgated until the Supreme Court gives its decision within ten days. If the bill is urgent, the Supreme Court shall decide within three days.

(2) If the Supreme Court decides that it conflicts with the Constitution, it shall be returned to the Chamber for rectification.

(3) Should the Supreme Court refrain from giving its decision within the period fixed in this Article, the President of the Republic shall promulgate the law.

Art. 64 (1) The Cabinet shall be represented in the meetings of the Chamber either by the Prime Minister or by some of the Ministers.



(2) The Prime Minister and the Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance and benefit from the experience of the officials of the Government during the debates.

(3) Any minister shall attend the meetings of the Chamber when asked by its President to do so.

Art. 65. Any member of the Chamber is entitled to introduce an interpellation, or to submit questions to the Government and to obtain a reply within the period fixed by the Rules of Procedure.

Art. 66. (1) The Rules of Procedure shall determine for the Chamber the method for conducting discussions, debates, interpellations, interrogations, voting, the powers of the office and the committees and all other work of the Chamber.

(2) The Rules of Procedure shall have the power of a law and shall not be amended except in accordance with their own provisions.

Art. 67 (1) The Chamber shall not consider a motion of non-confidence against the Cabinet or any one of its members unless presented by fifteen deputies or more, and shall not be discussed except two days after its presentation.

(2) If the absolute majority of the total number of the Deputies adopt a motion of non-confidence, the entire Cabinet shall resign.

(3) A Minister against whom a vote of non-confidence has been adopted by the Chamber shall resign.

Art. 68. The Chamber shall choose a committee to consider and investigate all petitions submitted by an individual or a group of citizens. The committee shall inquire into every complaint and shall inform the petitioner accordingly.

## CHAPTER IV

### THE EXECUTIVE POWER

Art. 69. The Executive Power shall be vested, on behalf of the People, in the President of the Republic and the Cabinet, within the limits assigned by this Constitution.

## I.

## THE PRESIDENT OF THE REPUBLIC

Art. 70. The President of the Republic is the Chief of State. The law shall determine the privileges and honors due to his office.

Art. 71. (1) The Chamber shall elect the President of the Republic by secret ballot.

(2) A two-thirds majority of the number of Deputies shall be necessary at the first ballot.

(3) An absolute majority shall be sufficient at the second ballot.

(4) A relative majority shall be sufficient at the third ballot.

Art. 72. No person shall be eligible for the Presidency of the Republic who does not fulfil the following conditions:

(1) He must have been a Syrian national for the last ten years.

(2) He must have all qualifications of eligibility for the Chamber of Deputies.

(3) He must have completed his fortieth year.

Art. 73. (1) The President shall hold office for a term of five years. He may be re-elected only after an interval of similar duration.

(2) If the period of office of the President expires simultaneously with that of the Chamber, the President of the Republic shall remain in office until a new Chamber is elected and meets. This additional period shall not exceed three months.

Art. 74. The offices of President of the Republic and of Deputy may not be held simultaneously.

Art. 75. Before assuming office, the President shall take, in the presence of the Chamber of Deputies, the following oath:

“I swear by Almighty God to observe the Constitution and laws of the country, to be loyal to the freedoms, the public good and the wealth of the people, and to the Republican Regime, and to strive to the best of my ability to safeguard the independence of the country, defend its territorial integrity and work for the achievement of the unity of the Arab countries.”

Art. 76. One month at most and fifteen days at least before the

expiration of the term of office of the President of the Republic, the Chamber shall elect a new President.

Art. 77. (1) The Government shall keep the President of the Republic advised of the development of international negotiations.

(2) The President shall conclude and sign treaties after their approval by the Chamber.

(3) The President shall accredit heads of Diplomatic Missions abroad and receive the representatives of foreign countries.

Art. 78. The President may call the Cabinet to meet under his chairmanship and order that a record of such meetings be made and preserved.

Art. 79. All instruments issued by the President, such as decrees, documents and letters concerning the affairs of State, with the exception of those relating to the appointment or resignation of the Prime Minister, must be countersigned by the Prime Minister and the Minister concerned.

Art. 80. The President shall sign the warrants of appointment of magistrates and officials who, according to the law, must be appointed by warrant. He shall also sign all decrees concerning organization and all other decrees which may be referred to him in accordance with the provisions of the law.

Art. 81. (1) If the President does not sign decrees or does not refer them to the Supreme Court within ten days of their transmission to him because they conflict with the Constitution or a law, the Prime Minister shall promulgate them and they shall be considered effective.

(2) If the Supreme Court does not decide on the decrees referred to it within ten days of their receipt, the Prime Minister shall promulgate them and they shall be considered effective.

(3) An exception shall be made of the decree dissolving the Chamber of Deputies which the President can reject without stating his reasons for so doing, and also the decrees confirming the death penalty.

Art. 82. The President shall have power to declare war and conclude peace, upon a decision of the Cabinet and after consultation with the Council of National Defense and the approval of the Chamber of Deputies.

Art. 83. The President shall be Commander-in-Chief of the Army and Chairman of the Council of National Defense.

Art. 84. The President shall communicate with the Chamber of Deputies by means of messages addressed to the President of the Chamber.

Art. 85. (1) The President of the Republic may issue a decree dissolving the Chamber; such a decree must be taken by the Cabinet and state the grounds on which the dissolution was decided.

(2) The Chamber shall not be dissolved before the expiration of eighteen months of the date of its election.

(3) When the Chamber is dissolved the Cabinet shall resign and the President of the Republic shall appoint a cabinet of new members to supervise the elections.

Art. 86. (1) The President shall be held responsible for violating the Constitution and for high treason.

(2) He shall also be held responsible for ordinary offences.

(3) The President shall not be tried except by the Supreme Court.

(4) A motion to impeach the President and to try him by the Supreme Court shall only be discussed when a quarter of the number of Deputies submit a written request to the President of the Chamber giving the reasons for their motion. The request shall be referred, before its discussion, to the legal and constitutional committees meeting jointly. The two committees shall submit their report within three days of the receipt of the request.

A special session shall then be fixed to discuss the impeachment of the President.

No other business may be discussed during that meeting.

(5) For the impeachment of the President of the Republic in any circumstance whatsoever and his trial by the Supreme Court, the approval of the absolute majority of the total number of Deputies shall be required.

(6) When the President of the Republic is impeached, the Presidency shall be considered vacant until the Supreme Court shall have rendered its decision.

(7) A law of a constitutional nature shall determine the procedure for impeachment and trial by the Supreme Court.

Art. 87. The President shall exercise the prerogatives of pardon.

Art. 88. (1) When the President of the Republic is unable to discharge the duty of his office, the President of the Chamber of Deputies shall assume that duty provided he yields, during this time, the Presidency of the Chamber to its Vice President.

(2) Should the Presidency become vacant through the death or resignation of the President, the Chamber shall be summoned by its President within ten days therefrom for the purpose of electing the new President. Should it not be thus summoned, the Chamber shall meet of its own accord on the eleventh day.

(3) If the Chamber is dissolved at the time the vacancy occurs or two months only are left before its mandate expires, the President of the Chamber shall continue to assume the above-mentioned duties until the new Chamber meets.

Art. 89. The emoluments of the President shall be fixed by a law.

## 2.

### THE CABINET

Art. 90. At the opening of each term of the Legislature, or after the election of a new President of the Republic, or after a vote of non-confidence for the Cabinet, or its resignation, or if the Presidency of the Cabinet becomes vacant for some reasons, the President of the Republic shall appoint a Prime Minister and upon the proposal of the Prime Minister the members of the Cabinet.

Art. 91. (1) The Cabinet shall submit its programme to the Chamber for a vote of confidence.

(2) A vote of confidence shall be considered granted if approved by a majority of the Deputies present.

Art. 92. (1) The Cabinet shall direct the policy of the State.

(2) The Cabinet shall meet, presided over by the Prime Minister, to consider the following matters:

(a) Bills

(b) Decrees concerning organization

(c) The State budget and the special budgets

(d) Internal and foreign policy

(e) Cases which the Prime Minister, or any Minister, with the approval of the former, submits to the Cabinet for consideration.

(f) All other questions provided for by law.

(3) The decisions of the Cabinet shall be adopted by a majority of votes. Any opposing minister shall be considered as having approved of the decisions unless he resigns.

Art. 93. The organization of the Presidency of the Cabinet, the Cabinet and the powers of each Minister shall be determined by law.

Art. 94 (1) The Prime Minister shall direct the meetings of the Cabinet which he presides over.

(2) He shall harmonize the works among the various Ministries.

(3) He alone can ask for a vote of confidence for the Cabinet from the Chamber of Deputies.

(4) He may entrust some of his functions to one of the Ministers.

Art. 95. The President of the Republic, with the approval of the Cabinet, shall promulgate decrees necessary for the execution of various laws. These Decrees shall not repeal, exempt from the operation, or amend the provisions of the laws in question.

Art. 96. When the Cabinet resigns, or a motion of non-confidence is passed, the Ministers shall continue to discharge their responsibilities until a new Cabinet is formed.

Art. 97. No Minister while in office may directly or indirectly buy or rent anything which is the property of the State, even at a public auction. He may not participate in contracts for supplies entered into by public departments, or any institution attached to the Government or under its control, nor may he be on the board of any firm, or its agent or lawyer, or take part in any business.

Art. 98. The Ministers shall be jointly responsible to Parliament for the general policy of the Government. They shall be individually responsible in respect to matters arising in their respective departments.

Art. 99. The civil, financial and penal responsibility of the Ministers shall be determined by law.

Art. 100. A Minister shall leave office when indicted and until the Supreme Court shall have rendered its judgment. The Minister's resignation shall not prevent proceedings being taken or continued against him.

Art. 101. The offices of a Deputy and a Minister may be held simultaneously.

Art. 102. The emoluments of the Prime Minister and the Ministers shall be fixed by a law.

Art. 103. (1) There shall be established a "Bureau of Inspection" attached to the Presidency of the Cabinet.

(2) This Bureau shall communicate to the Presidency of the Chamber copies of the reports of its inspectors and their conclusions together with its own observations.

(3) The classification of the members of this Bureau, their prerogatives and immunities shall be defined by a law.

## CHAPTER V

### THE JUDICIAL POWER

Art. 104. The Judiciary is an independent authority.

Art. 105. (1) Judges are independent. The only authority above them in the exercise of their power is Law.

(2) The honour of the judges and their moral conscience and integrity constitute a guarantee for the rights of the people and their freedoms.

Art. 106. Before assuming office a judge shall swear that he will mete out justice to the people and that he will observe the law.

Art. 107. Judgments shall be rendered in the name of the People of Syria and shall state the grounds on which they were reached.

Art. 108. Judicial powers shall be exercised by:

(1) The Supreme Court

(2) The High Court of Appeal

(3) All other Courts

Art. 109. All judges shall be appointed by a decision of the "Supreme Judiciary Council" and in accordance with the law.

Art. 110. The promotion of judges, their transfer, disciplinary measures to be taken against them and their dismissal shall be governed by a decision of the Supreme Judiciary Council in accordance with the law.

Art. 111. The institution of public prosecutions is a judicial function. It shall be headed by the Minister of Justice.

Art. 112. The public prosecutor shall be the guardian of justice,

alert to enforce laws, to pursue those who violate them and to enforce penal sentences against them.

Art. 113. The appointment of public prosecutors, their promotion, their transfer, disciplinary measures to be taken against them, and their dismissal shall be fixed by law.

Art. 114. The classification of Civil and Military Courts, their grades and salaries of judges shall be fixed by a law.

Art. 115. The classification of clerks and officers of the Courts shall be fixed by a law. Their appointment, promotion and dismissal shall come under the jurisdiction of the Ministry of Justice.

## I.

### THE SUPREME COURT

Art. 116. (1) The Supreme Court shall consist of seven members elected by the Chamber of Deputies from a list containing fourteen names.

The President of the Republic shall select the candidates for this office from highly qualified individuals who have high university degrees and have completed the fortieth year of their age.

(2) Election shall take place in a special session of the Chamber of Deputies and within ten days of the receipt of the list by the Chamber. Each voting paper shall contain seven names.

(3) At the first ballot, he who receives an absolute majority of the total members of the Chamber shall be considered elected.

(4) At the second ballot, the majority of those present shall be sufficient.

(5) At the third ballot, a relative majority shall be sufficient.

Art. 117. Incompatibilities between the office of members of the Supreme Court and other functions shall be determined by law.

Art. 118. (1) A member of the Supreme Court shall be elected for a five-year term and may be re-elected.

(2) A member of the Supreme Court may not be dismissed except by virtue of a decree approved by four or more of its members.

Art. 119. The Supreme Court shall elect from its members and by a vote of its absolute majority a President for a five-year term.

Art. 120. (1) Should a seat in the Supreme Court become vacant



for some reason, the Chamber of Deputies shall elect a successor from a list containing three times the number of vacancies. The President of the Republic shall select that list.

(2) Selection and election shall be made in accordance with the stipulations of Article 116 hereof.

Art. 121. Before entering into office, the President and members of the Supreme Court shall take solemnly in the presence of the Chamber of Deputies and in a special session attended by the President of the Republic the following oath:

“I swear by Almighty God to observe the Constitution and laws of the country and to discharge my duties in equity and integrity.”

Art. 122. (1) The Supreme Court shall consider and decide definitively on the following matters:

(a) The constitutionality of laws referred to it in accordance with Article 63.

(b) The constitutionality and legality of draft decrees referred to it from the President of the Republic.

(c) The impeachment of the President of the Republic and of the Ministers.

(d) Petitions against the validity of elections.

(e) Petitions to suspend or to nullify administrative acts, decisions or decrees inconsistent with the Constitution, with laws, or with organizational decrees, when such petitions are submitted by individuals who may suffer loss from the application thereof.

(2) The procedure for investigating and deciding on the hereinbefore mentioned matters shall be determined by law.

## 2.

### THE SUPREME JUDICIAL COUNCIL

Art. 123. The Supreme Judicial Council shall be formed of seven members as follows:

(a) The Chief Justice of the Supreme Court as President.

(b) Two members of the Supreme Court.

(c) The four highest ranking judges from the High Court of Appeal.

Art. 124. (1) The President of the Supreme Judicial Council

shall propose to this Council the nomination, promotion, transfer, dismissal of judges and disciplinary measures to be taken against any of them when necessary in accordance with law. The Council shall decide on such proposals by a vote to be taken by its absolute majority.

(2) The President shall draft and sign decrees upon decisions taken by the Supreme Judicial Council, and refer such decrees to the Minister of Justice in accordance with the stipulations of Article 80 hereof.

Art. 125. The Supreme Judicial Council shall propose bills concerning the immunity of judges, the procedure for their appointment, promotion, transfer, dismissal and disciplinary measures against them.

## CHAPTER VI

### ADMINISTRATIVE DIVISIONS

Art. 126. The Republic of Syria shall be divided into Muhafazats; their number, sub-divisions and boundaries shall be determined by a law.

Art. 127. Laws shall be based on the principle of decentralization for heads of administrative units and chiefs of departments in the Capital and in the Muhafazats.

Art. 128. (1) There shall be established a Council in each Muhafazat; three-quarters of its members shall be elected and the other quarter shall be appointed.

(2) The term of the Council, the number and eligibility of its members, and its electoral procedure shall be determined by law.

(3) The Muhafazat Council shall elect its President and an Executive Secretariat whose term of office, powers and procedure shall be determined by law.

Art. 129. The main tasks of the Muhafazat Council shall be to contribute towards promoting the following objectives:

(1) To fight disease by expanding free medical care and by protecting motherhood and childhood.

(2) To combat ignorance by establishing nurseries, primary, elementary and vocational schools, by teaching illiterates and by promoting education.

(3) To secure potable waters in villages and cities. To open local roads and to spread the use of electricity.

- (4) To define the limits of municipal districts in the Muhafazats.
- (5) To institute and organize exhibitions.
- (6) To encourage tourism, summer resorts and to supervise hotels.
- (7) To organize local communications.
- (8) To utilize mineral waters.
- (9) To promote a forestation and planting of trees.
- (10) To protect beneficiary works and contribute to them.
- (11) To organize and exploit hunting and fishing in the sea and rivers.

Art. 130. (1) The special revenues of the Muhafazat necessary for the implementation of its projects shall consist of—

(a) A percentage to be determined by law, such percentage to be taken from general taxes collected in the Muhafazat or added thereto.

(b) Local duties which the Muhafazat Council shall impose within the limits of law. These duties shall in no way delay the movement of persons or the transfer of capital between the various Muhafazats and shall not restrict the right of citizens to practice their professions and perform their work in the country.

(2) The special accountability of the Councils of the Muhafazats shall be regulated by a law.

Art. 131. The Muhafazat Council shall determine disbursements in questions falling under its jurisdiction.

Art. 132. The Rules of Procedure for the Councils of the Muhafazats, adoption of decisions and supervision of their actions shall be determined by law.

## CHAPTER VII

### FINANCES

Art. 133. (1) The Government shall prepare the general budget.

(2) The Chamber of Deputies alone shall have the right to adopt it.

Art. 134. (1) There shall be for each fiscal year one general budget containing the receipts and expenditures. No special, independent or additional budget may be created except by virtue of a law.

(2) The Government may, when necessary, submit the project of an extraordinary budget for more than one year including extraordinary receipts and expenditures. Such a budget shall not come into force except when approved by the Chamber of Deputies.

Art. 135. The procedure for organizing, approving, implementing and closing the accounts of local budgets shall be determined by a law.

Art. 136. (1) The beginning of a fiscal year shall be fixed by a law.

(2) Three months at least before the beginning of each fiscal year, the Government shall submit to the Chamber of Deputies a project for the general budget of that year.

Art. 137. The Deputies shall vote on ordinary and extraordinary budgets article by article.

Art. 138. (1) The budget law shall include only pure financial provisions.

(2) No taxes shall be levied or services created which may necessitate new expenditures in the budget law.

(3) The provisions of the budget law shall only be implemented within the fiscal year for which that budget was designated.

Art. 139. (1) During the discussion of the budget the Chamber may not increase the proposed total of receipts and expenditures.

(2) The budget committee shall be entitled to modify the project of the budget provided consideration is taken of paragraph one of this Article.

(3) The Deputies shall not propose an increase in expenditure or the creation of a new item of expenditure once the budget committee completes its report on the project of the budget.

(4) After approving the budget, the Chamber of Deputies may adopt laws approving further expenditures and creating new receipts to meet them.

Art. 140. If the Chamber of Deputies has not given a final decision on the project of the budget before the beginning of the fiscal year for which that budget was designated, provisional monthly credits, calculated on the basis of one-twelfth of the preceding fiscal year, shall be opened in virtue of a decree taken by the Council of

Ministers. During this period, income shall be collected in conformity with the laws in force at the end of the previous fiscal year.

Art. 141. (1) The Government shall not exceed in expenditure the maximum limit estimated for each public administration. The budget law must not include a provision enabling the Government to exceed that limit.

(2) No new, additional or transferred credits shall be opened except by virtue of a law.

Art. 142. The final accounts for the fiscal year shall be submitted to the Chamber of Deputies within a time limit not exceeding two years reckoned from the end of the budgetary year in question. These accounts shall be closed by virtue of a law.

Art. 143. (1) Taxes shall be levied only for purposes of common utility.

(2) Taxes shall be fixed in currency. The law shall not impose a tax in kind except under extraordinary circumstances.

Art. 144. (1) No taxes may be levied, modified or abolished except by virtue of a law.

(2) No person may be exempted from the whole or part of a tax except in cases determined by law.

(3) No person may be required to pay a tax except in accordance with the method described by law.

Art. 145. (1) No public or private loan may be contracted except by virtue of a law determining its conditions, the rate of interest and the method of repayment.

(2) The Government shall not grant or guarantee a loan except by virtue of a law.

(3) The procedure for tenders and contracts involving a charge upon public funds shall be determined by a law.

Art. 146. No monopoly or concession to exploit any of the natural resources of the country, or any service of a public utility, may be granted except by virtue of a law and only for a limited period.

Art. 147. (1) A Board of Auditors shall, on behalf of the Chamber of Deputies, examine the accounts of the Government and submit to the Chamber a general report containing its views and observations and indicating any violations committed and fixing the responsibility for them.

(2) The Chamber of Deputies shall elect the members of the Board of Auditors by an absolute majority of the Deputies present. If such a majority is not obtained, a relative majority shall be sufficient at the second ballot. The election shall be made from a list of candidates prepared by the office of the Chamber containing double the number of vacancies for the Board.

(3) This Board shall be attached directly to the Chamber of Deputies.

(4) The office of the Chamber of Deputies shall draft a bill determining the classification, prerogatives and immunities of the members of the Auditing Board as well as the method of auditing.

(5) The budget of the Board of Auditors shall be a part of the budget of the Chamber of Deputies.

Art. 148. The Chamber of Deputies may charge the Auditing Board with any audit of or studies concerning receipts and expenditure or the administration of the budget.

Art. 149. Once or more each year, the Government shall submit to the Chamber of Deputies a report on the financial situation of the State.

Art. 150. The monetary system shall be regulated by a law.

## CHAPTER VIII

### ECONOMIC AFFAIRS

Art. 151. The State shall supervise and organize the national economy in order to secure a high standard of living for the people by utilizing the land, promoting industry and trade and providing work for all citizens.

Art. 152. (1) There shall be established in the State a permanent Economic Council entrusted with the task of proposing economic plans and programs to develop the potentialities of the country in the various economic fields.

(2) The Council shall submit its reports and the results of its work to the Government and to the Chamber of Deputies.

(3) The number of the members of the Economic Council and the procedure for selecting them shall be determined by a law in such a way as to ensure the realization of its task.

Art. 153. Institutions enjoying financial and administrative inde-

pendence may be created for the execution and administration of specific projects. This shall be in accordance with a law determining the number of the members of such institutions, the method of selecting them and supervising their work.

Art. 154. Funds which the Government may spend on irrigation and land development projects shall be repaid by those who benefit from them in such periods of time proportional to their financial ability as shall be defined by law.

## CHAPTER IX

### AMENDMENT OF THE CONSTITUTION

Art. 155. (1) The President of the Republic, with the assent of the Council of Ministers, as well as the Deputies may request the amendment of one or more of the Articles of the Constitution provided:

(a) The request for amendment shall specify the Articles which it is desired to amend and the reasons for such amendment.

(b) If the request is submitted by Deputies, one-third or more of their total number must sign the application.

(c) The Chamber shall discuss the request for amendment which shall be adopted only when an absolute majority of the total number of Deputies vote in its favor. If rejected, such a rejection shall be considered final. A request to amend the same Articles again may not be presented within one year.

(d) If an absolute majority of the total number of Deputies approve of the request for amendment, such an approval shall be considered as a motion for amendment.

(e) Six months after the adoption of a motion of amendment, the Chamber of Deputies shall discuss the amendment proposed. The amendment shall be adopted and become effective if two-thirds of the total number of Deputies vote for it.

(2) The Deputies shall take a new oath of allegiance to the amended Constitution within two weeks of its adoption.

## CHAPTER X

### TRANSITORY PROVISIONS

Art. 156. This Constitution shall not be amended before two years of its execution.

Art. 157. There shall be issued within six months of the execution of this Constitution a law defining the duties of the President of the Republic, the Ministers and the procedure for their impeachment.

Art. 158. (1) The Government shall take necessary steps for the settlement of the Bedouins.

(2) A special law shall be issued taking into consideration the tribal traditions among nomadic tribes and specifying the tribes that shall come within its provisions until such time as their settlement is achieved.

(3) A special program shall be instituted to secure the settlement of Bedouins gradually. This program, together with the appropriations necessary for its implementation, shall be ascertained by law.

(4) The Electoral Law shall include special provisions concerning the conduct of elections among Bedouins and shall take into consideration their civil registration and the voting procedure.

Art. 159. (1) Primary education shall be made available in all parts of the State within ten years at most of the execution of this Constitution.

(2) A detailed program, to be executed by degrees, shall be initiated for that purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to implement the program initiated for the achievement of this objective.

Art. 160. (1) Illiteracy must be eradicated in the country within ten years at the most of the coming into force of the provisions of this Constitution.

(2) A detailed program shall be instituted for this purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to execute the program for the achievement of this objective.

Art. 161. Within two years of the execution of this Constitution,



the Civil Census Register shall be organized and all citizens shall be duly registered.

Art. 162. (1) After the adoption of this Constitution, the Chamber of Deputies shall immediately elect from its members a special committee, which may obtain assistance from a sufficient number of specialists and experts, to introduce the necessary bills in order to coordinate existing legislation with the provisions of this Constitution.

(2) The Chamber of Deputies and this Committee shall achieve this task within two years of the adoption of this Constitution.

Art. 163. Existing legislation which may be inconsistent with this Constitution shall remain temporarily effective until amended in conformity with the provisions of this Constitution.

Art. 164. (1) The constituent status of the present Assembly shall be terminated immediately upon the adoption of this Constitution. The Assembly shall then become a Chamber of Deputies which shall exercise the powers set forth in this Constitution; its period of mandate shall start with January first 1949.

(2) The Office of the Constituent Assembly shall continue its work until a new office is elected in accordance with Article 53 of this Constitution.

Art. 165. For the first election of the Supreme Court, the President of the Republic shall submit, within four months of his election, a list of candidates nominated by him in accordance with Article 116.

Art. 166. This Constitution shall become effective following its adoption and shall be promulgated by the President of the Constituent Assembly.