

# *World Constitutions Illustrated*

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## *Chad*

**Constitution of the Republic of Chad, 1996,  
as Amended to 3 July 2013**

*Translated by*  
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This translation is based on the official French text of Decree No. 186/PR/96 of 14 April 1996 as provided by the Inter-Parliamentary Union, Geneva, and on the official French text of Law No. 08/PR/ 2005 of 15 July 2005 as published in the *Journal Officiel de la République du Tchad*, July 2005, as provided by the Law Library of Congress. Both are reproduced in *World Constitutions Illustrated*.

The following consolidated French texts were also consulted:

—that of the Government of Chad: <http://www.primature-tchad.org> [consulted 18 Dec. 2008];

—that of the Presidency of Chad: [http://www.presidentetchad.org/constitution\\_de\\_la\\_republique\\_du\\_tchad.pdf](http://www.presidentetchad.org/constitution_de_la_republique_du_tchad.pdf) [consulted 27 July 2009];

—that provided by the private web site of Jean-Pierre Maury: *Constitutions du Monde en langue Française, Digitèque MJP*: <http://mjp.univ-perp.fr/constit/constitintro.htm>, and <http://mjp.univ-perp.fr/constit/td1996.htm> [consulted 16 Sept. 2011];

—that of the Ministry in Charge of Decentralization: Directorate of Formation, of Communication and of Awareness: [http://www.mcd-dfcs.org/mcd\\_dfcs\\_constitution\\_dutchad.pdf](http://www.mcd-dfcs.org/mcd_dfcs_constitution_dutchad.pdf) [consulted 19 September 2011];

—together with the transcription of the Bill of the amending law of 2004/5 provided by the Independent National Electoral Commission of Chad (CENI): [www.cenit Chad.td/propoloi-01.htm](http://www.cenit Chad.td/propoloi-01.htm) [consulted 19 September 2011].

It should be noted that none of these are in exact agreement, and all include discrepancies to some degree when compared closely to the text of the amending law published in the *Journal Officiel*.

The translations of the amendments of 2013 are based on the French text of Constitutional Law No. 013/PR/2013 as made available at the web portal of the National Assembly: <http://www.assemblee-tchad.org> [consulted October 2016]. These latest amendments concern Arts. 91, 118, 123, 129, 152, 153, 154, 155 and a new Chapter heading III in Title VI. This French text is also reproduced in *World Constitutions Illustrated*.

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Constitution of the Republic of Chad, 1996, as amended to 3 July  
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## **Constitution of Republic of Chad**

Adopted at the Referendum of 31 March 1996 and  
Promulgated by Decree No. 186/PR/96 of 14 April 1996

Revised by the Referendum of 6 June 2005, the amendments being  
Promulgated by Law No. 08/PR/2005 of 15 July 2005

As further Amended and Promulgated by  
Constitutional Law No. 013/PR/2013 of 3 July 2013

Chad, proclaimed a Republic on 28 November 1958, acceded to national and International sovereignty [on] 11 August 1960.

Since that date, it has experienced a momentous institutional and political evolution.

Years of dictatorship and of [a] single party prevented the emergence of any democratic culture and political pluralism.

The different regimes that have succeeded one another have created and entrenched regionalism, tribalism, nepotism, social inequalities, [and] violations of the Rights of Man and of the individual and collective fundamental freedoms, of which the consequences have been war, political violence, hatred, intolerance and mistrust between different communities that compose the Chadian Nation.

This institutional and political crisis that has destabilized Chad for more than three decades has only galvanized the determination of the Chadian people to achieve the building of one nation, of dignity, of freedom, of peace and of prosperity.

Therefore, the Sovereign National Conference, held at N'Djaména from 15 January to 7 April 1993, having reunited the political parties, the associations of civil society, the organs of the State, the traditional and religious authorities, the representatives of the rural world and the resources of persons of stature [*personnalités*], have restored confidence within the Chadian people and enabled the opening of a new era.

Consequently, We the Chadian People:

- Affirm by this Constitution our desire to live together with respect for ethnic, religious, regional and cultural diversities, to build a State of law and one united Nation founded on public freedoms and the fundamental rights of Man, the dignity of the human person and political pluralism, on the African values of solidarity and fraternity;
- Reaffirm our commitment to the principles of the Rights of Man as defined by the Charter of the United Nations of 1945, the Universal Declaration of the Rights of Man of 1948 and the African Charter of the Rights of Man and of Peoples of 1981;
- Solemnly proclaim our right and our duty to resist and disobey any individual or group of individuals, [and] any organs of the State that would take power by force or exercise it in violation of this Constitution;
- Affirm our total opposition to any regime of which the policy would be founded on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, clanism, tribalism, confessionalism and the confiscation of power;
- Affirm our determination to cooperate in peace and amity with all peoples who share our ideals of freedom, of justice and of solidarity, based on the principles of

equality, of reciprocal interests, of mutual respect and of national sovereignty, of territorial integrity and of non-interference;

– Proclaim our commitment [*attachement*] to the cause of African unity and our commitment [*engagement*] to do everything possible to realize sub-regional and regional integration;

– Solemnly adopt this Constitution as supreme law of the State.

This preamble is made an integral part of the Constitution.

## **Title I**

### **Of the State and of Sovereignty**

#### Article 1

Chad is a sovereign Republic, independent, secular, social, one and indivisible, founded on the principles of democracy, the rule of law and of justice. It has affirmed the separation of the religions and of the State.

#### Article 2

Covering an area of one million two hundred eighty-four thousand (1 284 000) km<sup>2</sup>, the Republic of Chad is organized in decentralized territorial collectivities of which the autonomy is guaranteed by this Constitution.

#### Article 3

Sovereignty belongs to the people who exercise it either directly by referendum, or indirectly by the intermediary of their elected representatives.

No community, no corporation, no political party or association, no trade union organization, no individual or group of individuals may arrogate its exercise.

The conditions of recourse to the referendum are determined by this Constitution and by an organic law.

#### Article 4

The political parties and groups concur in the exercise of suffrage. They form themselves freely and exercise their activities within the conditions provided for by the law and within respect for the principles of national sovereignty, of territorial integrity, of national unity and of pluralist democracy.

#### Article 5

Any propaganda of ethnic, tribal, regional or religious [*confessionnel*] character tending to infringe the national unity or the secularity of the State is prohibited.

#### Article 6

Suffrage is universal, direct or indirect, equal and secret.

All Chadians of both sexes, aged eighteen years of age and enjoying their civil and political rights[,] are electors within the conditions established by the law.

#### Article 7

The principle of the exercise of power is the Government of the people by the people and for the people, founded on the separation of the Executive, Legislative and Judicial powers.

#### Article 8

The national emblem is the tricolor flag, blue, gold, red in vertical bands and of dimensions equal, the blue being next to the pole.

The motto of the Republic of Chad is *Unité – Travail – Progrès* [Unity – Work – Progress].

The National Anthem is *La Tchadienne*.

The capital of the Republic of Chad is N'Djaména.

#### Article 9

The official languages are French and Arabic.

The law establishes the conditions of promotion and of development of the national languages.

#### Article 10

The seals and the arms of the Republic of Chad are determined by the law.

#### Article 11

The conditions of acquisition and of loss of Chadian nationality are established by the law.

### **Title II**

#### **Of the Freedoms, of the Fundamental Rights and Duties**

#### Article 12

The freedoms and the fundamental rights are recognized and their exercise guaranteed to the citizens within the conditions and forms provided for by the Constitution and the law.

#### Article 13

Chadians of both sexes have the same rights and the same duties.

They are equal before the law.

#### Article 14

The State assures to all equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position.

It has the duty to see to the elimination of all the forms of discrimination with regard to women and to assure the protection of their rights in all the domains of private and public life.

#### Article 15

Under reserve of the political rights, foreigners regularly admitted to the territory of the Republic of Chad have the same rights and freedoms as nationals within the limits of the law. They are held to conform to the Constitution, to the laws and regulations of the Republic.

#### Article 16

The rights of juridical [*morales*] persons are guaranteed by this Constitution.

### **Chapter I**

#### **Of the Freedoms and of the Fundamental Rights**

#### Article 17

The human person is sacred and inviolable.

Every individual has the right to life, to the integrity of their person, to security, to liberty, to the protection of their privacy and of their assets.

Article 18

No one may be subjected, either to degrading and humiliating acts [*séviçes*] or treatment, or to torture.

Article 19

Every individual has the right to free development of their person within respect for the rights of others, of good morals and of the public order.

Article 20

No one may be held in slavery or in servitude.

Article 21

Illegal and arbitrary arrests and detentions are prohibited.

Article 22

No one may be detained in a penal establishment if it does not result from [*tombe sous le coup*] a criminal law in force.

Article 23

One may only be arrested or charged [*inçulpé*] by virtue of a law promulgated prior to the acts with which they are accused.

Article 24

Every defendant is presumed innocent until the establishment of their culpability following a regular process offering the indispensable guarantees for their defense.

Article 25

The penalty is personal. No one may be held responsible and prosecuted for an act not committed by them.

Article 26

Customary and traditional rules concerning collective criminal responsibility are prohibited.

Article 27

The freedoms of opinion and of expression, of communication, of conscience, of religion, of the press, of association, of assembly, of movement, of demonstration and of procession are guaranteed to all.

They may only be limited for the respect of the freedoms and the rights of others and by the imperative to safeguard the public order and good morals.

The law determines the conditions of [their] exercise.

Article 28

The syndical freedom is recognized.

Every citizen is free to affiliate with the trade union of their choice.

Article 29

The right to strike is recognized.

It is exercised within the framework of the laws which regulate it.

Article 30

The dissolution of associations, political parties and trade unions may only intervene within the conditions provided for by their statutes or by judicial means [*voie*].

#### Article 31

The access to public employment is guaranteed to every Chadian without discrimination whatever, under reserve of the specific [*propres*] conditions of each job [*emplois*].

#### Article 32

The State recognizes to all citizens the right to work.

It guarantees to workers the just compensation for their services or for their production.

No one may be discriminated against in their work because of their origins, of their opinions, of their beliefs, of their sex or of their marital status [*situation*].

#### Article 33

Every Chadian has the right to culture.

The State has the duty to safeguard and to promote the national values of civilization.

#### Article 34

Every citizen has the right to the creation, to the protection and to the enjoyment of their intellectual and artistic works.

The State assures the promotion and protection of the national cultural patrimony as well as of artistic and literary production.

#### Article 35

Every citizen has the right to education [*instruction*].

Public education [*enseignement*] is secular and gratuitous.

Private education is recognized and is exercised within the conditions defined by the law.

Basic [*fondamental*] education is obligatory.

#### Article 36

The State and the decentralized territorial collectivities create the conditions and the institutions which assure and guarantee the education of children.

#### Article 37

The family is the natural and moral base of society.

The State and the decentralized territorial collectivities have a duty to see to the well-being of the family.

#### Article 38

Parents have the natural right and duty to raise and to educate their children. They are supported in this task by the State and the decentralized territorial collectivities.

Children may only be separated from their parents or from those responsible for them when [these] fail in their duty.

#### Article 39

The State and the decentralized territorial collectivities create conditions for the fulfillment and well-being of youth.

Article 40

The State strives [*s'efforce*] to provide for the needs of every citizen who, because of their age or their physical or mental inaptitude, find themselves with an incapacity to work, notably by the institution of organs [*organismes*] of social character.

Article 41

Private property is inviolable and sacred.

One may only be dispossessed for cause of duly declared public utility and with a just and prior indemnification.

Article 42

The domicile is inviolable. Searches may only be effected within the cases and the forms prescribed by the law.

Article 43

Every Chadian has the right to establish their domicile or residence freely and in any place whatsoever on the national territory.

Article 44

Every Chadian has the right to circulate freely in the interior of the national territory, to leave it and to return to it.

Article 45

The secrecy of correspondence and of communications is guaranteed by the law.

Article 46

The right to asylum is granted [*accordé*] to foreign nationals [*ressortissants*] within the conditions determined by the law.

The extradition of political refugees is prohibited.

Article 47

Every person has the right to a healthy environment.

Article 48

The State and the decentralized territorial collectivities must see to the protection of the environment.

The conditions of storage, of handling and of disposal of toxic wastes or pollutants deriving from national activities are determined by the law.

The transit, importation, storage, burying, [or] dumping on the national territory of foreign toxic wastes or pollutants is prohibited.

**Chapter II**

**Of the Duties**

Article 49

Every citizen is held to respect the Constitution, the laws and regulations as well as the institutions and the symbols of the Republic.

Article 50

The public assets are inviolable. Every person must respect them and protect them.



Article 51

The defense of the country [*patrie*] and of the integrity of the national territory is a duty for every Chadian.

Military service is obligatory.

The conditions for accomplishing this duty are determined by the law.

Article 52

Every citizen has the duty to respect and to protect the environment.

Article 53

Every citizen participates as a function of their income and of their wealth in the public expenses.

Article 54

One may neither invoke religious beliefs, or philosophical opinions to avoid an obligation dictated by the national interest.

Article 55

The State has the duty to protect the legitimate interests of the Chadian nationals abroad.

Article 56

The State guarantees the political neutrality of the administration and of the Armed Forces and [Forces] of Security.

Article 57

The State exercises its entire and permanent sovereignty over all the national natural riches and resources for the well-being of all of the national community.

However, it may concede the exploration and the exploitation of these natural resources to private initiative.

Article 58

The State guarantees the freedom of enterprise.

**Title III**

**Of the Executive Power**

Article 59

The executive power is exercised by the President of the Republic and the Government

**Chapter I**

**Of the President of the Republic**

Article 60

The President of the Republic is the Head of State.

He sees to the respect for the Constitution.

He assures, by his arbitration, the regular functioning of the public powers as well as the continuity of the State.

He is the guarantor of the national independence, of the sovereignty and of the unity, of the integrity of the territory and of the respect for the treaties and international agreements.

#### Article 61

The President is elected for a mandate of five years by universal direct suffrage.  
It is re-eligible.

#### Article 62

The Chadians of the two (2) sexes meeting the following conditions[,] may make the act of candidature to the functions of President of the Republic:

- to be Chadian by birth, born of father and of mother themselves Chadian of origin and not having a nationality other than Chadian;
- to be thirty-five years [old] at a minimum;
- to enjoy all their civil and political rights;
- to have a good physical and mental health;
- to be of good morality.

The candidate must also pay a surety [*cautionnement*] the amount of which is established by the law.

If the candidate is a member of the armed forces and [forces] of security, he must first be placed on [extended] leave [*position de disponibilité*].

#### Article 63

The candidatures for the Presidency of the Republic are deposited with the Constitutional Council forty (40) clear days at least and sixty (60) clear days at most before the first round of the ballot.

Thirty days before the first round of the ballot, the Constitutional Council orders [*arrête*] and publishes the list of the candidates.

#### Article 64

The ballot is opened on convocation of the Government.

The election of the new President takes place thirty-five (35) days at the latest before the expiration of the mandate in [its] course.

#### Article 65

In case of death or incapacity of one of the two (2) candidates most favored in the first round[,] before any eventual withdrawals, the Constitutional Council, after deciding, orders that it must proceed again to the whole of the electoral operations; it is the same in case of death or incapacity of one of the two candidates remaining considering [*en vue*] the second round.

#### Article 66

The election of the President of the Republic takes place by uninominal majority ballot in two rounds.

The candidate having obtained the absolute majority of the suffrage expressed[,] is declared elected at the first round.

If no candidate has obtained the absolute majority in the first round, it proceeds, the second Sunday following, to a second round for the two candidates arriving ahead.

The candidate having obtained the greatest number of votes [*voix*] at the end of the second round, is elected President of the Republic.

#### Article 67

The conditions of eligibility, of presentation of the candidatures, of the course of the ballot, of the counting and of the proclamation of the results are specified by the law.

#### Article 68

The Constitutional Council sees to the regularity of the ballot and decides [on] the results.

The results of the ballot are made the object of a provisional proclamation.

If no objection [*contestation*] relative to the regularity of the electoral operations has been deposited with the Constitutional Council by one of the candidates within the five (5) days of the provisional proclamation, the Constitutional Council declares the President of the Republic definitively elected.

In case of objection, the Constitutional Council is held to decide within the fifteen (15) days from the provisional proclamation; its decision leads to [*emporte*] definitive proclamation or annulment of the election.

If no objection is raised within the time period of five (5) days and if the Constitutional Council deems that the election was not tainted with any irregularity of a nature leading to its annulment, it proclaims the election of the President of the Republic within the ten (10) days which follow the ballot.

In case of annulment, it proceeds to a new round of the ballot within the fifteen (15) days following the decision.

#### Article 69

The mandate of the new President of the Republic takes effect counting from the date of expiration of the preceding mandate.

#### Article 70

Before his entry into [the] functions, the President of the Republic takes an oath publicly before the Constitutional Council in the presence of the members of the National Assembly in these terms:

*"We ..... , President of the Republic elected according to the laws of the country, solemnly swear before the Chadian People and, on [my] Honor:*

- to preserve, respect, to have respected and defend the Constitution and the laws;*
- to fulfill with loyalty the high functions that the Nation has confided in us;*
- to respect and defend the republican form of the State;*
- to preserve the integrity of the territory and the unity of the Nation;*
- to put all in place to guarantee justice to all citizens;*
- to respect and to defend the rights and the freedoms of individuals".*

#### Article 71

The functions of the President of the Republic are incompatible with the exercise of any other elective mandate, of any public employment and of any other professional and lucrative activity.

They are equally incompatible with any activity within a political party or group of parties or of a trade union organization.

#### Article 72

The President of the Republic is held, on his entry into [the] functions and at the end of his mandate, to make on his honor a written statement of his patrimony and to address it to the Supreme Court.

#### Article 73

During his mandate, the President of the Republic may not by himself[,] or by an intermediary[,] purchase or lease [anything] that belongs to the domain of the State.

He may not take part either by himself[,] or by an intermediary[,] in public and private contracts [*marchés*] of the State or of its components.

#### Article 74

The law establishes the civil list and other benefits granted to the President in office [*exercice*].

It determines equally the modalities of granting of a pension and other benefits to former Presidents enjoying their civil and political rights.

#### Article 75

In the case of absence from the territory or temporary incapacity of the President of the Republic, his interim is assured by the Prime Minister within the limits of the powers that shall have been delegated to him.

#### Article 76

In case of vacancy of the Presidency of the Republic for any cause that may be or of definitive incapacity established by the Constitutional Council referred to [the matter] by the Government and deciding with the absolute majority of its members, the attributions of the President of the Republic, with the exception of the powers specified in Articles 79, 82, 83 and 87, are provisionally exercised by the President of the National Assembly and, in case of incapacity of the latter by the First Vice President of said Assembly.

In every case, it proceeds to new presidential elections forty-five (45) days at least and ninety (90) days at most after the opening of the vacancy.

#### Article 77

Within the interval, the Prime Minister may neither engage the responsibility of the Government before the National Assembly[,] nor may it make use of the motion of censure.

The President of the National Assembly assuring the functions of the President of the Republic may neither dismiss the Prime Minister and his Government, nor proceed to a revision of the Constitution, nor dissolve the National Assembly.

#### Article 78

During the exercise of his functions, the criminal responsibility of the President of the Republic is only engaged in the case of high treason that Article 173 provides for.

#### Article 79

The President appoints the Prime Minister.

He terminates his functions on presentation by him of the resignation of the Government.

On the proposal of the Prime Minister, he appoints the other members of Government and terminates their functions.

#### Article 80

The President presides over the Council of Ministers.

#### Article 81

The President of the Republic promulgates the laws within the fifteen (15) days which follow the transmission to the Government of the law definitively adopted.

He can, before the expiration of this time period, demand of the National Assembly a new deliberation the law or certain of its articles.

The new deliberation which may not be refused to suspends the time period of promulgation.

In case of urgency, the time period for promulgation is reduced to eight (8) days.

#### Article 82

The President of the Republic, on proposal of the Government during the duration of the sessions or on proposal from the National Assembly published in the *Journal Officiel* [Official Gazette] and after the opinion of the Constitutional Council[,] can submit to referendum any bill of law concerning organization of the public powers, including approval an agreement of union or tending to authorize the ratification of a treaty which, without being contrary to the Constitution, would affect the functioning of the institutions.

After the adoption of the draft [*projet*] by referendum, the President of the Republic promulgates the law within the time period provided for in Article 81.

#### Article 83

When the regular functioning of the public powers is menaced by persistent crises between the executive power and the legislative power or if the National Assembly, in the space of one year, dismisses the Government two times, the President can, after consultation with the Prime Minister and of the President of the National Assembly, declare [*prononcer*] the dissolution of it.

The general elections take place within a time period of forty-five (45) days after the dissolution of the National Assembly.

The National Assembly meets of plain right [on] the fifteenth working day following its election. If this meeting takes places outside of the periods provided for the ordinary sessions, a session is opened of right for a time period of fifteen (15) days.

A new dissolution may not proceed in the year which follows these elections.

#### Article 84

The President signs the orders and the decrees taken in the Council of Ministers.

He appoints, in the Council of Ministers, to the high civil and military functions of the State.

An organic law determines the offices [*emplois*] over which he has purview in the Council of Ministers as well as the conditions under which the power of appointment of the President of the Republic may be delegated by him to be exercised in his name.

#### Article 85

The President of the Republic accredits and recalls the ambassadors and extraordinary envoys to the States and the international organizations.

The foreign ambassadors and extraordinary envoys are accredited to him.

#### Article 86

The President of the Republic is the Supreme Head of the armies. He presides over the superior councils and committees of the National Defense.

#### Article 87

When the institutions of the Republic, the independence of the Nation, the territorial integrity or the execution of international commitments are menaced in a grave and immediate manner such that the regular functioning of the public powers is interrupted, the President of the Republic, after consultation with the President of the National Assembly and with the President of the Constitutional Council, takes in the Council of Ministers, for a time period not exceeding fifteen (15) days, the exceptional measures required by the circumstances.

This period may only be extended after the conforming opinion of the National Assembly.

The President informs the Nation of it by a message.

The National Assembly meets of plain right if it is not in Session.

These exceptional measures shall not justify infringements of the rights to life, to physical and moral integrity and to the jurisdictional guarantees granted to individuals.

#### Article 88

The measures taken by virtue of the preceding Article must be inspired by the will to assure to the constitutional public powers, within the least time period, the means to accomplish their mission.

The National Assembly may not be dissolved during the exercise of exceptional powers.

#### Article 89

The President exercises [*dispose*] the right of pardon.

#### Article 90

The President of the Republic communicates with the National Assembly by messages that he has read and which do not give rise to any debate. Out of session, the National Assembly is convened specially to this effect.

#### Article 91

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The acts of the President of the Republic other than those relating:

- to the appointment of the Prime Minister;
- to the dissolution of the National Assembly;
- to the recourse to the referendum;
- to the exercise of exceptional powers;
- to the messages addressed by him to the National Assembly;
- to the referral [of matters] to the Constitutional Council;

– to the appointment of members of the Constitutional Council, of the Supreme Court, of the Court of Accounts, of the High Council of Communication, of the High Court of Justice, [and] of the Economic, Social and Cultural Council;

– to the right of pardon;

– to the ordinary [simples] Decrees,

are countersigned by the Prime Minister and, the case arising, by the Ministers responsible.

Article 92

The President of the Republic may delegate certain of his powers to the Prime Minister.

**Chapter II**  
**Of the Government**

Article 93

The Government is composed of the Prime Minister and the Ministers.

Article 94

The Government executes the policy of the Nation defined in the Council of Ministers.

It assures the execution of the laws.

Article 95

The Prime Minister is the Head of Government. He is appointed by decree of the President of the Republic.

Article 96

The other members of the Government are appointed by the President of the Republic on proposal of the Prime Minister.

Article 97

The Prime Minister must, within a maximum time period of twenty-one (21) days, present the Government to the investiture of the National Assembly and obtain from it a vote of confidence on the political program of his Government.

The Government is responsible before the National Assembly within the conditions and following the procedures provided for by Articles 137 and 138.

Article 98

Prime Minister directs, coordinates and animates the governmental action.

He disposes [*dispose*] the administration.

He sees to the good functioning of the public services.

Article 99

Under the supervision of the Prime Minister, the Government assures public security and the maintenance of order within respect for the freedoms and for the rights of Man.

To this end, he disposes all the police forces given the charge of [*chargeés*] maintaining the internal order and security.

#### Article 100

The Prime Minister presides over the Council of the Cabinet.

He substitutes for the President of the Republic in the presidency of the Council of Ministers, by virtue of an express delegation and for a specific agenda.

He substitutes [for] him equally in the presidency of the councils and committees of defense.

#### Article 101

The Council of Ministers determines the matters in which the Prime Minister exercises the regulatory power.

#### Article 102

The Prime Minister can delegate certain of his powers to the members of the Government.

#### Article 103

The acts of the Prime Minister are countersigned, the case arising, by the Ministers given the charge of their execution.

#### Article 104

When they enter into [their] functions and at the end, the Prime Minister and other members of the Government are held to make on their honor a written declaration of their patrimony and to address it to the Supreme Court.

The provisions relative to public contracts [*marchés*] and adjudications provided for in Article 73 are applicable to the members of the Government.

#### Article 105

The functions of member of the Government are incompatible with the exercise of any parliamentary mandate, of any function of professional representation of national character, with any public employment or any professional or lucrative activity, with the exception of Higher Education [*Enseignement Supérieur*], of Scientific Research, [and] of Health.

An organic law establishes the conditions under which the replacement of the Deputies named to the Government is provided for.

### **Title IV**

#### **Of the Legislative Power**

#### Article 106

The legislative power is exercised by the National Assembly.

The members of the National Assembly have the title of Deputy.

#### Article 107

The Deputies are elected by direct universal suffrage.

#### Article 108

Chadians of the two sexes fulfilling the conditions established by the law[,] may be candidates to the National Assembly.

#### Article 109

The mandate of Deputy is of four (4) years renewable.



#### Article 110

An organic law establishes the number of the Deputies, their indemnities, [and] the regime of the ineligibilities and of the incompatibilities.

It establishes equally the conditions under which the persons named to assure, in case of vacancy of the seat, the replacement of Deputies[,] are elected[,] until the general renewal of the National Assembly.

#### Article 111

The members of the National Assembly benefit from parliamentary immunity.

No Deputy may be prosecuted, investigated, arrested, detained or tried for the opinions or votes emitted by him in the exercise of his functions.

A Deputy, during the duration of the session, may only be prosecuted or arrested in a criminal or correctional matter with the permission of the National Assembly, except in cases of flagrante delicto.

A Deputy, out of session, may only be arrested with the authorization of the Bureau of the National Assembly, except in case of flagrante delicto, of authorized prosecutions or definitive condemnation.

In the case of an established crime or offense, the immunity can be lifted by the National Assembly during the sessions or by the Bureau of said Assembly out of session.

In cases of flagrante delicto, the Bureau of the National Assembly is immediately informed of the arrest.

#### Article 112

The members of the Bureau of the National Assembly are elected by secret ballot at the debut of the first session of the legislature.

The President of the National Assembly is elected for the duration of the legislature.

The other members of the Bureau are elected for one year renewable, except during the year preceding the renewal of the National Assembly.

However, in case of [a] substantiated [*constaté*] breach, the members of the Bureau can be replaced as a result of a vote of two-thirds (2/3) of the National Assembly.

In case of vacancy in [a] post in the Bureau for whatever cause that may be, it proceeds within the twenty-one (21) days which follow to new elections to fill [*pouvoir*] the post.

#### Article 113

The Deputy represents the nation in [its] entirety.

Any imperative mandate is null and of no effect.

#### Article 114

The right to vote of the Deputy is personal.

However, an organic law may authorize exceptionally the delegation to vote.

In this case, no one may receive delegation of more than one mandate.

#### Article 115

The Internal Regulations of the National Assembly determine:

- the composition, [and] the rules of functioning of the Bureau as well as the prerogatives of its President;
- the number, the mode of designation, the composition, the role and the competence of its permanent commissions, its commissions of delegation as well as its temporary commissions;
- the organization of the administrative services;
- the disciplinary regime of the Deputies;
- the different modes of the ballot, with the exclusion of those provided for by the Constitution;
- all the rules relative to the functioning of the National Assembly.

#### Article 116

If, at the opening of a session, the quorum of two-thirds [2/3] of the Deputies is not attained, the sitting is postponed [*renvoyé*] to the third working day which follows. In this case, the deliberations are only valid if half at least of the Deputies are present.

#### Article 117

The sittings of the National Assembly are valid only if they occur in the ordinary place of their sessions, except in case of force majeure.

The sittings of the National Assembly are public.

However, the Assembly may sit in closed [sitting] at the demand of the Prime Minister or of one-third (1/3) of its members.

The complete record of the debates of the National Assembly is published in the *Journal Officiel de la République* [Official Gazette of the Republic].

#### Article 118

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The National Assembly meets of plain right in two (2) ordinary sessions per year.

The first session opens on the fifth (5) of April.

The second session opens on the fifth (5) of October.

If the fifth (5) of April or fifth (5) of October is a holiday, the opening of the session takes place on the first working day which follows.

The duration of each session may not exceed ninety (90) days.

#### Article 119

The National Assembly meets in extraordinary Session at the demand of the Prime Minister or of the majority of its members, on a specific agenda.

When the extraordinary Session is held at the demand of the members of the National Assembly, the decree of cloture intervenes once it has exhausted the agenda for which it had been convoked and at the latest fifteen (15) days counting from the date of opening of the Session.

The Prime Minister may only demand one new Session before the expiration of the month which follows the Decree of cloture.

## Article 120

Except in the case in which the National Assembly meets of plain right, the extraordinary Sessions are opened and closed by Decree of President of the Republic.

## Title V

### Of the Relations between the Executive Power and the Legislative Power

## Article 121

The law is voted by the National Assembly.

The law establishes the rules concerning:

- the civil rights and the fundamental guarantees accorded to citizens for the exercise of the public freedoms;
- the constraints imposed by the National Defense on the citizens[,] on their persons and on their assets;
- nationality, the status and capacity of persons, the matrimonial regimes, inheritance and gifts;
- the Family Code;
- the determination of criminal infractions as well as the penalties applicable to them, the criminal procedure, amnesty, the creation of new orders of jurisdiction and statute of the magistrates;
- the penitentiary regime;
- the base, the rate and modalities of collection of taxes of any nature;
- the regime of emission of the currency;
- the creation of categories of public establishments;
- the nationalization of enterprises and transfers of ownership of enterprises of the public sector to the private sector;
- the fundamental guarantees granted to the civil and military functionaries of the State;
- the electoral regime;
- the procedure according to which customs [*coutumes*] are declared and harmonized with the principles of the Constitution;
- the state of siege and the state of urgency.

The law defines the fundamental principles:

- of the administrative organization of the territory;
- of the general organization of the National Defense;
- of the free administration of the collectivities, of their competence and of their resources;
- of urban planning [*urbanisme*] and management of the territory;
- of the Charter of the political parties, of the regimes of associations and of the press;
- of education [*enseignement*], [and] of scientific research;
- of public health, of social affairs and of the rights of the child;
- of the regime of social security;

- of the regime of ownership [*propriété*], of real rights and of civil and commercial obligations;
  - of the protection of the environment and of the conservation of natural resources;
  - of the regime of land tenure [*foncier*];
  - of the regime of the domain of the State;
  - of insurance, of savings and of credit;
  - of the right to work and the syndical right;
  - of culture[,] of the arts[,] and of sports;
  - of the regime of transportation and telecommunications;
  - of agriculture, of livestock, of fisheries, of wildlife, of water and of forests.
- The provisions of this Article shall be specified and complemented by an organic law.

#### Article 122

The matters other than those which are of the domain of the law have a regulatory character.

The texts of legislative form intervening in these matters can be modified by decree after [the] opinion of the Administrative Chamber of the Supreme Court.

Those of these texts which have intervened after the entry into force of this Constitution may only be modified by decree if the Constitutional Council has declared that they have a regulatory character by virtue of the preceding paragraph.

#### Article 123

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The declaration of war is authorized by the National Assembly.

The sending of the troops of the Chadian army outside of the national territory is decided by the President of the Republic.

The Government informs the National Assembly of this decision to have the armed forces intervene abroad, at the latest three (3) days after the debut of the intervention. It makes precise the objectives pursued.

When the duration of the intervention exceeds four (4) months, the Government submits its prolongation to the authorization of the National Assembly.

#### Article 124

The state of siege and the state of urgency are decreed in the Council of Ministers.

The Government informs the Bureau of the National Assembly of it.

Their extension beyond twelve (12) days may only be authorized by the National Assembly.

#### Article 125

The Government can, for the execution of its program, demand of the National Assembly the authorization to take by ordinance, for a limited time period, the measures that are normally of the domain of the law.

The ordinances are taken in the Council of Ministers after [the] opinion of the Administrative Chamber of the Supreme Court.

They enter into force on their publication but become lapsed if the bill of law of ratification is not deposited before the National Assembly before the date established by the enabling law [*loi d'habilitation*].

At the expiration of the time period mentioned in the first paragraph of this Article, the ordinances may only be modified further by the law in those matters which are of the legislative domain.

#### Article 126

The members of the Government have access to the National Assembly and to its commissions.

They are heard at the demand of a Deputy or of a Commission.

They may be assisted by collaborators.

#### Article 127

The organic law is a law which specifies or completes one or more constitutional provisions.

It may only be promulgated if the Constitutional Council, obligatorily referred to [the matter] by the President of the Republic, has declared it in conformity with the Constitution.

The provisions relative to the enabling to legislate granted to the Government, and those granted to the commissions of delegation [concerning] the right to take measures which are of the domain of the law[,] are not applicable to the organic laws.

#### Article 128

The program laws [*loi de programme*] determine the objectives of the economic and social action of the State.

#### Article 129

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The laws of finance determine the resources and the obligations [*charges*] of the State within the conditions and under the reserves provided for by an organic law.

The National Assembly votes the bills of the law of finance within the conditions provided for by an organic law.

The bill of the law of finance is deposited with the Bureau of the National Assembly at the latest on the eve of the opening of the second ordinary session.

The National Assembly has [*dispose*] eighty (80) days at most to vote on the bill of the law of finance.

If, by result of a case of force majeure, the Government could not deposit the bill of the law of finance of the year in a timely fashion for the National Assembly to deal with it, before the end of the ordinary session [and] within the time period specified in the preceding paragraph, that [session] is, immediately and of plain right, followed by an extraordinary session of which the duration is at most equal to the time necessary to complete the said time period.

If the bill of the law of finance is not voted definitively at the expiration of the time period of eighty [80] days specified above, it can be brought into force by ordinance.

This ordinance must take into account the amendments voted by the National Assembly and accepted by the Government.

If, taking into account the above procedure, the law cannot be brought into force before the beginning of the budgetary year, the Government is authorized to continue to collect the receipts and to execute[,] on a provisional basis[,] month by month within the limit of one-twelfth per month, the expenditures on the basis of the credits opened by the last law of finance related [*afférente*] to the previous financial year [*exercice*].

The Court of Accounts assists the Government and the National Assembly in the control of the execution of the laws of finance.

#### Article 130

The initiative of law belongs concurrently to the Government and to the members of the National Assembly.

The bills of law are deliberated in the Council of Ministers after the opinion of the Administrative Chamber of the Supreme Court and deposited with the Bureau of the National Assembly.

#### Article 131

The proposals and amendments formulated by the members of the National Assembly are not receivable when their adoption would have as a consequence either a diminution of public resources, or the creation of an increase in public expenditures, unless they are accompanied by a proposal of augmentation of receipts or of equivalent economies.

#### Article 132

If it appears during the course of the legislative procedure that a proposal or an amendment is not of the domain of the law or is contrary to a delegation granted by virtue of the provisions of Article 125 relative to enabling [*habilitation*], the government may oppose the receivability.

In case of disagreement between the Government and the National Assembly, the Constitutional Council at the demand of one or other of the parties, decides within a time period of eight [8] days.

#### Article 133

The discussion of the bills of law concerns [*porte sur*] the text presented by the Government.

#### Article 134

The bills and proposals of laws are, at the demand of the Government or of the National Assembly, sent for examination to the Commissions specifically designated to that effect.

The bills and proposals for which such a demand has not been made are sent to one of permanent Commissions.

The number of the permanent Commissions is determined by the Internal Regulations of the National Assembly.

#### Article 135

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

When the National Assembly has referred [*confié*] the examination of a draft of a text to a Commission, the Government can, after the opening of the debates, oppose the examination of any amendment that had not been previously submitted to that Commission.

If the Government demands it, the National Assembly decides by a sole vote on all or part of the text under discussion, only retaining in it the amendments proposed or accepted by it.

#### Article 136

The agenda of the National Assembly includes with priority and in the order that the Government has established the discussion of the bills of law deposited by the Government.

One [1] sitting per week is reserved for the examination and the adoption of the proposals of law.

One [1] sitting per two weeks [*quinzaine*] is reserved for the questions of the members of the National Assembly and to the responses of the Government.

#### Article 137

The Prime Minister, after deliberation of the Council of Ministers, engages before the National Assembly the responsibility of the Government on its program and eventually on a declaration of general policy.

The National Assembly initiates [*met en cause*] the responsibility of the Government by the vote of a motion of censure. Such a motion is only receivable if it is signed by one-tenth [1/10] at least of the members of the National Assembly. The vote may only take place forty-eight [48] hours after its deposit. The votes in favor of the motion of censure alone are counted, which may only be adopted with the majority of members composing the National Assembly.

If the motion of censure is rejected, its signatories may not propose a new [one] in the course the same session, except in case provided for in the paragraph below.

The Prime Minister can, after deliberation of the Council of Ministers, engage the responsibility of the Government before the National Assembly on the vote of a text.

In this case, the text is considered adopted, except if a motion of censure, deposited in the twenty-four [24] hours which follow[,] is voted within the conditions provided for in paragraph two (2) of this Article.

#### Article 138

When the National Assembly adopts a motion of censure or when it disapproves the program or a declaration of general policy of the Government, the Prime Minister must remit to the President of the Republic the resignation of the Government.

#### Article 139

The closure of the ordinary or extraordinary Sessions is delayed[,] of right[,] to permit, the case arising, the application of the provisions of Article 137.

#### Article 140

The Government is obligated to furnish to the National Assembly all the explanations which are demanded of it on its administration and on its activities.

The means of information and control of the National Assembly on the action of the Government are:

- the interpellation;
- the written question;
- the oral question;

- the Commission of inquiry;
- the motion of censure;
- the hearing in Commissions.

These means are exercised within the conditions determined by the Internal Regulations of the National Assembly.

## **Title VI**

### **Of the Judicial Power**

#### Article 141

The judicial power is independent of the executive power and of the legislative power.

#### Article 142

A sole order of jurisdiction is instituted of which the Supreme Court is the highest instance.

#### Article 143

The judicial power is exercised in Chad by the Supreme Court, the Courts of Appeal, the Tribunals and the Justices of the Peace.

It is the guardian of the freedoms and of individual property and sees to the respect of the fundamental rights.

#### Article 144

Justice is rendered in the name of the Chadian people.

#### Article 145

The President of the Republic is the guarantor of the independence of the Magistrature.

He sees to the execution of the laws and of the decisions of Justice.

He is assisted by the Superior Council of the Magistrature.

#### Article 146

The President of the Republic presides over the Superior Council of the Magistrature. The Minister of Justice is[,] of right[,] the First Vice President of it.

The President of the Supreme Court is the second Vice President of it.

The other members of the Superior Council of the Magistrature are elected by their peers within the conditions established by the law.

#### Article 147

The Superior Council of the Magistrature proposes the appointments and the promotions of the magistrates.

#### Article 148

The magistrates are appointed by decree of President of the Republic after the conforming opinion of the Superior Council of the Magistrature.

They are revoked under the same conditions.

#### Article 149

The discipline and the responsibility of the magistrates at all levels belongs to [relève] the Superior Council of the Magistrature.



In disciplinary matters, the presidency of the Superior Council of the Magistrature is assured by the President of the Supreme Court.

Article 150

The presiding magistrates are only subject in the exercise of their functions to the authority of the law.

They are irremovable.

Article 151

The other rules of organization, of functioning as well as the regime of incompatibilities are established by a law.

**Chapter I**  
**Of the Supreme Court**

Article 152

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The Supreme Court is the highest jurisdiction of Chad in judicial and administrative matters.

It equally takes cognizance of disputes [concerning] local elections.

It is composed of two chambers:

- A judicial chamber;
- An administrative chamber.

Article 153

*[As Amended by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

The Supreme Court is composed of twenty-one (21) members having one President and twenty (20) Councilors.

The President of the Supreme Court is chosen from among the high magistrates of the judicial order.

He is appointed by decree of the President of the Republic after the opinion of the President of the National Assembly.

The other members are designated in the following fashion:

- eleven (11) selected from among senior judges from the judiciary, including:
  - six (6) by the President of the Republic;
  - five (5) by the President of the National Assembly;
- nine (9) chosen from among the specialists of Administrative Law of which:
  - five (5) by the President of the Republic;
  - four (4) by the President of the National Assembly;

The members of the Supreme Court are designated for a mandate of seven (7) years.

They are irremovable during their mandate.

The attributions and the other rules of organization and of functioning as well as the procedure followed before the Supreme Court are determined by an organic law.

Before entering into [their] function, the non-Magistrate members of the Supreme Court make an oath in these terms:

*“I swear to well and faithfully fulfill my functions to exercise them in all impartiality in respect for the laws and to protect the secrecy of the deliberations.”*

## **Chapter II**

### **Of the Court of Accounts**

*[Heading Inserted by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

#### Article 154

*[As Inserted by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

A Court of Accounts is instituted in the Republic of Chad. The Court of Accounts is responsible for the control of the execution of the Budget of the State. It assists the Government and the National Assembly in the control of the execution of the laws of finance.

The Court of Accounts judges the accounts of the public accountants. It verifies the regularity of the receipts and the expenses and verifies [*s’assure*] the employment of the credits, funds and values administrated by the services of the State or by the other juridical [*morales*] persons of public law. It assures the verification of the accounts of administration of the public enterprises and of the organs with public financial participation. It declares and audits the de facto administrations. It sanctions the faults of administration committed vis-à-vis the State, of the local collectivities and of the organs submitted to its control.

The Court of Accounts includes five (5) Chambers:

- a Chamber of Finance and Budgetary Affairs;
- a Chamber of control and of audit;
- a Chamber of budgetary discipline;
- a Jurisdictional Chamber;
- a Consultative Chamber.

The Court of Accounts is composed of thirty-one (31) members having one President and thirty (30) Councilors.

The President of the Court of Accounts is chosen from among the high level members [*hauts cadres*] of Budgetary Law and of Public Accounting. He is appointed by decree of the President of the Republic after [the] opinion of the President of the National Assembly.

The other members are designated in the following fashion:

- thirteen (13) chosen by the President of the Republic from among the specialists of administration, of the economy, of taxation, of Budgetary Law and of the Accounting Examination [*Expertise Comptable*];
- eleven (11) chosen by the President of the National Assembly from among the specialists of administration, of the economy, of taxation, of Budgetary Law and of the Accounting Examination:
- six (6) chosen from among the magistrates of the judicial order of which;
- three (3) by the President of the Republic;
- three (3) by the President of the National Assembly;

The members of the Court of Accounts are designated for a renewable mandate of five (5) years.

The other rules of organization and of functioning as well as the procedure to follow before the Court of Accounts are determined by an organic law.

#### Article 155

*[As Inserted by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

Before entering into [their] functions, the non-Magistrate members of the Court of Accounts make an oath in these terms:

*“I swear to well and faithfully fulfill my functions to exercise them in all impartiality in respect for the laws and to protect the secrecy of the deliberations.”*

### **Chapter III**

#### **Of Customary and Traditional Rules**

*[Heading Inserted by Constitutional Law No. 013/PR/2013 of 3 July 2013]*

#### Article 156

Until their codification, the customary and traditional rules are only applicable in the communities where they are recognized.

However, the customs contrary to the public order or those that promote inequality between citizens are prohibited.

#### Article 157

The customary and traditional rules governing the matrimonial regimes and inheritance may only be applicable with the consent of the parties concerned.

In default of consent, the national law alone is applicable.

It is the same in case of conflict between two [2] or more customary rules.

#### Article 158

The customary and traditional remedies [*réparations*] may not be made an obstacle to public action.

### **Title VII**

#### **Of the Constitutional Council**

#### Article 159

A Constitutional Council is instituted.

#### Article 160

The Constitutional Council is composed of nine (9) members including three (3) magistrates and six (6) jurists of high level appointed in the following manner:

- two (2) magistrates and three (3) jurists by the President of the Republic;
- one (1) magistrate and three (3) jurists by the President of the National Assembly;

The mandate of a member of the Constitutional Council is of nine (9) year non-renewable.

The Constitutional Council is renewed by thirds (1/3) every three (3) years.

The members of the Constitutional Council are irremovable for the duration of their mandate, except in cases of condemnation for misdemeanors and crimes, of resignation or of definitive impediment.

The members of the Constitutional Council must be of a recognized professional competence, of good morals and of grand probity.

#### Article 161

The Constitutional Council is the judge of the constitutionality of the laws, of the treaties and international agreements.

It takes cognizance of the disputes [concerning] the presidential [and] legislative elections.

It sees to the regularity of the operations of the referendum and proclaims the results of it.

It decides obligatorily on the constitutionality of the organic laws before their promulgation[,] and of the Internal Regulations of the National Assembly before their implementation.

It receives the oath of the elected President of the Republic.

The Constitutional Council is the regulatory organ of the functioning of the institutions and of the activity of the public powers.

It rules [on] the conflicts of attribution between the institutions of the State.

#### Article 162

The functions of member of the Constitutional Council are incompatible with the character [*qualité*] of member of the Government, the exercise of any elective mandate, of any public employment and of any other lucrative activity.

#### Article 163

The President of the Constitutional Council is elected by his peers for a period of three years renewable.

#### Article 164

Before entering into [their] functions, members of the Constitutional Council take the following oath:

*"I swear to faithfully fulfill the duties of my office, in strict respect for its obligations of neutrality and of reserve, to see to respect for the Constitution and to conduct myself with dignity and loyalty in the accomplishment of my mission."*

#### Article 165

The Constitutional Council, at the demand of the President of the Republic, of the Prime Minister, of the President of the National Assembly or of at least one-tenth [1/10] of the members of the National Assembly, decides on the constitutionality of a law before its promulgation.

#### Article 166

Any citizen can raise the pleadings [*exception*] of unconstitutionality before a jurisdiction in a matter [*affaire*] which concerns them.

In this case, the jurisdiction suspends its decision and refers [the matter] to the Constitutional Council, which must make a decision within a maximum time period of forty-five (45) days.

#### Article 167

The Constitutional Council, referred to [the matter] of a text, decides within fifteen (15) days.

However, at the demand of the Government, and in case of urgency, this time period is reduced to eight [8] days. In this case, the referral [of the matter] to the Constitutional Council suspends the time period for promulgation

#### Article 168

No text may be promulgated or implemented [concerning] its provisions declared unconstitutional.

#### Article 169

The decisions of the Constitutional Council are not susceptible to any recourse.

They are binding on the public powers and on all the administrative, military and jurisdictional authorities.

#### Article 170

The other competences, the organization and the functioning of the Constitutional Council as well as the immunities of its members are determined by an organic law.

### **Title VIII**

#### **Of the High Court of Justice**

#### Article 171

A High Court of Justice is instituted.

#### Article 172

The High Court of Justice is composed of fifteen (15) members including:

- ten (10) Deputies;
- two (2) members of the Constitutional Council;
- three (3) members of the Supreme Court.

The members of the High Court of Justice are elected by their respective peers.

The President is elected by the members of the High Court.

#### Article 173

The High Court of Justice is competent to judge the President of the Republic and the members of the Government as well as their accomplices in case of high treason.

Any act infringing the republican form, the uniqueness [*unicité*] and secularity of the State, the sovereignty, the independence and the integrity of the national territory[,] constitutes a crime of high treason.

The grave and blatant [*caractérisées*] violations of the rights of Man, the misappropriation of public funds, bribery, extortion, drug trafficking and the introduction of toxic or dangerous wastes, for their transit, deposit or storage on the national territory[,] are associated with [*assimilés*] high treason.

The President is only responsible for acts accomplished in the exercise of his functions in case of high treason.

Article 174

Outside of the cases of high treason, the members of the Government are criminally responsible for their acts before the jurisdiction of common law.

Article 175

The impeachment of the President of the Republic and of the members of the Government is voted, in secret ballot, with the majority of two-thirds (2/3) of the members of the National Assembly.

The President of the Republic and the members of the Government are suspended from their functions in case of impeachment.

In case of condemnation, the President of the Republic is removed [*déchu*] from his responsibilities [*charges*] and the ministers from their functions by the High Court of Justice.

Article 176

The High Court of Justice is bound by the definition of crimes and misdemeanors[,] as well as the determination of the resultant penalties[,] of the criminal laws in force at the moment that the acts were committed.

Article 177

An organic law establishes the rules of functioning as well as the procedure followed before the High Court of Justice

**Title IX**

**Of the Economic, Social and Cultural Council**

Article 178

A consultative Organ denominated the Economic, Social and Cultural Council[,] is instituted.

Article 179

The Economic, Social and Cultural Council is given the charge of giving its opinion on the questions of economic, social or cultural character brought to its examination by the President of the Republic, the Government or the National Assembly.

It may be consulted on any draft of plan or of program of economic, social or cultural character.

It may equally proceed to the analysis of any problem of economic and social development. It submits its conclusions to the President of the Republic and to the Government.

Article 180

The Economic, Social and Cultural Council may designate one of its members at the demand of President of the Republic, of the Government or of the National Assembly, to present [*exposer*] before these Organs the opinion of the Council on the questions that have been submitted to it.

Article 181

An organic law establishes the composition, the organization and the functioning of the Economic, Social and Cultural Council.

**Title X**  
**Of the High Council of Communication**

Article 182

A High Council of Communication is instituted.

The High Council of Communication is an independent administrative authority.

Article 183

The High Council of Communication is composed of nine (9) members appointed by Decree of President of the Republic.

They are appointed in the following manner:

- two (2) notable persons [*personnalités*] by the President of the Republic;
- two (2) notable persons by the President of the National Assembly;
- three (3) professionals in audiovisual Communication and the written press designated by their peers;
- one magistrate appointed by the President of the Supreme Court;
- one notable persons of the world of culture, of the arts and letters[,] designated by his peers.

Article 184

The High Council of Communication elects its Bureau from among its members.

Article 185

The High Council of Communication:

- sees to the respect of the rules of ethics [*déontologie*] in matters of information and of communication;
- guarantees the freedom of the press and the pluralistic expression of opinions;
- regulates the relations of communication between the public powers, the organs of information and the public;
- assures to the political parties the equal access to the public media;
- guarantees to the associations the equitable access to the public media;
- gives technical advice, [and] recommendations on the questions touching the domain of information.

Article 186

The other attributions, the organization and the functioning of the High Council of Communication are specified by the law.

**Title XI**  
**Of National Defense and of Security**

Article 187

The National Defense and Security are assured by the Armed Forces and [Forces] of Security.

Article 188

The Armed Forces and [Forces] of Security are composed of:

- the National Army;
- the National *Gendarmerie*;

- the National Police;
- the National and Nomadic Guard.

#### Article 189

The Armed Forces and the [Forces] of Security are at the service of the Nation.

The are submitted to the republican legality.

They are subordinated to the civil power.

#### Article 190

The Armed Forces and the [Forces] of Security are apolitical.

No one may use them to individual [*particulières*] ends.

#### Article 191

The National Defense is assured by the National Army and the National *Gendarmerie*.

The maintenance of the public order and of security is assured by the National Police, the National and Nomadic Guard and the National *Gendarmerie*.

### Chapter I

#### Of the National Army of Chad

#### Article 192

The National Army of Chad has for its mission to defend the territorial integrity, the national unity, to guarantee the national independence and the security of the country against any external aggression or threat [*menace*].

#### Article 193

The National Army of Chad participates in tasks of economic and social development as well as in humanitarian operations.

#### Article 194

Missions not provided for by this Constitution are defined by the law.

### Chapter II

#### Of the National Gendarmerie

#### Article 195

The National Gendarmerie has for its mission:

- to assure the protection of persons and of assets;
- to assure the maintenance and the reestablishment of the public order;
- to assure respect for the laws and regulations.

#### Article 196

The National *Gendarmerie* executes the tasks of Judicial Police and of Administrative Police. Its action is exercised on the whole of the national territory within respect for the freedoms and of the rights of Man.

### Chapter III

#### Of the National Police

#### Article 197

The National Police has for its missions:



- to see to the security of the State;
- to assure the maintenance and the reestablishment of the public order;
- to see to the security and to the protection of persons and of assets;
- to see to the [public] tranquility and to the public health [*salubrité*];
- to assure respect for the laws and regulations.

Article 198

The action of the National Police action is exercised on the whole of the national territory within respect for the freedoms and of the rights of Man.

**Chapter IV**  
**Of the National and Nomadic Guard**

Article 199

The National and Nomadic Guard has for its missions:

- the protection of the political and administrative authorities;
- the protection of public edifices;
- the maintenance of order in the rural and nomadic milieu;
- the guarding and the surveillance of jails [*maisons d'arrêt*].

Article 200

The action of the National and Nomadic Guard is exercised on the whole of the national territory within respect for the freedoms and of the rights of Man.

Article 201

The organization, the functioning, [and] the other missions and attributions of the National Army, of the National *Gendarmerie*, of the National Police and of the National and Nomadic Guard[,] are established by the Law.

**Title XII**  
**Of the Decentralized Territorial Collectivities**

Article 202

The Decentralized Territorial Collectivities of the Republic of Chad are:

- the rural communities [*communautés*];
- the communes;
- the departments;
- the regions.

Article 203

The Decentralized Territorial Collectivities are endowed with juridical [*morale*] personality.

Their administrative, financial, patrimonial, [and] economic autonomy is guaranteed by the Constitution.

Article 204

The Decentralized Territorial Collectivities administer themselves freely by elected Assemblies which govern by their deliberations the matters [*affaires*] which are devolved to them by the Constitution and by the law.

The deliberations of the local Assemblies are executory of plain right on their publication.

However, they may not be contrary to the constitutional, legislative and regulatory provisions.

#### Article 205

The members of the local Assemblies are elected by universal direct suffrage for a mandate of six years renewable.

#### Article 206

The local Assemblies elect[,] from within themselves[,] executive organs for a mandate of three years renewable.

The executive organs are responsible before the local Assemblies.

#### Article 207

The State assures the protection [*tutelle*] of the Decentralized Territorial Collectivities. It is represented before them by the heads [*chefs*] of deconcentrated administrative units [*unités*] given the charge of defending the national interests and of having the laws and regulations respected.

#### Article 208

The State sees to the harmonious development of all the Decentralized Territorial Collectivities on the basis of national solidarity, of regional potential and of inter-regional equilibrium.

#### Article 209

The Decentralized Territorial Collectivities assure within the limits of their territorial resort and with the concurrence of the State:

- the public security;
- the administration and the management of the territory;
- the economic, social, health [*sanitaire*], cultural and scientific development;
- the protection of the environment.

The law determines the division [*répartition*] of the competences in consideration of the local and national interests.

#### Article 210

The Decentralized Territorial Collectivities vote and administer [*gèrent*] their budgets.

#### Article 211

The resources of the Decentralized Territorial Collectivities are constituted notably by:

- the revenues [*produits*] of the imposts and taxes voted by the Assemblies of the Decentralized Territorial Collectivities and collected directly by them;
- the part that reverts to them[,] of right[,] from the revenues of imposts and taxes collected to the profit of the budget of the State;
- the revenues of the endowments [*dotations*] and the subsidies [*subventions*] attributed by the State;
- the revenues of the loans [*emprunts*] contracted by the Decentralized Territorial Collectivities, either on the internal market, or on the external market after the

agreement of the national monetary authorities, with or without guaranty of the State;

– the gifts and bequests [*dons et legs*];

– the revenues [*revenues*] of their patrimony;

– the percentage on the revenues of the resources of the soil and of the sub-soil exploited on their territory.

#### Article 212

The rules [*règles*] relative to the juridical status, to the organization, to the functioning and to the attributions of the Decentralized Territorial Collectivities as well as their relations with the central power are established by an organic law.

### **Title XIII**

#### **Of the Traditional and Customary Authorities**

#### Article 213

The traditional and customary authorities are the guarantors of use and custom.

#### Article 214

The concur in the grouping [*encadrement*] of the populations and support the action of the Decentralized Territorial Collectivities.

#### Article 215

They are the collaborators of the administration within respect for the freedoms and of the rights of Man.

#### Article 216

An organic law determines their status and attributions.

### **Title XIV**

#### **Of Cooperation, of the Treaties and International Agreements**

#### Article 217

The Republic of Chad may conclude with other States agreements of cooperation or of association on the basis of the principles of equality, of mutual respect of sovereignty, of territorial integrity, of reciprocal benefits [*avantages*] and of national dignity.

It may create with the States organs [*organismes*] of common management, of coordination and of cooperation within the economic, monetary, financial, scientific, technical, military and cultural domains.

#### Article 218

The President of the Republic negotiates and ratifies the treaties. He is informed of any negotiation tending to the conclusion of an international agreement not submitted to ratification.

#### Article 219

The peace treaties, the defense treaties, the treaties of commerce, the treaties relative to the use of the national territory or to the exploitation of the natural resources, the agreements relative to international organization, those which engage the finances of the State or those which are relative to the status [*état*] of persons, may only be approved or ratified after the authorization of the National Assembly.

The treaties and agreements only take effect after having been approved and ratified.

No cession, no exchange, no addition of territory, is valid without the consent of the People expressed by way [*voie*] of referendum.

#### Article 220

If the Constitutional Council, referred to [the matter] by the President of the Republic or by the President of the National Assembly, has declared that an international engagement contains a clause contrary to the Constitution, the authorization of ratification may only intervene after the revision of the Constitution.

#### Article 221

The Treaties or Agreements regularly ratified have, on their publication, an authority superior to that of the national laws, under reserve for each Agreement or Treaty of its application by the other party.

### **Title XV**

#### **Of Revision**

#### Article 222

The initiative of revision belongs concurrently to the President of the Republic, after decision taken in the Council of Ministers, and to the members of the National Assembly.

To be taken into consideration, the bill or the proposal of revision must be voted with the majority of three-fifths (3/5) of the members of the National Assembly.

The revision of the Constitution is approved by referendum or by the vote of the majority of two-thirds (2/3) of the members of the National Assembly.

#### Article 223

No procedure of revision may be engaged or pursued when it infringes:

- the integrity of the territory, the independence, or the national unity;
- the republican form of the State, the principle of the separation of powers and secularity;
- the freedoms and fundamental rights of the citizen;
- the policy [of] pluralism.

#### Article 224

No procedure of revision may be engaged when the President of the Republic exercises the exceptional powers or when the Interim President exercises the functions of President of the Republic in accordance with the provisions of Articles 87 and 76 of this Constitution.

### **Title XVI**

#### **Of Final Provisions**

#### Article 225

This Constitution is adopted by referendum. It enters into force on its promulgation by the President of the Republic within the eight (8) days following the proclamation of the result of the referendum by the Constitutional Council.