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**CONSTITUTION OF BURUNDI**  
*We, the people's representatives to the National Assembly,*

**PREAMBLE**

**Considering** that in view of the gravity of the multidimensional crisis affecting our country, it requires to reaffirm faith in the nation of Burundi and engage in rebuilding a proactive nation state unit;

**Recognizing** the need for all institutions and engage political organizations in a way that gives priority to peace;

**Convinced** of the urgency to create the conditions for a large rally for peace that is the crucible of all forces committed to building a lasting peace for our country;

**Noting** that genocide has become a dramatic reality in Burundi and the sub region of the Great Lakes, it is imperative that society, especially institutions and political organizations, resolutely fighting against the ideology of genocide and adopt strategies to eradicate it;

**Determined** to fight against all forms of exclusion and seek ways of proactive solutions wherever exists relevant problems.

**Reaffirming** the commitment to forge a democratic system for all, reassuring inspired by the realities of our country and based on the values of assembly, participation and consensus rather than confrontation and opposition;

**Determined** to promote good governance and sound management of the State;

**Affirming** the need for a transitional period to consolidate peace and security, stabilize the country and educate people on peace and democracy;

**Proclaiming** our commitment to respect for fundamental human rights as a result of the Universal Declaration of Human Rights 10 December 1948, the International Covenants on Human Rights of 16 December 1966, the African Charter on Human and Peoples' Rights of 18 June 1981 and the Charter of National Unity;

**Conscious** of the urgent need to promote economic development and social development of our country and ensure the preservation of our national culture;

**Reaffirming** the importance in international relations, the rights of people to self-determination;

**Whereas** relations between peoples should be characterized by peace, friendship and cooperation under the UN Charter of 26 June 1945;

**Reaffirming** our commitment to the cause of African Unity in accordance with the Charter of the Organization of African Unity, 25 May 1963; given the current constitutional impasse;

**Adopt the present Constitutional Act of Transition.**

## **PART I**

### **GENERAL PROVISIONS**

#### **Article 1**

This Constitutional Act shall determine and organize the operation of institutions of the Republic during the transition period.

#### **Article 2**

The institutional transition covers the period that takes effect from the date of enactment of this Act Council until the date of promulgation of the future constitution.

#### **Article 3**

These are the transitional institutions priority tasks:

- Restore and consolidate peace and security;
- To stabilize the country and reconcile the people of Burundi;
- Consolidate the national consciousness in place of the ethnic consciousness;
- Educate politicians and the public about the values of peace and democracy;
- Fight the ideology of genocide and all forms of exclusion;
- Fight against the impunity of crimes and promote a fair and reconciliation;
- Repatriate refugees, resettlement, reintegration and rehabilitation of all victims;
- Reviving the economy;
- Promote and strengthen good governance and sound management of the State;
- Promote a process to negotiate a lasting solution to the conflicting Burundi;
- Prepare and implement a democratic system suited to the realities of the country.

## **PART II**

### **THE STATE AND SOVEREIGNTY OF THE PEOPLE**

#### **Article 4**

Burundi is a unitary republic, independent, sovereign, secular and democratic. Its principle is government of the people, by the people and for the people.

Its democratic system must be consistent with the fundamental values of society that are national unity, social peace, development, independence and national sovereignty.

#### **Article 5**

National sovereignty belongs to the people who exercise it either directly through referendum through representatives. No part of the people or individual may be denied exercise of this right.

#### **Article 6**

The Republic of Burundi is divided into provinces and municipalities. The law determines their organization and functioning as well as other districts tape. It may change the boundaries and numbers.

The national territory is inalienable and indivisible, subject to the provisions of **Title X** of this Act Constitutional.

#### **Article 7**

The capital of Burundi in Bujumbura is not fixed. It can be transferred to any other part of the Republic as may be required by the law.

#### **Article 8**

The flag of Burundi is a tricolor of green, white and red. It has the shape of a rectangle shared by a frying pan, with its center a white disk struck three red stars to six branches that form an equilateral triangle inscribed in a fictitious notional circle having the same center as the disk and whose base is parallel to the length of the flag. The law specifies the dimensions and other details of the flag.

## **Article 9**

The currency of Burundi: Unité, Travail, Progrès.

The emblem of the Republic is a shield hitting the head of a lion and three spears, all surrounded by the national currency.

The national anthem is Bwacu Burundi.

The seal of the Republic is determined by law.

## **Article 10**

The national language is Kirundi. The official languages are Kirundi and other languages determined by law.

## **Article 11**

The quality of Burundians acquired, retained and lost will be under the conditions determined by law.

## **TITLE III**

### **DECLARATION OF HUMAN RIGHTS, DUTIES OF THE INDIVIDUAL AND CITIZEN**

## **Article 12**

Respect for the rights and duties proclaimed are guaranteed by the Universal Declaration of Human Rights, the International Covenants on the Rights of man, the African Charter on Human and Peoples' Rights and the Charter on national unity as guaranteed by Constitutional Act.

No restriction of these rights may be imposed by law.

## **Article 13**

The human person is sacred and inviolable. The State has an absolute obligation to respect and protect the person.

## **Article 14**

Everyone has the right to development and full flowering of the person in respect of the Constitution, public order, morality and rights of others.

#### **Article 15**

Everyone has the right to life, security of person and physical integrity.

#### **Article 16**

Freedom of the human person is inviolable. Restrictions can not be made to this freedom under the law. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

#### **Article 17**

All men are equal in dignity, rights and duties without distinction of sex, origin, ethnicity, religion or opinion. All men are equal before law and are entitled without discrimination to the equal protection of the law.

#### **Article 18**

No person may be charged, arrested or detained except in the cases determined by law enacted prior to the facts against him. The right of defense is guaranteed to all jurisdictions. Nobody can be against his will, Judge that the law against it.

#### **Article 19**

Any person accused of a crime is presumed innocent until proved guilty legally established in a public trial during which all guarantees necessary for his defense and free will have been insured.

#### **Article 20**

No person shall be sentenced for actions or omissions which, when they were committed did not constitute infringement. Similarly, no sentence can be imposed higher than the one that was applicable at the time the offense was committed.

#### **Article 21**

No one shall be subjected to security measures except in the cases and manner provided by law and in particular for reasons of public order or state security.

#### **Article 22**

No one shall be subjected to torture or ill-treatment or cruel, inhuman or degrading treatment.

#### **Article 23**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honor and reputation. There can only be ordered searches of premises in the forms provided by law. The secrecy of correspondence and communication is guaranteed this power in accordance with the terms and conditions determined by law.

#### **Article 24**

All Burundians have the right to move and settle freely within the national territory as well as leave and return. The exercise of this right may be limited by law for reasons of public order or security, or in dealing with collective danger or to protect people in danger.

#### **Article 25**

No citizen may be forced into exile.

#### **Article 26**

The right to asylum is recognized in the conditions defined by law. Extradition is permitted within the limits prescribed by law. No Burundians shall be extradited abroad.

#### **Article 27**

Everyone has the right to freedom of thought, conscience, religion and worship in respect of public order and the law. The exercise of religion and expression and beliefs are to be made in accordance with the principle of secularity of the State.

#### **Article 28**

Everyone has the right to freedom of opinion and expression in accordance with the public and the law. Freedom of press is recognized and guaranteed by the State.

### **Article 29**

Everyone has the right to property. No one shall be deprived of his possessions save for the public in the cases and manner established by law and this is subject to a just and prior compensation or it must be pursuant to a court decision in casting res judicata.

### **Article 30**

Freedom of peaceful assembly and association is guaranteed under the conditions laid down by law.

### **Article 31**

All Burundians have the right to participate, either directly or indirectly through their representatives, in management and administration of State affairs subject to the legal requirements, including age and capacity. Every Burundian has the right of equal access to the public service in his country.

### **Article 32**

The family is the basic nature of society. Marriage is the support legitimate. The family and marriage are under the protection of the State.

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

Every child is entitled to special protection measures required by his status as a minor from his family, society and state.

### **Article 33**

Everyone is entitled to the realization of economic, social and cultural rights indispensable for his dignity and the free development of the person, through national effort and the given resources of the country.

### **Article 34**

Every citizen has the right of equal access to education, and culture. The State has the duty to organize public education. However, the right to establish private schools is guaranteed under conditions fixed by law.

### **Article 35**

The State grants all citizens the right to work and strives to create conditions that make the enjoyment of this right effective. It recognizes the right of everyone to the enjoyment of fair and satisfactory working conditions and guarantees the worker fair compensation for his services or production.

### **Article 36**

Every person is without any discrimination entitled to an equal payment for equal work done.

### **Article 37**

Any worker may defend as provided by law, their rights and interests, either individually or collectively or through trade union action. The right to strike is exercised under the conditions defined by law.

### **Article 38**

Everyone is entitled to protection of moral and material interests resulting from any scientific, literature or artistic production of which he is the author.

### **Article 39**

Any alien who is in the territory of the Republic shall enjoy the protection granted to persons and property under this Act and under Constitutional law.

### **Article 40**

In exercising rights and the enjoyment of freedoms, everyone shall be subject to the limitations imposed by law solely for the purpose of securing due recognition and respect for rights and freedoms of others and of meeting the just requirements of morality, public order and general welfare in a democratic society.

### **Article 41**

The judiciary, as guardian of rights and public freedoms, ensures compliance with these rights as provided by law.

#### **Article 42**

No one can abuse the rights recognized by the Constitutional Act or by any law to undermine national unity, territorial integrity or political independence of Burundi, undermine the republican regime, the secularity of the State or violate any other provision in the Constitutional Act.

## **2. DUTIES OF THE INDIVIDUAL AND CITIZEN**

#### **Article 43**

Every citizen has duties towards his family and society, the State and the other public.

#### **Article 44**

Each Burundian has a duty to preserve and strengthen national unity in accordance with the Charter of National Unity.

#### **Article 45**

Everyone shall respect the laws and institutions of the Republic.

#### **Article 46**

Each Burundian has a duty to preserve the harmonious development of the family and work for the cohesion and respect of the family, at all times respect his parents, to nurture and assist in case of necessity.

#### **Article 47**

Each person has the duty to respect and consider his fellow beings without discrimination, and maintain relations with them that can promote, safeguard and enhance respect and mutual tolerance.

#### **Article 48**

Each Burundian must ensure that in his relations with society, aims at preserving and strengthening Burundian cultural values and contributes to the establishment of a morally healthy society.

#### **Article 49**

Public property is sacrosanct and inviolable. Everyone is obliged to comply carefully and protect them. Each Burundian has a duty to defend the heritage of the nation. Any act of sabotage, vandalism, corruption, diversion, dissipation, or any other act that violates the public good is punishable as provided by law.

#### **Article 50**

All citizens are required to fulfill their civic obligations. Everyone has the duty to work for the common good and to fulfill his professional obligations.

All Burundians are equal before the public. There can be no established exemption by law. The state may proclaim the solidarity of all before the National expenses arising from natural disasters.

#### **Article 51**

Burundians responsible for any public office or elected to political office have to perform their duties with conscience, honesty, dedication and loyalty in the general interest of the people.

#### **Article 52**

Each Burundian has a duty to defend national independence and integrity of the land. Every citizen has the sacred duty to monitor and participate in the defense of his homeland. All Burundians, any alien who is in the territory of the Republic owes a duty not to undermine state security.

#### **Article 53**

Everyone has a duty to contribute to the preservation of peace, democracy and social justice.

#### **Article 54**

Every Burundian has a duty to contribute through his work to the construction and towards the prosperity of his country.

## **TITLE IV**

### **POLITICAL PARTIES**

#### **Article 55**

The multiparty system is recognized in the Republic of Burundi.

#### **Article 56**

The political party is a non-profit association, with a personality and composed of citizens around a democratic society based on national unity with a program for political objectives, driven by the desire to achieve the general interest and development of all.

#### **Article 57**

Political parties are approved in accordance with this Act and Constitutional law. To be approved, they are required in adherence to the Charter of the National Unity to adhere to the following fundamental principles: respect, safeguarding and consolidation of national unity, the protection and promotion of rights fundamental human rights, promotion of a state based on respect and the defense of democracy, defending territorial integrity and sovereignty, national prohibition of intolerance of; ideology of genocide, the ethnicity of regionalism, xenophobia, the use of violence in all its forms.

The political parties are required to comply with the Charter of National Unity and the above principles, during their operation.

#### **Article 58**

Political parties, in their organization and the composition of board leaders, must meet, both at the stage of approval in their functioning, democratic principles and at the ideal of national unity by taking account of the various components of the Burundian population.

#### **Article 59**

Political parties shall be involved by peaceful means, in the political life through their governing bodies at national, provincial and communal levels.

#### **Article 60**

Without prejudice to Article 30, and having regard to the requirements of restoration of peace and national cohesion, political parties are not allowed to organize demonstrations and public meetings of the party leaders at national, provincial and communal levels save for the authorized meetings.

#### **Article 61**

It is forbidden for political parties to identify themselves in any form in action or other manner whatsoever, including ethnicity, region, religion, a sect or gender.

#### **Article 62**

The members of the armed forces, the police and magistrates are not allowed to join political parties.

#### **Article 63**

The external funding of political parties is prohibited unless an exemption established by law. Any other financing detract from independence and national sovereignty is also prohibited. The law identifies and organizes the funding of political parties.

#### **Article 64**

The conditions under which political parties are formed, exercise and stop their activities are determined by law.

### **TITLE V**

#### **THE EXECUTIVE**

##### **THE PRESIDENT OF THE REPUBLIC**

#### **Article 65**

The President of the Republic is the Head of State, the symbol of national unity who ensures compliance with the Charter of National Unity and the Council and ensures its Arbitration, continuity of State and the functioning of power. He is the guarantor of national independence, territorial integrity, respect for treaties and international agreements.

#### **Article 66**

Upon entry into force of this Constitutional Act, the President of the Republic reads the solemn oath below, received by the Constitutional Court a Transitional National Assembly:

"Before the people of Burundi, the only holder of national sovereignty, I swear fidelity to the Charter of National Unity, the Constitutional Act and the law and pledge to devote all my strength to defend the supreme interests of the nation to ensure national unity, security for all, peace, justice and social development, to promote and defend the rights of man and to safeguard the integrity and independence of the Republic ".

#### **Article 67**

During their appointment and at the end thereof, the President of the Republic, Vice-Presidents and members of the Government are required to honor a written declaration of their property and wealth to the Supreme Court.

#### **Article 68**

The President exercises the authority and ensures the execution of laws. He exercises his powers by decree and the decree is countersigned as appropriate by the Vice President and the Ministers concerned.

The countersignature is not for the acts of the President under Articles; 71, 74, 76, 83, 123, 124 of this Constitutional Act Transition.

The President may delegate his powers to Vice President except those listed in the preceding paragraph.

#### **Article 69**

The President, after consultation with the Vice-Presidents may appoint officials to the government and terminate their appointments.

#### **Article 70**

The President chairs the Council of Ministers.

#### **Article 71**

The President is the head of army. He declares war and signs the armistice after consultation with the Government, the President of the Assembly and the Domestic and National Security Council.

#### **Article 72**

The President of the Republic shall appoint to senior positions, both civilian and military. Organic law defines the categories of posts referred to in the preceding paragraph.

#### **Article 73**

The President of the Republic accredits and recalls ambassadors and envoys extraordinary to foreign states and receives letters of credence and recalls ambassadors and special envoys of foreign states.

#### **Article 74**

The President of the Republic has the right to pardon.

#### **Article 75**

The President gives the national orders and declarations of the Republic.

#### **Article 76**

Where the institutions of the Republic, the independence of the Nation, the integrity of territory or the fulfillment of its international commitments are threatened with serious and immediate instability and that the functioning of public authorities is interrupted, the President may proclaim by decree-law status of emergency and take all measures required by these circumstances, after formal consultation of the President of the National Assembly, the National security and the Constitutional Court. He informs the nation by a message. These measures

should be guided by the desire to provide the public Constitutional means to accomplish their mission.

### **Article 77**

The office of President of the Republic is incompatible with the exercise of any other elective public office, any public employment and any professional activity.

They are also incompatible with the position of a leader of a political party.

### **Article 78**

The President of the Republic is criminally liable for acts executed in the performance of his duties in cases of high treason.

It is high treason when in violation of the Charter of National Unity or constitutional law, the President deliberately commits an act contrary to the best interests of the nation that seriously undermines national unity, social unity, peace, national development the human rights, the territorial integrity, independence and sovereignty of the Nation.

Acts of high treason may be against the President of the Republic, and the penalties are determined by law.

The President may be impeached by the national Assembly acting through show of hands by a three-fourths majority of its members.

The investigation can be conducted by a team of at least three judges Parquet Général de la République .( Recognized by the general republic ).

### **Article 79**

Apart from the acts within his discretion, acts of administration of the President of the Republic may be challenged before the courts.

### **Article 80**

At the expiration of his office, the President of the Republic has the right, except in case of conviction for high treason, a pension and all other privileges and facilities determined by law.

## **Article 81**

In case of absence or temporary incapacity of the President of the Republic, the Vice President performs the president's duties.

In case of vacancy due to resignation, death or any other cause of termination of service, the interim is provided by the first Vice-President or, if the latter is in turn unable to perform these functions, for the Vice-President, the vacancy is found by the Constitutional Court within three days for the first Vice-President or in his absence by the second Vice-President;

The interim authority can not form a new government.

The Government is considered resigned and can only perform just the current business until the formation of a new government.

Within a period not exceeding three months, the Transition Government and National Assembly shall appoint by consensus a new President of the Republic.

The law organizes procedures for the appointment of new President of the Republic.

## **VICE-PRESIDENTS**

### **Article 82**

In exercising his duties the President is assisted by two Vice-Presidents.

The First Vice-President coordinates the political field and Administration.

The Second Vice-President coordinates the economic and social field.

### **Article 83**

Vice-presidents are appointed and removed from office after a consultation with the President of the Republic, the President of the National Assembly and members of the Office of the National Assembly.

Their designation is made by a decree of the President of the Republic.

### **Article 84**

The first Vice-President shall chair the Council of Ministers on express delegation of President and a specific agenda.

In case of incapacity of the first Vice President, the President under this delegation to the Second Vice-President shall chair the council of ministers.

#### **Article 85**

The Vice-Presidents shall order in each sector all measures for implementation of presidential decrees. The Ministers responsible for their implementation shall countersign the orders of Vice-Presidents.

#### **Article 86**

When they take office the Vice-Presidents lend a solemn oath below:

"Before the people of Burundi, the only holder of national sovereignty, I swear fidelity to the Charter of National Unity, the Constitutional Act and the law and pledge to devote all my strength to defend the supreme interests of the nation to ensure national unity, security for all, peace, justice and social development, to promote and defend the rights of man and to safeguard the integrity and independence of the Republic ".

### **GOVERNMENT**

#### **Article 87**

The Government consists of the Vice-Presidents, Ministers and, where appropriate, Secretaries of State. It should be composed in a spirit of national unity in the light account of the various components of the Burundian population.

#### **Article 88**

The Government determines and conducts the policy of the Nation under the decisions taken by the Council of Ministers.

#### **Article 89**

Cabinet deliberates necessarily the general policy of the State, draft treaties and international agreements, bills, draft presidential decrees, draft orders of the Vice-Presidents and project orders of Ministers on continuing general regulations.

### **Article 90**

The Government is accountable to the President of the Republic. Members of the Government are politically united.

In the event of termination of a Vice President for whatever reason, his replacement has the power to order a change of government. This change does not affect the other Vice-President.

### **Article 91**

Ministers are the heads of departments who have been entrusted.

They shall, by ordinance, perform all measures for implementation of decrees, Presidential decrees and Vice-Presidents decrees.

### **Article 92**

The Secretaries of State assist the Ministers to whom the department is attached.

They participate in the deliberations of the Law Council of Ministers.

### **Article 93**

Members of the Government are criminally liable for acts performed in the exercise of their functions if they recognized as crimes or offenses when they are committed.

### **Article 94**

Services of member of the Government are incompatible with the exercise of professional activity including the exercise of a parliamentary mandate.

## **TITLE VI**

### **THE LEGISLATIVE POWER**

## **Article 95**

Legislative power is exercised by a single assembly called National Transition Assembly whose members shall be entitled "Parliamentary."

## **Article 96**

The National Transitional Assembly is composed of members of the Assembly National office at the time of adoption of this Act or Constitutional Act; their deputies and members from political parties and society calendar.

Political parties referred to in the preceding paragraph are those approved before the promulgation of this Constitutional Act of Transition and were not represented at the National Assembly.

Each of these parties is represented by a Member.

## **Article 97**

Parliamentarians from these political parties are nominated by the bodies leaders at national level in formal meetings held for that purpose and in compliance with the statutory rules on meetings and decisions.

## **Article 98**

The preceding article shall apply to the replacement of parliamentary representatives and their deputies from political parties represented in the National Assembly function prior to the enactment of this Act but whose Constitutional election districts lists are exhausted.

## **Article 99**

The parliamentary representatives of civil society are among twenty-eight members to the board. They are designated by a consultation of the President, the President of the National Assembly and the Chairman and Vice Chairman of the Board of Bashingantahe for national unity and reconciliation.

## **Article 100**

The mechanisms of enlargement of the Transitional National Assembly and the replacement of parliament in case of vacancy shall be determined by the law.

### **Article 101**

The Act establishes the system of allowances and benefits for parliamentarians and the system incompatibilities.

### **Article 102**

The mandate of parliamentarians is to national character.

Any imperative mandate is null and void.

The parliamentary vote is personal.

The Procedure of the National Assembly may authorize the exceptionally delegation to vote. In this case, no person may act on behalf of another for more than one term.

### **Article 103**

Parliamentarians can not be prosecuted, investigated or arrested, detained or tried for opinions expressed or votes cast during the sessions.

Except in cases of flagrante delicto, MPs may, during the sessions, be prosecuted only with the permission of the Office of the National Assembly.

Parliamentarians can not be arrested out of session, without the authorization of Office of the National Assembly, except in cases of flagrante delicto, tracking already authorized or a final sentence.

### **Article 104**

The parliamentary mandate is incompatible with any other public character

The law may exempt certain categories of local representatives or agents of the state regime that are incompatible with the parliamentary mandate.

### **Article 105**

A parliamentarian appointed to the Government or any other public incompatible with the parliamentary mandate that agrees to immediately cease seats in the National Assembly and is replaced. He resumes his duties as soon as causes of conflict have disappeared and if the mandate exercised is still ongoing.

## **Article 106**

The National Assembly enacts laws and controls actions of the Government.

## **Article 107**

These are within the law:

### 1. Warranties and obligations of the citizen:

- Backup of individual freedom;
- Protection of civil liberties;
- Constraints imposed in the interest of national defense and the public safety to citizens in their personal status and their property.

### 2. The status of persons and goods:

- Nationality, condition and capacity of persons;
- Matrimonial regimes, inheritance and gifts;
- Regime of the property, rights and obligations of civil and commercial.

### 3. The political, administrative and judicial systems

- General organization of the Administration;
- Territorial organization, creation and modification of constituencies

Administrative and electoral divisions;

- Electoral regime;
- General rules of organization of national defense;
- Statute of military personnel, law enforcement and public safety assimilation;
- General principles of public service;
- Regulations of the Public Service;
- State of emergency;
- Professional institutions and public services alone;
- Organization of courts of all orders and proceedings before the jurisdictions,
- Creation of new court orders, determining the statute of the judiciary, government offices and court;
- Determination of crimes and penalties that are applicable;
- Organization of the Bar;
- Prison;
- Amnesty.

### 4. Environmental protection and conservation of natural resources;

5. Financial issues and property:

- Plan to issue currency;
- State budget;
- Definition of the base and the rate of taxes;
- Sale and Management of State;

6. Nationalization and denationalization of enterprises and transfers of business properties from public to private sector;

7. The system of education and scientific research;

8. The objectives of the economic and social state;

9. The labour laws, social security, of trade union rights including conditions for exercising the right to strike.

**Article 108**

Substances other than those in the field of law have become regulations.

**Article 109**

The Finance Act shall determine, resources and expenses of the State for each year.

**Article 110**

The Transitional National Assembly has before it the bill of finances the opening of its session in October.

**Article 111**

The Transitional National Assembly passes the budget. If she has not decided by 31 December, the budget of the previous year shall be taken as provisional.

At the request of the Government, the Transitional National Assembly is convened in session, within 15 days to reconsider the Finance bill.

If the Transitional National Assembly has not passed the budget at the end of this session it is definitively established by decree-law issued by the Council of Ministers.

**Article 112**

The National Assembly shall elect a Bureau composed of the President, first Vice president and the second Vice president, the Secretary General and the Deputy Secretary General.

The President and other officers of the National Assembly are elected for the transition period under the conditions laid down by the Rules of Procedure of the Assembly.

**Article 113**

The parliamentary mandate is terminated by death, resignation, permanent disability, justified failure to more than one quarter of the meetings of a session or when the member falls into one of the cases of disqualification provided by law.

**Article 114**

The National Assembly meets annually in two ordinary sessions. The first session starts the first Monday of the month of April and the first second Monday of October each year. The total duration of each session can only exceed two months.

Special sessions, not exceeding a period of fifteen days, may be convened at the request of the President of the Republic, the Government or the application of an absolute majority of members of the National Assembly on a specific agenda.

The sessions are opened and closed by decree of President of the Republic.

**Article 115**

The National Assembly shall be valid only if two-thirds of Members are present. Laws are passed by an absolute majority of MPs.

Organic Laws are passed by a majority of two thirds of parliamentary members present, without that majority they may be less than the absolute majority of members of the House.

**Article 116**

Except in cases of force majeure duly noted by the Constitutional Court, the deliberations of the National Assembly shall be valid only if held at the ordinary place of its sessions.

Sittings of the National Assembly are public. However, the Assembly may meet in closed session if necessary.

The proceedings of the members of the National Assembly shall be published in newspaper.

#### **Article 117**

The National Assembly shall adopt the rules laying down the rules of its organization and its functioning.

#### **Article 118**

A court of accounts, responsible for the examination, and the liquidation of the statement accounts of all public services will be created and organized by law.

The court shall verify, at the end of each fiscal year, if the law of Finance been properly executed by the Government and reports to the National Assembly.

### **TITLE VII**

#### **THE RELATIONSHIP BETWEEN THE EXECUTIVE AND LEGISLATIVE**

#### **Article 119**

The agenda of the National Assembly has a priority and in government, the discussion of bills and proposals for laws submitted shall be tabled by the members of the National Assembly.

#### **Article 120**

The legislative initiative belongs jointly to the National Assembly, the President of the Republic and the Government.

#### **Article 121**

The Government has the right to propose amendments to draft laws submitted by members of the National Assembly.

Parliamentarians have the right to propose amendments to bills tabled by the Government.

However, proposals and amendments made by members of the National Assembly shall not be admissible where their adoption would result in either a significant decline in public resources, or the creation or aggravation of an important public office, unless such proposals or amendments will not be accompanied by proposals for compensatory revenue.

When the Assembly entrusts the examination of a draft to a Parliament committee, the Government may, after the opening of the debate, oppose consideration of any amendment, which was not previously subject to this Committee.

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

### **Article 122**

The Government may, for the implementation of its program, ask the House for National authorization to make laws by decree for a limited period of the measures which are normally the domain of the law.

These decree-laws must be ratified by the National Assembly during the session follows. In the absence of a ratification law, they are subject to obsolescence.

### **Article 123**

The President of the Republic shall promulgate the laws adopted by the National Assembly within thirty days of their transmission. If he makes no request a second constitutional reading is done.

The application for a new examination may cover the whole or part of the law. After a second reading the same text can not be enacted unless it has been voted by a two-thirds majority of members present to the ordinary laws, and a three-fourths majority of MPs present in the organic laws.

When the text deals with the safety aspects identified as important by the Government, the law is enacted unless it has been approved by a majority of four-fifths of members present.

### **Article 124**

The President of the Republic may, after consultation with the Vice-Chairmen and President of the National Assembly, submit to referendum any draft constitutional, legislative or otherwise

likely to have profound implications on life and the future of the nation or the nature or operation of institutions of the Republic.

#### **Article 125**

The President of the Republic shall communicate with the National Assembly through messages that are read by a member of the Government. These messages may lead to rise of any debate.

#### **Article 126**

Members of the Government may attend meetings of the National Assembly, they are heard when they so request. They may be assisted by experts.

#### **Article 127**

Parliamentarians have the right to discuss the action and policy of Government.

#### **Article 128**

The National Assembly can learn about government action through the oral or written questions sent to members of the Government.

The Government shall provide the National Assembly all the explanations requested from it on its administration and its actions.

#### **Article 129**

The National Assembly has the right to form committees to investigate the objects of government action and to submit its conclusions.

### **TITLE VIII**

#### **THE JUDICIARY**

#### **Article 130**

Justice is administered by courts and tribunals throughout the territory of the Republic on behalf of the people of Burundi.

The role and functions of the Public Ministry are filled by the judges

However, judges of courts of residence shall perform duties of the Public Prosecutor under the supervision of the Attorney to the Republic.

The organization and jurisdiction are established by law.

### **Article 131**

The court hearings are to be held in public except when closure is made by order of court, where advertising the proceedings is dangerous to public order or morality.

### **Article 132**

Every justified judicial decision is to be pronounced in an open public court.

### **Article 133**

The judiciary is independent of the legislature and the executive. In exercising its functions, the judge is subject only to the Constitutional Act and the law.

### **Article 134**

The President of the Republic, Head of State is the guarantor of the independence of the judiciary. He is assisted in this task by the Supreme Council of the judiciary, whose composition, organization and functioning is determined by law

## **1. THE SUPREME COURT**

### **Article 135**

The Supreme Court is the highest court of ordinary jurisdiction of the Republic. It is the guarantor of the enforcement by the courts. It includes:

- A Chamber of Cassation, which hears appeals against the decisions ultimately by courts other than those referred to under Article 136, paragraph 1.
- A Chamber shall rule on administrative appeals against decisions made by the administrative courts and other remedies provided by the laws.

- A Judicial Chamber hears offenses committed by politicians or public first and the last resort of hearing is the Supreme Court.

### **Article 136**

The decisions of the Administrative and Judicial Chamber of the Supreme Court and decisions of other courts of the same rank as chambers of Supreme Court may appeal to the combined chambers of the Supreme Court.

The decisions of the Chamber of Cassation and the Supreme Court are not subject to appeal, except through or review.

### **Article 137**

The Supreme Court judges are appointed by the President of the Republic.

### **Article 138**

The Act specifies the composition and organization of the Supreme Court. It determines the operating rules and procedures applicable before this Court.

### **Article 139**

The Supreme Court sitting is competent to judge the President of the Republic for high treason, the President of the National Assembly for crimes committed during their tenure. The investigation and trial are conducted cessantes business.

### **Article 140**

The persons referred to in the preceding article shall be suspended from their duties if convicted.

### **Article 141**

The Supreme Court is authorized to receive written statements of assets and heritage of the President, Vice-Presidents and Members Government.

## **THE CONSTITUTIONAL COURT**

### **Article 142**

The Constitutional Court is the court of the State in constitutional matters. It shall determine the constitutionality of laws and interpretation of the Constitutional transition.

### **Article 143**

The Constitutional Court is composed of an odd number of at least 5 members appointed by the President for a term of 4 years. Members of the Constitutional Court must be lawyers with a experience affirmed.

They are chosen from among personalities known for their integrity, their impartiality and independence. The Constitutional Court judges includes permanent and non permanent members. The permanent members are magistrates.

### **Article 144**

The Constitutional Court is competent to:

- rule on the constitutionality of laws and regulatory acts adopted in substances other than those in the field of application of the President of the Republic, the President of the National Assembly, a quarter parliamentarians or of persons and body referred to in Article 147 of This Constitutional Act.
- Interpret the constitutional act, the President of the Republic, the President of the National Assembly or a quarter of parliamentarians;
- Determine whether the procedure for appointing members of a Transitional National Assembly was proper.
- Receive the oath of the President and Vice-Presidents;
- Declare the vacancy of President of the Republic.

### **Article 145**

Organic laws before their promulgation and the Rules of the National Assembly before their application must be submitted to constitutionality control.

### **Article 146**

The Constitutional Court shall also have jurisdiction in the cases provided under Articles 76 and 116.

### **Article 147**

Any natural or legal person and the prosecution may seize the Constitutional Court on the constitutionality of laws, either directly by course of action, or indirectly through the process of

exception of unconstitutionality invoked in a case before another court. It should differ to decide until the decision of the Constitutional Court which must be within thirty days.

#### **Article 148**

A provision declared unconstitutional may not be enacted or put in application. The decisions of the Constitutional Court are not subject to constitutional complaint.

#### **Article 149**

The law determines the organization and functioning of the Constitutional Court, and the procedure applicable before it.

### **TITLE IX**

#### **COUNCIL OF BASHINGANTAHE FOR NATIONAL UNITY AND RECONCILIATION**

#### **Article 150**

The Council of Bashingantahe for national unity and reconciliation is a council including:

- to consider and advise on all matters essential for unity, peace and national reconciliation in particularly those relating to priority missions of the institutions of transition;
- regularly monitor the evolution of Burundian society in terms of the question of national unity and reconciliation;
- produce regular reports on the status of national unity and reconciliation and to bring to the attention of the nation;
- to make proposals for improving the situation of the unit and national reconciliation in the country;
- to design and initiate the necessary actions to rehabilitate Ubushingantahe institution into an instrument of peace and social cohesion;
- to give opinions and proposals on other matters affecting the nation; The Council of Bashingantahe for National Unity and Reconciliation is consulted by the President of the Republic, the Government and National Assembly. On his own initiative, may also issue opinions and make them public.

#### **Article 151**

The Council of Bashingantahe for National Unity and Reconciliation is composed of people known for their integrity and interest in life of the nation and especially to this capacity, the President appoints members of the Bashingantahe for National Unity and Reconciliation.

#### **Article 152**

The law determines the composition, organization and functioning of the Council of Bashingantahe for national unity and reconciliation.

This law also stipulates the establishment, composition, organization and operation of the Council of Bashingantahe for national unity and reconciliation at different administrative levels and their linkages.

### **THE ECONOMIC AND SOCIAL**

#### **Article 153**

The Economic and Social Council is an advisory body with jurisdiction over all aspects of economic and social development of the country. It must be consulted on any proposed development plan and on any regional or sub-regional integration project.

The Economic and Social Council may, on its own initiative, in the form of recommendations, attracting the attention of the National Assembly or the Government on reform of economic and social order as it deems consistent with or contrary to public interest. Provide advice on all matters brought to its consideration by the President of the Republic, the Government, the national Assembly or by another public institution.

#### **Article 154**

The Economic and Social Council is composed of members chosen for their competence in the various socio-professional sectors of the country.

Members of the Economic and Social Council are appointed by the President of the Republic.

#### **Article 155**

An organic law defines the composition and determines the organization and functioning of Economic and Social Council.

### **NATIONAL SECURITY**

**Article 156**

The National Security Council is an advisory body to assist the President of the Republic and the Government in developing security policy, in monitoring the situation in the country's security and the development of defense strategies in case of crisis.

The Board may be consulted on any other matter relating to security.

**Article 157**

Members of the National Security Council are appointed by the President of the Republic.

**Article 158**

An organic law defines the composition and determines the organization and functioning of the National Security Council.

**4. NATIONAL COMMUNICATIONS****Article 159**

The National Communications ensures the freedom of communication broadcast and print media in accordance with the law, public order and good morals.

The National Communication is an independent body. It is guided by the principles of neutrality, objectivity, impartiality and a desire to preserve public interest.

The Council has powers of decision in particular as regards respect for freedom of press. It also plays an advisory role to the Government's communication.

**Article 160**

Members of the National Communications are appointed by the President of the Republic.

**Article 161**

A law shall specify the composition and determine the organization and functioning of National Communications.

## **TITLE X**

### **TREATIES AND INTERNATIONAL AGREEMENTS**

#### **Article 162**

The President of the Republic shall sign senior international negotiations and ratify treaties and agreements.

#### **Article 163**

Peace treaties and trade treaties, treaties relating to the international organization treaties that commit the finances of the State, to amend the provisions of a legislative nature as well as those relating to personal status may be ratified only by law.

#### **Article 164**

The Republic of Burundi may establish with other organizations international management and coordination of common and open cooperation. She may conclude association or community agreements with other states.

#### **Article 165**

The treaties do not take effect until they have been duly ratified, and subject to their application by the other party to bilateral treaties and the achievement of conditions for the force provided by them to multilateral treaties.

#### **Article 166**

Agreements installation of foreign military bases in national territory and allowing the storage of toxic waste and other materials that could seriously damage the environment are prohibited.

#### **Article 167**

No surrender, no exchange, no addition of territory shall be valid without the consent of the Burundian people will exercise this by casting votes in a referendum.

#### **Article 168**

When the Constitutional Court is before the President of the Republic, the President of the National Assembly or a quarter of parliament if commitment includes a clause contrary to the

Constitutional Act shall by authorization ratify this appointment which shall be deferred until the review of the Constitutional Act.

## **TITLE XI**

### **THE REVIEW OF THE CONSTITUTIONAL**

#### **Article 169**

The initiative for the revision of the Constitution belongs jointly to the President of the Republic after consultation with the Government and Assembly National absolute majority of its members.

The project or the proposed amendment shall be adopted by a majority of four-fifths of the members of the National Assembly.

## **PART XII**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 170**

After its adoption by the National Assembly in office, this Constitutional Act Shall be promulgated by decree-law of President of the Republic.

#### **Article 171**

Upon entry into force of the Constitutional Act, the President of the Republic Functions shall assume the powers conferred by it to the presidential institution.

Pending the establishment of the Constitutional Court, the oath of the President of the Republic under Article 66 of the Constitutional Act will be received by the Supreme Court.

#### **Article 172**

Pending the appointment of the new Government, the Government remains accordingly.

#### **Article 173**

Notwithstanding section 112, the President of the Assembly National Service shall be the Chairman of the National Assembly Transition from the entry into force of this Constitutional Act.

#### **Article 174**

Notwithstanding Article 83 and pending the election of the General National Transition, the Vice-Presidents are appointed after consultation with the President of the Republic, the President and officers of the previous Assembly and the Presidents of Parliamentary Groups.

#### **Article 175**

Pending the effective establishment of a Transitional National Assembly, the current National Assembly shall remain in office.

The Office of the National Assembly shall remain presiding over it until the adoption of internal rules governing the National Assembly Transition and the establishment of a new Bureau.

#### **Article 176**

To the extent that they are not contrary to this Constitutional Act, the international commitments of the State of Burundi and all the laws and regulations prior to its signature shall remain in force until their amendment or repeal.

#### **Article 177**

The present transitional constitution Act provides for the future and is not retroactive application.

The Constitution of the Republic of Burundi, adopted on 9 March 1992 and promulgated March 13 1992 and the Decree-Law No. 1/001/96 of 13 September 1996 Institutional system of transition are repealed. This Constitutional Act shall enter into force upon promulgation.

