



*The Constitution*  
*of the*  
*Somali Republic*



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**THE CONSTITUTION  
OF THE  
SOMALI REPUBLIC**

THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY

Acting in his capacity of Provisional President of the Republic,

HAVING TAKEN NOTE of the decision of the Constituent Assembly which, on 31st June 1960 approved the Constitution of the Somali Republic,

AND of the first of the transitional and final provisions of the Constitution,

AND of paragraph 1 of the third of the transitional and final provisions of the Constitution,

HEREBY PROMULGATES

the Constitution of the Somali Republic in the following text:

**P R E A M B L E**

IN THE NAME OF GOD THE COMPASSIONATE AND MERCIFUL

THE SOMALI PEOPLE

CONSCIOUS of the sacred right of self-determination of peoples solemnly consecrated in the Charter of the United Nations;

FIRMLY decided to consolidate and protect the independence of the Somali nation and the right to liberty of its people, in a democracy based on the sovereignty of the people and on the equality of rights and obligations of all the citizens;

DETERMINED to co-operate with all peoples for the consolidation of liberty, justice and peace in the world, and in particular with those peoples with whom they are linked by history, religion, culture and political outlook for the creation of a better future;

IN CONSTITUTING THEMSELVES into a unitary, sovereign and independent Republic, lay down as the basis of the juridical and social order of the Somali Nation the present:

CONSTITUTION

FIRST PART

GENERAL PRINCIPLES

Article 1

The Republic

1. Somalia is an independent and fully sovereign State. It is a representative, democratic and unitary Republic. The Somali people is one and indivisible.
2. Sovereignty belongs to the people who shall exercise it in the forms determined by the Constitution and the laws. No part of the people nor any individual may claim sovereignty or assume the right to exercise it.
3. Islam shall be the religion of the State.
4. The national flag shall be light blue in colour, rectangular, and shall have a white star with five equal points emblazoned in its centre.
5. The emblem of Somalia shall be composed of an azure escutcheon with a gold border and shall bear a silver five-pointed star.

The escutcheon, surmounted by an embattlement with five points in Moorish style, the two lateral points halved, shall be borne by two leopards rampant in natural form facing each other, resting on two lances crossing under the point of the escutcheon, with two palm leaves in natural form interlaced with a white ribbon.

Article 2

The people

1. The people consists of all the citizens.
2. The manner of acquiring and losing citizenship shall be established by law.
3. No person may be denied citizenship or deprived thereof for political reasons.

Article 3

Equality of the citizens

All citizens, without distinction of race, national origin, birth, lan-

guage, religion, sex, economic or social status or of opinion, shall have equal rights and responsibilities before the law.

Article 4

Territory of the State

1. The national territory is sacred and inviolable.
2. The territorial sovereignty shall extend to the continental territory, the islands, the territorial sea, the subsoil, the air space above and the continental shelf.
3. Any modification of the national territory must be authorized by a law approved by a four-fifths majority of the members of the National Assembly.
4. The law shall determine the parts of the territory and the property which belong to the State and to public bodies, and establish the legal status thereof.

Article 5

Supremacy of the law.

1. The organization of the State and the relationships between the State and other persons, public or private, shall be governed by law.
2. Administrative acts contrary to law and legislative acts contrary to the Constitution may be rendered invalid on the initiative of any person concerned in accordance with the provisions of the Constitution.

Article 6

The Republic in the international order

1. The generally accepted rules of international law and international treaties duly concluded by the Republic and published in the manner prescribed for legislative acts shall have the force of law.
2. The Republic repudiates war as a means of settling international disputes.
3. It accepts, on conditions of parity with other States, limitations on its sovereignty required for an arrangement to ensure peace among nations.
4. The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories and encourage solidarity among the peoples of the world, and in particular among African and Islamic peoples.

Article 7

Human Rights

The laws of the Republic of Somalia shall comply, in so far as possible, with the principles of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10th December 1948.

SECOND PART

FUNDAMENTAL RIGHTS AND DUTIES OF THE CITIZEN

Article 8

Right of access to public office

Every citizen who possesses the qualifications required by law shall be have the right to vote.

2. The vote shall be personal, equal, free and secret.

Article 9

Right of access to public office

Every citizen who possesses the qualifications required by law shall be equally eligible for public office.

Article 10

Right of petition

1. Every citizen shall have the right to address written petitions to the President of the Republic, the National Assembly and the Government.
2. Every petition which is not manifestly unfounded shall be examined.

Article 11

Right of residence

1. Every citizen shall have the right to reside and travel freely in any part of the national territory and shall not be subjected to deportation.
2. Every citizen shall have the right to leave the national territory and to return thereto.

Article 12

Right of political association

1. Every citizen shall have the right to associate in political parties,

without previous authorization, for the purpose of co-operating democratically and peacefully in the shaping of national policies.

2. Political parties and associations which are secret, have an organization of a military character or have a tribal denomination shall be prohibited.

Article 13

Right to form trade unions

1. Every citizen shall have the right to form trade unions or to join them for the protection of his economic interest.
2. Trade unions organized according to democratic principles shall have a juridical personality in accordance with the law.
3. Trade unions having a juridical personality may negotiate collective labour contracts binding on their members.

Article 14

Right to economic initiative

1. Every citizen shall have the right to economic initiative within the framework of the laws.
2. The law may control the exploitation of the economic resources of the national territory.

Article 15

Duty of loyalty to the homeland

1. Every citizen shall be loyal to the State.
2. The defence of the homeland shall be the duty of every citizen.
3. Military service shall be governed by law.

THIRD PART

FUNDAMENTAL RIGHTS AND DUTIES OF MAN

TITLE I

Right to liberty

Article 16

Right to life and to personal integrity

1. Every person shall have the right to life and to personal integrity.

2. Arbitrary limits to such rights may not be established.
3. The law may prescribe the death penalty only for the most serious crimes against human life or the personality of the State.

Article 17

Personal liberty

1. Every person shall have the right to personal liberty.
2. Subjection to any form of slavery or servitude shall be punishable as a penal offence.
3. No person shall be liable to any form of detention or other restriction of personal liberty except when apprehended in «flagrante delicto» or pursuant to a duly authorized act of the competent judicial authority and then only in cases and under the procedure prescribed by law.
4. In cases of urgent necessity, expressly defined by law, the competent administrative authority may adopt provisional measures which forthwith shall be communicated to the competent judicial authority and confirmed by it within the time and in the manner required by law, failing which such measures shall be deemed to have been revoked and shall be void.
5. In each case of detention or other restriction on personal liberty, the reasons for the measure shall be forthwith communicated to the person concerned.
6. No person shall be subjected to security measures except in the cases and in the manner prescribed by law and pursuant to a legitimate act of the competent authority.
7. No person shall be subjected to inspection or personal search except in cases under the procedure set out in the preceding paragraphs 3, 4, and 5, and in the other cases and under the procedure defined by law for judicial, sanitary or fiscal reasons. In each case, the self-respect and moral dignity of the person concerned must be preserved.

Article 18

Guarantees in cases of restriction of personal liberty

Any physical or moral violence against any person subject to some form of restriction of personal liberty shall be punishable as a penal offence.

Article 19

Extradition and political asylum

1. Extradition may be ordered only in the cases and in the manner de-

fined by law and required by international convention.

2. No person may be subjected to extradition for political offences.
3. An alien liable to prosecution in his own country for political offences shall have the right to asylum in the territory of the State in the cases and under the conditions provided by law.

Article 20

Limits to personal service and property levy

No personal service or property levy may be imposed save in accordance with law.

Article 21

Freedom of domicile

1. Every person has the right to the inviolability of his domicile.
2. No inspection, search or seizure shall be carried out in the domicile or in any other place reserved for personal use except in the cases and under the conditions set out in paragraphs 3, 4, and 5 of article 17 and in the other cases and in the manner provided by law for judicial reasons.
3. Inspections made for public health, safety or fiscal reasons shall not be carried out except in the cases and in the manner prescribed by law.

Article 22

Freedom of correspondence

1. Every person shall have the right to freedom and secrecy of written correspondence and of any other means of communication.
2. Limitations thereon may be imposed only in the cases and under the provisions laid down in paragraphs 3, 4 and 5 of article 17 and in the other cases and in the manner prescribed by law for judicial reasons.

Article 23

Social equality

All persons are equal in social dignity.

Article 24

Property

1. The right to own property is guaranteed by law, which shall define the modes of acquisition and the limits to the enjoyment thereof to en-

sure its social function.  
2. Property may be expropriated only for reasons of public interest and in the manner prescribed by law, in exchange for equitable and timely compensation.

Article 25

Freedom of assembly

1. Every person shall have the right to assemble in a peaceful manner for a peaceful purpose.
2. The law may provide that previous notice of public meeting be given to the authorities, who may forbid them only for reasons of public health, safety, morality, order or security.

Article 26

Freedom of association

1. Every person shall have the right freely to form associations without authorization.
2. No person may be compelled to join an association of any kind or to continue to belong to it.
3. Secret associations or those having an organization of military character are prohibited.

Article 27

Right to strike

The right to strike is recognized and may be exercised only within the limits set by law. Any act tending to discriminate against, or to restrict, the free exercise of trade union rights shall be prohibited.

Article 28

Freedom of opinion

1. Every person shall have the right freely to express his own opinion in any manner, subject to any limitations which may be prescribed by law for the purpose of safeguarding morality and public security.
2. Expressions of thought may not be subject to authorization or to preventive censorship.

Article 29

Freedom of religion

Every person shall have the right to freedom of conscience and free-

ly to profess his own religion, to worship it and impart its teaching, subject to any limitations which may be prescribed by law for the purpose of safeguarding morality, public health or order.

Article 30

Personal status

1. Every person shall have the right to a personal status in accordance with the provisions of law or custom.
2. The personal status of Moslems is governed by the general principles of the Islamic Sharia.

TITLE II

SOCIAL RIGHTS

Article 31

Protection of the family

1. The family, based on marriage as the fundamental element of society, shall be protected by the State.
2. Parents shall support, educate and teach their children, as required by law.
3. The law shall provide for the fulfilment of the obligations set out in the preceding paragraph in case of the death of the parents and whenever by reason of incapacity or otherwise, the parents do not perform them.
4. Children who are of full age are obliged to support their parents when the latter are unable to provide for themselves.
5. The State shall protect motherhood and childhood and encourage the institutions necessary for this purpose.
6. The State shall recognize its duty to protect children of unknown parents.

Article 32

Welfare agencies

The State shall promote and encourage the creation of welfare agencies for physically handicapped and abandoned children.

Article 33

Protection of public health

The State shall protect public health and promote free medical assistance for the indigent.

Article 34

Safeguarding of public morality

The State shall safeguard public morality in the manner prescribed by law.

Article 35

Public education

1. The State shall encourage education as a fundamental interest of the community and provide for the creation of state schools open to all.
2. Primary education in public schools shall be free.
3. Freedom of teaching shall be guaranteed by law.
4. Organizations and individuals shall have the right to establish, in accordance with law and without financial support from the State, schools and educational institutions.
5. Private schools and educational establishments may have a parity of status with State schools and establishments on the conditions laid down by law.
6. Instruction in the Islamic religion shall be compulsory for pupils of the Islamic faith in primary and secondary State schools and in schools having a parity of status. The teaching of the Sacred Koran is a fundamental element in the State primary and secondary schools for Moslems.
7. Institutions of higher education shall have their own autonomous organization within the limits set by law.

Article 36

Protection of labour

1. The State shall protect labour and encourage it in all its forms and applications.
2. Forced and compulsory labour of any kind shall be prohibited. The occasions when work may be ordered for military or civil necessity or pursuant to a penal conviction shall be prescribed by law.
3. All workers shall have the right to receive, without any discrimination, equal pay for work of equal value, so as to ensure an existence consistent with human dignity.
4. All workers shall have the right to a weekly rest and annual holidays with pay; they may not be compelled to renounce it.
5. The law shall establish the maximum duration of the working day and the minimum age for the various types of work and shall ensure that minors and women work only in suitable conditions.
6. The State shall protect the physical and moral integrity of the workers.

Article 37

Social security and social welfare

1. The State shall promote social security and assistance through legislation.
2. The State shall guarantee to its civil and military employees the right to a pension; it also shall guarantee, in accordance with law, assistance in case of accident, illness or incapacity for work.

TITLE III

JUDICIAL GUARANTEES

Article 38

Right to institute judicial proceedings

Every person shall have the right to institute legal proceedings, under conditions of full equality, before a lawfully appointed judge.

Article 39

Protection against acts of the public administration

Judicial protection against acts of the public administration shall be allowed in all cases and under the procedure and with the effects prescribed by law.

Article 40

Civil responsibility of the State for the acts of its officials and employees

1. Any person who suffers damages from acts or omissions in violation of his rights by officials or employees of the State or of public bodies in the performance of their duties, shall have the right to obtain compensation from the State or the public bodies concerned.
2. The penal, civil and administrative responsibilities of officials and employees for the acts or omissions set out in the preceding paragraph shall be regulated by law.

Article 41

Right of defence

1. The right of defence shall be allowed at every stage of legal proceedings.
2. The State shall guarantee, under the conditions and manner prescribed by law, free legal assistance to the indigent.



Article 42

Non-retroactive nature of penal law

No person may be condemned for an act which was not punishable as an offence under the law in force at the time when it was committed; nor may a heavier penalty be imposed than the one applicable at that time.

Article 43

Penal liability

1. Penal liability is personal. No collective punishment of any kind shall be allowed.
2. The accused person shall be presumed innocent until he is convicted.

Article 44

Social function of punishment

Punishments restricting personal freedom may not consist of treatment contrary to humanity or obstruct the moral re-education of the convicted person.

Article 45

Enforcement of punishments

Supervision of the execution of sentences and security measures shall be exercised by the competent judge in accordance with law.

Article 46

Redress of judicial errors

The conditions and the procedure for the redress of judicial errors shall be determined by law.

T I T L E I V

DUTIES TOWARDS THE STATE

Article 47

Duty to observe the Constitution and the laws

Every person shall observe faithfully the Constitution and the laws of the State.

Article 48

Duty to pay taxes

1. Every person shall contribute to public expense according to his capacity to pay.

2. The law shall establish a system of taxation based on principles of social justice.

F O U R T H P A R T

ORGANIZATION OF THE STATE

TITLE I

The National Assembly

*Section 1*

Organization of the National Assembly

Article 49

Legislative power

The legislative power is vested in the National Assembly.

Article 50

The doctrine of Islam in the legislation

The Islamic doctrine is the main source of the laws of the State.

Article 51

National Assembly

1. The National Assembly shall consist of deputies elected by the people by universal, free, direct and secret ballot and of deputies by right.
2. The number of deputies and the electoral system shall be determined by law.
3. Every citizen who has the right to vote and who in the year of the election is not less than twenty-five years old shall be eligible to be a deputy. The law shall determine the grounds for ineligibility for membership of the National Assembly, and the functions which are incompatible with membership.
4. Every person who has been President of the Republic shall become a deputy by right and for life, supernumerary to the elected deputies, provided that he has not been convicted of any of the crimes set out in paragraph 1 of article 76.

Article 52

Term of office and election

1. Each legislature shall be elected for a period of five years starting from the proclamation of the electoral results. Any modification of this term of office shall have no effect on the duration of the legislature during which such decision is taken.
2. Elections to the new Assembly shall be announced by the President of the Republic and shall take place during the last thirty days of the legislature in session.
3. The new Assembly shall meet for the first time within thirty days of the proclamation of the electoral results.

Article 53

Dissolution of the Assembly

1. The Assembly may be dissolved before the end of its term of office by the President of the Republic, after he has heard the opinion of the President of the Assembly, whenever it cannot discharge its functions or discharges them in a manner prejudicial to the normal exercise of legislative activity.
2. In the decree by which he dissolves the Assembly, the President shall announce the new elections, which must take place within sixty days of the dissolution.
3. No dissolution shall take place during the first year in office of the Assembly nor during the last year in office of the President of the Republic.
4. The retiring Assembly shall retain its powers in all cases until the proclamation of the electoral results for the new Assembly.

Article 54

Sessions of the Assembly

1. The Assembly shall hold two annual sessions starting, respectively, in the months of April and October.
2. The Assembly may be convened in extraordinary session on the motion of the President of the Republic, of the Government or of one-fourth of the deputies.

Article 55

Organization

1. At its first meeting, the National Assembly shall elect from among the

deputies, a President, one or more Vice-Presidents and the other members of the office of the Presidency.

2. The Assembly shall organize its own proceedings; this function shall be performed by the President or by whoever acts in his place, in accordance with rules of procedure
3. The meetings of the Assembly shall be public. In exceptional cases only, the Assembly may decide to meet in closed session on the motion of its President or at the request of the President of the Republic, of the Government or of not less than thirty deputies.
4. The decisions of the Assembly shall not be valid unless taken in the presence of an absolute majority of the deputies, not including deputies corresponding to seats declared vacant.
5. All decisions shall be taken by a vote of the majority of those present, except when the Constitution or the law requires a special majority.
6. No proposal rejected by the Assembly may be re-introduced until six months have elapsed since the decision was taken.

Article 56

Participation of the Ministers or of the Under-Secretaries of State

1. Ministers and Under-Secretaries shall have the right to attend the meetings of the Assembly and of the committees and to take part in the discussion. Officials and experts specially appointed by the Ministers for the purpose may also attend such meetings and be heard.
2. Ministers and Under-Secretaries shall be present at the meetings if the Assembly so decides.

Article 57

Rules of procedure

If not otherwise provided for by the Constitution, the conduct of business in the Assembly shall be governed by rules of procedure approved by the Assembly on the proposal of its President or of at least five deputies.

Article 58

Deputies

1. Every deputy represents the people and shall exercise his functions without being bound by a mandate.
2. In assuming his functions, each deputy individually shall take an oath of loyalty to the State before the Assembly. The form of the oath

is the following: «I swear in the name of God to perform faithfully all my duties for the good of the people and to respect the Constitution and the laws».

3. A deputy may not be prosecuted for facts cited, opinions expressed or votes cast in the exercise of his functions.

4. Without the authorization of the Assembly, a deputy may not be subjected to penal proceedings; he may not be arrested or otherwise deprived of personal liberty nor subjected to any search of domicile, except when caught while committing a crime for which a warrant or order of arrest is mandatory, he may not be placed under arrest nor held in detention even in execution of an irrevocable sentence.

5. In cases other than those involving penal proceedings, an action may be taken against a deputy in accordance with the ordinary law without authorization of the Assembly.

6. Deputies in office shall receive both the emoluments and daily meeting-allowance fixed by law.

Article 59

Decision on the validity of credentials of deputies

1. The powers of deciding on complaints relating to the validity of credentials of deputies shall vest in the Supreme Court.

2. Properly grounded complaints may be presented by any citizen, who is an elector, within thirty days of the proclamation of the electoral results or of the occurrence of the cause of incompatibility or ineligibility.

3. The Supreme Court shall give a decision within ninety days from the date on which the period for presenting complaints expires.

4. Should a deputy cease to exercise his functions, his seat shall be declared vacant by the Assembly and shall be filled in the manner prescribed by law.

SECTION II

FORMATION OF LAWS AND OTHER FUNCTIONS

OF THE NATIONAL ASSEMBLY

Article 60

Presentation and discussion of draft laws

1. The right of presenting draft laws to the National Assembly is vested in each deputy, in the Government and in at least 10,000 electors.

2. The law shall regulate the popular initiative, which may not be exercised in matters of taxation.

3. Before the discussion in the Assembly, every draft law shall be examined by a parliamentary committee which shall present one or more reports thereon to the Assembly.

4. The Assembly shall discuss draft laws in accordance with the rules of procedure and approve them article by article and finally vote on the draft laws as a whole.

Article 61

Promulgation and publication

1. Every law approved by the Assembly shall be promulgated by the President of the Republic within sixty days of its approval.

2. If the Assembly declares by an absolute majority of its members, that there is urgent need therefor, a law shall be promulgated within the time-limit set by the Assembly, which limit may in no case be less than five days.

3. Within the period set for promulgation the President of the Republic may transmit to the Assembly a duly considered message requesting that the law be submitted to a new discussion and decision.

4. If the Assembly approves such law again by a two-thirds majority, the President of the Republic shall promulgate it within thirty days of the approval.

5. A law approved by the Assembly and promulgated by the Head of the State shall be published in the Official Bulletin and shall come into force on the fifteenth day following publication, unless the law itself otherwise provides.

Article 62

Delegation of legislative power

1. The Assembly may delegate to the Government the power to issue, on specified subjects or matters and for a limited period, provisions having the force of law. In delegating authority, the Assembly may establish the policy and issue directives.

2. Provisions made under a delegated power shall be issued by decrees of the President of the Republic on proposals approved by the Council of Ministers.

Article 63

Decree-laws

1. In a case of urgent necessity, the Government may issue temporary

provisions having the force of law. Such provisions shall be issued by decree of the President of the Republic on proposals approved by the Council of Ministers and shall within five days from the date of their publication, be presented to the National Assembly for conversion into law.

2. If it is in session, the Assembly shall decide on their conversion into law within thirty days of the date of presentation; if it is not in session, it shall decide within thirty days of its first subsequent meeting.

3. If they are not converted into law, such provisions shall lose their force and effect from their date of issue; the Assembly may, however, decide, that such force and effect shall cease on a different date and may regulate by law the juridical relations which arose from such non-converted provisions.

Article 64

Amnesty and pardon

1. The power of amnesty and pardon may be granted to the President of the Republic by a law of delegation of power approved in the Assembly by a two-thirds majority of the deputies.

2. Amnesty and pardon may not be granted in respect of crimes committed after presentation of the delegation of power bill.

Article 65

Taxation and expenditure

1. The imposition, modification and abolition of taxes may only be effected by law.

2. Laws which involve new or larger State expenditure shall specify the means for meeting such expenditure.

3. In the case of an expenditure to continue for more than one year, the means to meet it may be limited to the budget for the current year.

Article 66

Budgets

1. The Assembly shall approve each year the estimated budget, which the Government shall present at least two months before the end of the financial year.

2. The law approving the budget may not establish new fiscal charges and new expenditures.

3. Provisional application of the budget may be authorized by law for periods not exceeding three months *in toto*.

4. In the first six months of each financial year, the Government must present to the Assembly, for approval, the final budget for the previous financial year.

Article 67

International treaties

The Assembly shall authorize by law the ratification of political, military and commercial international treaties or of treaties which involve a modification of the law or financial expenditures not foreseen in the budget.

Article 68

State of war

The Assembly shall authorize the declaration of a state of war and confer on the Government the necessary powers.

Article 69

Committee of investigation of the Assembly

1. Each deputy shall have the right to put questions to or interpellate the Government and to propose motions to the Assembly. The Government shall reply within twenty days.

2. The Assembly may order investigations through committees consisting of deputies from all parliamentary groups, in order to ascertain events or situations of public interest. When it decides to order such an investigation the Assembly shall specify within the limits of the Constitution, the powers of the committee; it may also appoint experts to co-operate with the committee.

T I T L E I I

THE PRESIDENT OF THE REPUBLIC

Article 70

Election

1. The President of the Republic shall be the Head of the State and represent the unity of the nation.

2. The President of the Republic shall be elected by a secret vote of the National Assembly, requiring a majority of two-thirds of its members on the first or second ballots. In subsequent ballots, an absolute majority shall be sufficient.

3. On assuming his functions, the President of the Republic shall take an oath of loyalty to the State before the National Assembly. The form of the oath is the following: «I swear in the name of God to discharge faithfully all my duties as President of the Republic and to defend the Constitution with all my strength for the good of the country and the nation».

Article 71

Qualifications for eligibility

1. Every Moslem citizen who, being the son of a father and a mother who are both original citizens, has the right to vote and is not less than forty-five years old shall be eligible to become President of the Republic. Re-election to a consecutive term may take place only once.
2. During his term of office, the President of the Republic shall not be married to nor marry any woman who is not an original citizen.
3. The President of the Republic during his period in office shall not exercise other public functions, except the right to vote, nor may he engage in any professional, commercial, industrial or financial activity.

Article 72

Term of office

1. The term office of the President of the Republic shall be six years from the date of his taking the oath. Any modification of this period shall not apply to the President in office.
2. The election of the President of the Republic shall be announced by the President of the National Assembly. It takes place during the last thirty days of the presidential mandate.
3. When the National Assembly is dissolved or when less than three months remain until its term is due to come to an end, the election of the President shall take place within thirty days following the first meeting of the new Assembly. In the meantime, the powers of the President in office shall be continued.

Article 73

Emoluments and allowances of the President of the Republic

The emoluments and allowances of the President of the Republic shall be fixed by law.

Article 74

Disability, resignation, death

1. In case of death, resignation, or permanent disability of the President

of the Republic, the National Assembly shall meet within thirty days to elect the new President of the Republic.

2. Until the election provided for in the preceding paragraph has taken place and in cases when the powers of the President in office have been suspended under article 76, as well as in all cases of temporary disability, the functions of the President shall be temporarily exercised with full legal force by the President of the National Assembly, or, in his absence by the eldest Vice-President.

3. In case of resignation, the President of the Republic shall give written notice thereof to the National Assembly.

Article 75

Powers and duties

The President of the Republic shall exercise the functions conferred upon him by the Constitution and by the law in the legislative, executive and judicial fields. In addition, he shall exercise the following functions:

- (a) Authorizing the presentation to the National Assembly of bills originated by the Government;
- (b) Addressing messages to the National Assembly;
- (c) Granting mercy and commuting sentences;
- (d) Accrediting and receiving diplomatic representatives;
- (e) Ratifying international treaties, after such previous authorization from the National Assembly as may be required;
- (f) Being the commander in-chief of the armed forces;
- (g) Declaring state of war, after authorization from the National Assembly in accordance with article 68;
- (h) Conferring the honours of State.

Article 76

Responsibility

1. The President of the Republic shall not be responsible for acts performed in the exercise of his functions, except for the crimes of high treason or of attempts against the constitutional order, as provided by law.
2. The responsibility for acts emanating from the President shall be assumed by the Prime Minister and by the competent Ministers who sign them.
3. In case of high treason or of attempts against the constitutional order, the President of the Republic may be impeached by a decision of

the National Assembly taken on the motion of at least one-fifth of its members and approved by secret ballot by a majority of two-thirds of the deputies; he shall be tried by the Supreme Court constituted as the High Court of Justice.

4. Except in the cases mentioned in the preceding paragraph, the President of the Republic may not be tried for any penal offence except when the Assembly gives its authorization, which must be approved by secret ballot by a majority of two-thirds of the deputies.

5. An approval of impeachment for high treason or for an attempt against the constitutional order or an authorization to take legal proceedings for any other offence shall automatically suspend the President from his functions.

TITLE III

THE GOVERNMENT

Section I

ORGANIZATION OF THE GOVERNMENT

Article 77

Executive power

The executive function shall vest in the Government.

Article 78

1. The Government shall be composed of the Prime Minister and the Ministers.
2. The joint meeting of the Prime Minister and the Ministers shall constitute the Council of Ministers.
3. The Prime Minister shall be appointed and dismissed by the President of the Republic.
4. The Ministers shall be appointed and dismissed by the President of the Republic on the proposal of the Prime Minister.
5. Before assuming their functions, the Prime Minister and the Ministers shall take an oath of loyalty to the State before the President of the Republic.

The form of the oath is the following: «I swear in the name of God faithfully to perform my duties for the good of the people and to respect the Constitution and the laws».

Article 79

Under-Secretaries of State

1. The Ministers may be assisted by Under-Secretaries of State who shall be appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister after he has heard the opinion of the Council of Ministers.
2. The Under-Secretaries shall assist the Ministers and exercise the functions delegated to them.
3. Before assuming his functions, each Under-Secretary shall take an oath of loyalty to the State before the Prime Minister. The form of the oath is the following: «I swear in the name of God faithfully to perform my duties for the good of the people and to respect the Constitution and the laws».

Article 80

Qualifications for appointment of Ministers and Under-Secretaries

1. Every citizen who possesses the qualification required for election as a deputy may be appointed a Minister or Under-Secretary.
2. A Minister or Under-Secretary, during his period in office, may not exercise any other public functions, except the electoral vote and the functions of deputy in the National Assembly, nor may he engage in professional, commercial, industrial or financial activities. He may not directly or indirectly lease or acquire property belonging to the State or to public bodies except for premises to be used as his personal residence. He may not, furthermore, alienate or lease his own property to the State or to public bodies, or participate in a personal capacity in State enterprises or in enterprises controlled by the State.

Article 81

Presidency of the Council of Ministers and Ministries

1. The functions of the Presidency of the Council of Ministers as well as the number and the functions of the Ministries shall be established by law.
2. The organization of the Presidency of the Council of Ministers, of the Ministries and of subordinate organs shall be laid down in regulations issued in the form of a decree by the President of the Republic.

Article 82

Confidence of the National Assembly

1. The Government shall obtain the confidence of the National Assembly

within thirty days of its formation. The Government shall present itself to the Assembly and request its confidence. Subsequently, the Government may ask the Assembly to express its confidence at any time.

2. The National Assembly shall express its confidence or no-confidence by means of a substantiated motion approved by a simple majority in an open vote.

3. A motion of no-confidence may also be proposed at any time, with a statement of reasons, by at least ten deputies, and may then be examined not earlier than five days after its presentation. It shall be approved by an absolute majority in an open vote.

4. A vote of no-confidence by the Assembly necessitates the collective resignation of the Government.

5. The resigning Government shall remain in charge for the necessary work of routine administration until the appointment of the new Government.

## SECTION II

### ACTIVITY OF THE GOVERNMENT AND ITS SUBORDINATE ORGANS

#### Article 33

##### Powers and responsibilities of the Prime Minister and the Ministers

1. The Prime Minister shall direct the general policy of the Government and shall be responsible therefor. He shall maintain the unity of the Government's policy by co-ordinating and promoting the activity of the Ministers.

2. The Ministers shall direct the affairs within the competence of their respective Ministries and shall be individually responsible for them.

3. The Prime Minister and the Ministers shall be jointly responsible for the acts of the Council of Ministers.

#### Article 34

##### Penal responsibility of the Prime Minister and the Ministers

1. The Prime Minister and the Ministers are responsible for offences committed in the exercise of their functions.

2. In respect of such offences, the Prime Minister and the Ministers may be committed for trial by a decision of the National Assembly taken on the motion of at least one-fifth of its members and approved by secret ballot by a majority of two-thirds of the deputies; they shall be tried by the Supreme Court constituted as the High Court of Justice.

3. Except for cases mentioned in the preceding paragraph, the Prime Minister and Ministers may not be tried for any penal offence except by authorization of the Assembly, approved by secret ballot by a majority of two-thirds of the deputies.

4. The Prime Minister or a Minister brought for trial before the High Court of Justice shall be automatically suspended from exercising his functions.

#### Article 35

##### Power to issue regulations

Regulations shall be issued by decree of the President of the Republic on proposal approved by the Council of Ministers. The power to issue regulations on specific matters may be delegated by law to other organs of the State and to public bodies.

#### Article 36

##### Administrative decentralization

Whenever possible, administrative functions shall be decentralized and performed by the local organs of the State and by public bodies.

#### Article 37

##### Appointment of high officials

High officials and commanders of the military forces specified by law shall be appointed by the President of the Republic, on the proposal of the competent Minister approved by the Council of Ministers.

#### Article 38

##### Civil servants and public employees

1. Civil servants and public employees shall exercise their functions in accordance with the law and solely in the public interest.

2. Civil servants and public employees may not be the leaders of political parties.

3. The categories of civil servants and public employees who may not belong to political parties or engage in other activities incompatible with their functions shall be established by law.

4. Any civil servant or public employee who is temporarily suspended from his functions for any reason whatsoever may not be promoted except on the grounds of seniority.

5. The status of civil servants shall be established by law.

6. Permanent appointments to the public service shall be made only after a competitive examination, except in the cases specified by law.

Article 89

Civil Service Commission

1. A Public Service Commission shall be instituted by a law which shall establish its composition and powers.
2. The law instituting the Public Service Commission shall guarantee the independence of its functions.

SECTION III

AUXILIARY BODIES

Article 90

Magistrate of Accounts

1. The Magistrate of Accounts shall exercise a prior control over the legality of Government acts involving financial obligations and a reviewing control over the management of the State budget.
2. The Magistrate of Accounts shall participate, in the manner specified by law, in the control over the financial management of agencies to which the State makes a substantial contribution, either as an ordinary or as an extraordinary expenditure.
3. He shall report to the National Assembly on the results of his control.
4. The law shall regulate the organization of this authority and guarantee the independence of its functions; it shall ensure that the controlled organs and agencies have the right to formulate objections.

Article 91

National Economic and Labour Council

The National Economic and Labour Council shall be composed, in the manner prescribed by law, of experts and representatives of the productive groups, in such a way as to take into account their numerical and qualitative importance.

It shall be the consulting body of the National Assembly and of the Government in the matters and in accordance with the functions which may be assigned to it by law.

T I T L E I V

THE JUDICIARY

Article 92

Judicial function

The judicial function shall vest in the judiciary.

Article 93

Independence of the judiciary power

The judiciary power shall be independent of the executive and legislative powers.

Article 94

Supreme Court

1. The Supreme Court shall be the highest judicial organ of the Republic. It shall have jurisdiction over the whole territory of the State in civil, penal, administrative and financial matters and in any other matter specified by the Constitution and the laws.
2. The rules concerning the organization of the Supreme Court and of the other judicial organs shall be established by law.

Article 95

Unity of the judicial system

1. No extraordinary or special judicial organs may be created.
2. There may only be created, as supplementary to the ordinary judicial organs, specialized section for specific matters, with the participation, where necessary, of qualified citizens from outside the judiciary.
3. Military tribunals may be established only in time of war.
4. The people may participate directly in the courts of assize, in the manner prescribed by law.

Article 96

Judicial guarantees

1. In the exercise of their judicial functions, the judges shall be subject only to the law.
2. The rules concerning the status of the judiciary and the appointments of judges shall be established by law.



3. The judges shall be irremovable except in the cases specified by law.
4. Judges may not hold offices, perform services or engage in activities incompatible with their functions.
5. Administrative and disciplinary orders concerning judges shall be made, in accordance with law, by decree of the President of the Republic, on the proposal of the Minister of Justice after he has heard the opinion of the Higher Judicial Council.

Article 97

Judicial procedure

1. Judicial proceedings are public; the judge may decide, however, for reason of morality, health or public order, that the proceedings should take place behind closed doors.
2. No judicial decision may be taken unless all the parties have had an opportunity of presenting their arguments and defence.
3. Every judicial decision and measure concerning personal liberty shall specify the reasons therefor and shall be subject to challenge in accordance with the law.
4. The public forces are at the direct disposal of the judicial authority for the performance of acts pertaining to its functions.

FIFTH PART

TITLE I

CONTROL OVER THE CONSTITUTIONALITY OF LEGISLATIVE ACTS

Article 98

Constitutionality of laws

1. The laws and acts having force of law must conform to the provisions of the Constitution and to the general principles of Islam.
2. A question of constitutional legality, in form or substance of a law or an act having force of law may be raised in the course of judicial proceedings, at the request of the interested party or of the Public Prosecutor or by the court, when even a partial decision depends on the application of the disputed legislative provision.
3. If the request of the interested party or the Public Prosecutor is presented when the case is before a judge of the first or second instance, and provided that such request is not manifestly unfounded, the court shall suspend judgment and refer the case to the Supreme Court for a decision which shall be binding.

4. If the request is presented when the case is already before the Supreme Court and provided that such request is not manifestly unfounded, the court shall suspend judgment and proceed according to article 99.
5. Judges of the first and second instance and the Supreme Court shall each proceed in the same manner if the court of its own motion raises the question of constitutional legality.

Article 99

Constitutional Court

1. A question of constitutional legality shall be decided by the Supreme Court constituted as a Constitutional Court, with two additional members appointed for a period of three years by the President of the Republic on the proposal of the Council of Ministers and two further additional members elected for the same period by the National Assembly by an absolute majority.
2. The qualifications of the additional members shall be specified by law.

Article 100

Judgment

A decision of the Supreme Court on the unconstitutionality of a law or of an act having force of law shall be communicated by the Court to the President of the Republic, the President of the National Assembly and the Prime Minister, and shall be published in the manner prescribed by law.

TITLE II

PENAL JUDGMENTS CONCERNING THE PRESIDENT OF THE  
REPUBLIC AND THE MEMBERS OF THE GOVERNMENT

Article 101

Impeachment

1. A decision that the President of the Republic or any member of the Government be committed for trial, as approved by the National Assembly under article 76 or article 84, must contain a description of the facts grounding the charges and must indicate the accomplices, if any.
2. The National Assembly shall appoint, from among its members if it deems fit, one or three prosecuting commissioners who may be members of the Assembly to act as Public Prosecutor in the trial before the Supreme Court constituted as High Court of Justice.

Article 102

High Court of Justice

The Supreme Court constituted as High Court of Justice shall conduct such trials with additional members, drawn by lot by the President of the Court at a public hearing from a special list of twelve citizens qualified for election as deputies and elected by the National Assembly at the beginning of each term from among persons not members of the Assembly.

Article 103

Organization

1. The rules governing the Supreme Court in impeachment and constitutional legality proceedings shall be laid down by law.
2. The Court establishes its own rules of procedure for the hearings.

TITLE III

REVISION OF THE CONSTITUTION

Article 104

Amendments and additions to the Constitution

Amendments or additions to the provisions of the Constitution shall be decided by the National Assembly on the proposal of at least one-fifth of its members, of the Government or of 10,000 electors, by means of two successive ballots held at an interval of not less than three months, approval thereof requiring an absolute majority of the deputies on the first ballot and two-thirds majority on the second ballot.

Article 105

Limitation on amendments of the Constitution

The procedure for amendment provided for in the preceding article cannot be applied for the purpose of modifying the republican and democratic form of the State nor for restricting the fundamental rights and freedoms of the citizen and of man sanctioned by the Constitution.

TRANSITIONAL AND FINAL PROVISIONS

I

Transitional exercise of powers

1. Until the appointment of the provisional President of the Republic, which shall take place not later than 1 July 1960, the powers and functions vested by the Constitution in the President of the Republic shall be exercised by the President of the Legislative Assembly acting as provisional President of the Republic, with the exception of the power specified in paragraph 1 of article 53.

He shall promulgate the present Constitution.

2. Immediately after signing the act of unification of the two Somali Territories (Somalia and Somaliland), the new National Assembly shall elect, in the manner specified in paragraph 2 of article 70, a provisional President of the Republic who shall remain in office until the election of the first President or of the other provisional President provided for in paragraph 1 of provision no. IV.

II

Provisional President

The provisional President shall exercise all the powers vested by the Constitution in the President of the Republic, with the exception of the power specified in article 53, and shall announce, by appropriate decree, the referendum provided for in the articles hereunder.

III

Entry into force of the Constitution and referendum

1. The present Constitution shall provisionally come into force on 1 July 1960 and shall, within one year of such date, be submitted to a popular referendum in which all the electors shall be called upon to participate.
2. Every elector shall have the right to express his approval or disapproval of the Constitution in a free, direct and secret manner and in accordance with a special law to be issued on the referendum.
3. The regularity of the referendum operations must be confirmed by the Supreme Court, which shall rule on the subject not less than ten nor more than thirty days after the closure of the voting, giving also a final ruling on any complaint or appeal which may be presented.

On giving the confirmation order, the Court shall also proclaim the result of the referendum.

4. In case of non-confirmation, the operations of the referendum shall be repeated within three months of the date of the Court's decision.

#### IV

##### Result of the referendum

1. If the result of the referendum is contrary to the adoption of this Constitution, the National Assembly shall, within fifteen days of the proclamation of the result by the Supreme Court, elect a new provisional President of the Republic and declare the previous one to be no longer in office; the Constituent Assembly shall thereupon provide for the adoption of a new Constitution, which shall be submitted to a referendum within six months following the appointment of the new provisional President.
2. If the result of the referendum is favourable, the present Constitution shall be considered final and, within fifteen days, the National Assembly shall elect the President of the Republic in accordance with this Constitution.

#### V

##### Final provision

1. Until the proclamation of the referendum result, the text of the Constitution shall be posted at town halls and at the offices of the district commissioners of the Republic so that every citizen may take cognizance thereof.
2. The Constitution shall be faithfully observed as the fundamental law of the Republic by all the organs of the State and by all persons under its sovereignty.

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The Constitution, embossed with the State's seal, shall be included in the Official Record of the laws and decrees of the Somali Republic.

*Mogadiscio, 1st July 1960.*

*Abdullahi Issa Mohamud*  
Prime Minister

*Mohamed Seek Gabiou*  
Minister for the Constitution

*Seek Mohamud Mohamed Farah*  
Minister of Justice

*Aden Abdullah Osman*  
President of the Legislative Assembly