



*Somali*  
*Democratic Republic*

**THE CONSTITUTION**

MOGADISHU, 1979

C/O PEOPLES ASSEMBLY

**Decree of the President of the S.D.R. No. 46 of  
16 September 1979: The Constitution of The  
Somali Democratic Republic**

**THE PRESIDENT**

- HAVING SEEN :** The Ist. IInd and the IIIrd charter of the 21st October 1969 Revolution.
- HAVING SEEN :** The Laws No. 1, 17, 18 and 19 of Ist July, 1976.
- HAVING SEEN :** The approval of the Draft Constitution of the S.D.R. by the extraordinary General Meeting of the Somali Socialist Revolutionary Party held on the 20-29 January, 1979.
- HAVING SEEN :** The Law No. 16 of 20th May, 1979 of the Central Committee of the Somali Socialist Revolutionary Party approving the Draft Constitution of the S.D.R.
- HAVING SEEN :** Art. 57 of the law No. 23 of 16th June, 1979 concerning the referendum for Constitution of the S.D.R.
- HAVING SEEN :** Art. 114 of the Constitution of the S.D.R.
- HAVING SEEN :** The Approval of the Supreme Court of the Referendum results for the Constitution of the S.D.R. dated 16th September, 1979.

**ISSUES**  
**THE FOLLOWING DECREE**

**Article 1**

The Constitution of the Somali Democratic Republic attached to this Decree shall come into force with effect from 16th September, 1979.

**Article 2**

This Decree shall be published in the Official Bulletin of the Somali Democratic Republic.  
Mogadishu 16th September 1979.

**Jaalle Mohamed Siad Barre**  
**President of the S.D.R.**

## **PREAMBLE TO THE CONSTITUTION**

**The Somali People collectively and individually struggling for a life of dignity and equality, and engaged in a fight to establish lasting peace and stability internally and externally, to realise the general interests of the working masses, and accomplish the major objectives of their revolution, unity of the nation, socialist construction in order to create a society founded on social justice, equality and democracy in which the individual attains higher level of political and social consciousness and strengthen the pillars of their revolution and their national sovereignty which to them is of supreme value in order to achieve rapid political and socio-economic development, have resolved to adopt this constitution which shall constitute the basis of the struggle for the development of the Somali society, peaceful co-existence and mutual cooperation among nations of the world, especially those whose interests may coincide.**

**THE CONSTITUTION**  
**OF THE SOMALI DEMOCRATIC REPUBLIC**

**CHAPTER I**  
**GENERAL PRINCIPLES**

**SECTION I**  
**The Republic**

**Article 1**

**( The Somali State )**

1. The Somali Democratic Republic is a socialist state led by the working class, and is an integral part of the Arab and African entities.
2. All sovereignty belongs to the people who shall exercise it through their representative institutions.

**Article 2**

**( Flag, Emblem and the Capital )**

1. The national flag shall be azure in colour, rectangular, and shall have a white star with five equal points emblazoned in its centre.
2. The emblem of the Somali Democratic Republic 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.

3. Mogadishu (Hamar) shall be the capital of the Somlai Democratic Republic.

### **Article 3**

#### **( Religion and language )**

1. Islam shall be the state religion.
2. Somali is the language which all Somali speak and through which they recognise each other; Arabic is the language of the Somali people which links them with the Arab nation, of whom they are an integral Part, and both shall constitute the official languages of the constitute the official languages of the Somali Democratic Republic.

### **Article 4**

#### **( The unity of the Somali people )**

1. The Somali people are one and the Somali citizenship is one.

2. The law shall determine the modes of acquiring and losing Somali Citizenship.

### **Article 5**

#### **( State territory )**

1. The state territory shall be sacred and inviolable.
2. Territorial sovereignty shall extend over land, islands, the sea, the water column, sea-bed and subsoil, continental shelf, and airspace.

### **Article 6**

#### **( Equality of Citizens )**

All citizens regardless of sex, religion, origin and language shall have equal rights and duties before the law.

## **SECTION 2**

### **The Party**

#### **Article 7**

##### **( Authority and leadership of the Party )**

1. The Somali Revolutionary Socialist Party shall be the only party existing in the Somali Democratic Republic, no other party

or political organisation may be established.

2. The Somali Revolutionary Socialist Party shall have supreme authority of political and socio-economic leadership in the Somali Democratic Republic.

**Article 8**

**( Unitary nature of the leadership )**

The leadership of the country shall be founded on the unitary system of political leadership of the party and state.

**Article 9**

**( Deliberations, decisions and implementation )**

1. Political institutions elected at all levels shall function in accordance with the principle of collective deliberations, majority decisions and collective responsibility in implementation.

2. Within the party institutions the afore-stated principle shall dictate the unity of view points, sensitivity, purpose and collective work.

**Article 10**

**(Complementarity of party and state duties.)**

1. Party and state institutions shall dischar-



ge their respective duties as prescribed by the law, each pursuing its own methods in order to accomplish the common objective.

2. The political mobilisation of the country shall be based on the complementarity of the duties of party and state institutions as prescribed by the laws establishing them.

### **Article 11**

#### **( Party Statute )**

The structure and functions of the party institutions shall be determined by the statute of the Somali Revolutionary Socialist Party.

### **Article 12**

#### **( Social organisations )**

1. The state shall allow the establishment of social organisations of the workers, co-operatives, youth and women.
2. Social organisations shall be established on national, local production levels and in educational centres.
3. The specific structure, statutes and programmes of the social organisations shall be in consonance with the general interests of the masses, the constitution, the statute and the programme of the Somali Revolutionary Socialist Party.

### **Article 13**

#### **( Powers and duties of Social Organisation )**

Social organisation shall participate in the leadership of state and social affairs and resolution of political, economic, social and cultural matters in accordance with the duties prescribed in their respective laws.

### **Article 14**

#### **( Democratic centralism )**

The principle of Democratic centralism shall be the basis of mobilisation, and functions of Party and State.

## **SECTION 3**

### **Foreign Policy**

### **Article 15**

#### **( The principle of self-determination )**

1. The Somali Democratic Republic shall firmly uphold the principle of self-determination of peoples and fully supports the national liberation movements, and all the peoples fighting for their freedom and independence.

2. It shall resolutely oppose colonialism, neo-colonialism, international imperialism and racial discrimination.

## **Article 16**

### **( Somali territories under colonial occupation )**

The Somali Democratic Republic adopting peaceful and legal means shall support the liberation of the Somali territories under colonial occupation and shall encourage the unity of the Somali people through peaceful means and their free will.

## **Article 17**

### **( Policy of neutrality and peaceful co-existence )**

1. The Somali Democratic Republic shall pursue a policy of positive neutrality.
2. It shall fully recognise the principle of peaceful co-existence of the peoples of the world.

## **Article 18**

### **( Policy of Cooperation )**

The Somali Democratic Republic shall promote a policy of cooperation among all

peoples and states of the world based on mutual benefit, equality, and respect for the sovereignty and the political system peculiar to each state.

### **Article 19**

#### **( International Legal Order )**

The Somali Democratic Republic shall recognise the Universal declaration of human rights and generally accepted rules of international law.

## **CHAPTER II**

### **FUNDAMENTAL RIGHTS, FREEDOMS AND**

#### **DUTIES OF THE CITIZENS AND**

#### **INDIVIDUAL**

### **Article 20**

#### **( Political, economic and social rights )**

Every citizen shall be entitled to participate fully in the political, economic, social and cultural activities in accordance with the Constitution and laws.

### **Article 21**

#### **( Right to work )**

1. Every citizen shall have the right to work.

Work is a duty, honour and the foundation of a socialist society.

2. The state shall promote the creation of employment in order to realise the citizen's fundamental right to work.

### **Article 22**

#### **( Right to election )**

Every citizen who fulfils the conditions prescribed by the law shall have the right to elect and be elected.

### **Article 23**

#### **( Right to education )**

Every citizen shall have the right to free education.

### **Article 24**

#### **( Freedom of processions, publication and opinion )**

1. Every citizen shall be free to participate in an assembly, demonstration, or in their organisation.
2. The citizen shall further be entitled to express his opinion in any manner, freedom of publication and speech.

3. The exercise of the freedoms mentioned in paragraphs 1 and 2 of this article shall not contravene the Constitution, the laws of the country, general morality and public order and shall not prejudice the freedoms of other citizens.

### **Article 25**

#### **( Right to life and personal security )**

1. Every individual shall have the right to life and personal security.
2. The law shall determine the conditions under which a person may be sentenced to death.

### **Article 26**

#### **( Personal liberty )**

1. Every person shall have the right to personal liberty.
2. No person shall be liable to any form of detention or other restrictions of personal liberty, except when apprehended in flagrante delicto or pursuant to an act of the competent Judicial authority in the manner prescribed by the law.
3. Any person who shall be detained on grounds of security shall without delay be brought before the Judicial authority which has competence over the offence for

which he is detained within the time limit prescribed by law.

4. Every person who shall be deprived of his personal liberty shall forthwith be informed of the offence of which he is accused.
5. No person shall be searched except in the conditions mentioned in paragraph 2 of this article, or under laws relating to Judicial, sanitary, fiscal and security matters, and in the manner prescribed by the law, giving due respect to the honour and integrity of the person.

### **Article 27**

#### **( Security of the person under detention )**

1. A detained person shall not be subjected to physical or mental torture.
2. Corporal punishment shall be prohibited.

### **Article 28**

#### **( Private ownership )**

1. Private ownership shall be guaranteed by law, which shall define the modes of acquisition and forfeiture, and the contents and limits of its enjoyment for the pur-

- pose of safeguarding its social functions.
2. The use of private property shall in no case be contrary to the public interest, and the objectives of the revolution.
  3. Private property may be expropriated or requisitioned for reasons of public interest, in exchange for equitable compensation.

### **Article 29**

#### **( Privacy of the home )**

Every person shall be entitled to the inviolability of his home or any other place reserved for personal use except in the cases referred to in paragraphs 2 and 5 of Article 26.

### **Article 30**

#### **( Freedom of Communication )**

The right of secrecy of correspondence and other means of communication shall not be tampered with, except in the cases determined by the law.

### **Article 31**

#### **( Freedom of religion )**

Every person shall have the right to pro-



fess the religion or creed he believes in.

### **Article 32**

**( Right to institute legal proceedings  
and right of defence )**

1. Every person shall have the right to institute legal proceedings before a competent court.
2. Every person shall have the right of defence before a court.
3. The state shall guarantee free legal aid in the conditions and in the manner prescribed by law.

### **Article 33**

**( Penal liability )**

1. Penal liability shall be personal.
2. The accused shall be presumed innocent until the conviction becomes final.

### **Article 34**

**( Non-retroactivity of penal laws )**

No person may be punished for an act which was not an offence under the law at the time when it was committed, nor may a

punishment be imposed other than the one prescribed by the law in force at the time such offence was committed.

### **Article 35**

#### **( Extradition and political asylum )**

1. The Somali Democratic Republic may extradite a person who has committed a crime in his country or another, and has taken refuge in the Somali Democratic Republic, provided that there is an extradition treaty between the Somali Democratic Republic and the state requesting the extradition of the accused or offender.
2. The Somali Democratic Republic may grant political asylum to a person who has fled his country or another for political reasons while struggling for popular causes, human rights or peace.

### **Article 36**

#### **( Protection of Public Property )**

Every citizen shall have the duty to protect and consolidate public property.

### **Article 37**

#### **( Participation in economic growth )**

Every person shall have the duty to par-

ticipate in the economic growth of the country, payment of taxes, and to contribute to state expenditure according to his capacity and the laws of the country.

### **Article 38**

#### **( Defence of the motherland )**

The defence of the motherland and the consolidation of the unity of the Somali people shall be a sacred duty of every citizen.

### **Article 39**

#### **( Observance of the Constitution and laws )**

Every person shall have the duty to faithfully observe the constitution and laws of the state.

## **CHAPTER III**

### **SOCIO-ECONOMIC FOUNDATION**

#### **SECTION 1**

#### **The Economy**

### **Article 40**

#### **( Economic development )**

1. The state shall develop the economy of the country, and raise production, while

assuring a just and equitable distribution.

2. The state shall encourage the principle of self-help for the rapid development of the country.

## **Article 41**

### **( Economic sectors )**

The economy of the Somali Democratic Republic shall comprise the following sectors:

— **The State Sector :**

which shall constitute the vanguard in the economic development of the country and shall be given special priority;

— **The Cooperative Sector :**

which shall be instrumental in promoting the living standards of cooperative members, while promoting the growth of the national economy, and the state shall participate in its planning and encouragement;

— **The Private Sector :**

which shall be based on non-exploiting private ownership;

— **The Mixed Sector :**

which shall be based on the joint ownership between the Somali state and others.

## **Article 42**

### **( Land and marine resources )**

1. The land, natural, marine and land based resources shall be state property.
2. The state shall promulgate a law prescribing the best methods for exploiting such resources.

## **Article 43**

### **( Economic Planning )**

1. The economy of the country shall be founded on socialist state planning.
2. The plan shall have a juridical authority superior to other laws.
3. There shall be a supreme state planning institution, and the law shall establish its structure, duties and powers.

## **Article 44**

### **( External and Internal Trade )**

In promoting the economic development of the country the state shall guide external and internal trade.

## **Article 45**

### **Protection of Currency**

The state shall organise the fiscal and

monetary system of the country, and shall by law fix taxes.

## SECTION 2

### Promotion of Eductaion and Science

#### **Article 46**

##### **( Education )**

1. The state shall give special priority to the promotion, expansion and dissemination of education and science, and shall consider education as the ideal investment which shall play the leading role in the Somali political and socio-economic development.
2. Education in the Somali Democratic Republic shall favour the working class, and shall conform to the special conditions and environment of the Somali Society.
3. Technical and professional education shall be given first priority.

#### **Article 47**

##### **( Compulsory Education )**

Education, in the Somali Democratic Republic, shall be free. It shall be compulsory upto the intermediate school level.

## **Article 48**

### **( Eradication of illiteracy )**

Eradication of illiteracy and adult education shall be a national duty towards which the people and state shall pool their resources in its fulfilment.

## **Article 49**

### **( Promotion of science and arts )**

1. The state shall promote science and arts, and shall encourage scientific and artistic creativity.
2. Copy rights and patent rights shall be regulated by law.

## **Article 50**

### **( Youth and Sports )**

In order to ensure healthy physical and mental growth of the youth, and to raise their level of education and political consciousness the state shall give special importance to the promoting and encouragement of gymnastics and sports.

## SECTION 3

### Cultural and social welfare

#### **Article 51**

##### **( Promoting of culture )**

1. The state shall promote the progressive culture of the Somali people, while benefiting from the international culture of human society.
2. It shall promote art, literature and the national folklore.
3. It shall protect and preserve the national historic objects and sites.

#### **Article 52**

##### **( Social customs )**

The state shall preserve the good customs, and shall liberate the society from outdated customs and those inherited from colonialism specially tribalism, nepotism and regionalism.

#### **Article 53**

##### **( Child care )**

The state shall promote child care homes



and revolutionary youth centres.

### **Article 54**

#### **( Rural Development )**

The state shall promote the programme of permanent rural development campaign in order to eradicate ignorance and to narrow the gap between rural and urban life.

### **Article 55**

#### **( Health )**

The state in fulfilling the policy of general health care shall encourage the prevention of contagious diseases, observance of general hygiene, and free medical treatment.

### **Article 56**

#### **( Family welfare )**

1. The state recognising the family as the basis of society shall protect the family and shall assist the mother and child.
2. The state shall be responsible for the care of the handicapped, children of unknown parents and the aged, provided they shall not have anybody to care for them.
3. The state shall guarantee the care of chil-

dren whose parents die while defending the country.

## **Article 57**

### **( Work and the Workers )**

1. The state shall safeguard and promote work and its various types.
2. The minimum age for work in the Somali Democratic Republic shall be fifteen years.
3. The workers shall be entitled to receive without discrimination a remuneration equal to the amount and value of work done.
4. The workers shall be entitled to weekly rest and annual leave.
5. The law shall determine the working hours, conditions of service and the suitability of persons for certain jobs.

## **Article 58**

### **( Evaluation of work )**

In evaluating work, the state shall apply the principle: «from each according to his ability, to each according to his work».

## **Article 59**

### **( Social insurance and assistance )**

The state shall promote the system of social insurance and assistance and shall strengthen general insurance institutions of the country.

## **CHAPTER IV**

### **ORGANISATIONAL STRUCTURE OF THE STATE**

#### **CAPITAL ONE**

#### **THE PEOPLE'S ASSEMBLY**

##### **SECTION 1**

##### **Rules and Functions of the People's Assembly**

### **Article 60**

#### **( Legislative Authority )**

Legislative authority in the Somali Democratic Republic shall be vested in the People's Assembly.

### **Article 61**

#### **( Election to the People's Assembly )**

1. The people's Assembly shall consist of deputies elected by the people through free, direct and secret ballot.

2. Every Somali who has attained the age of twenty-one years shall be eligible for election as a deputy. The law shall determine the grounds for ineligibility for election to the people's Assembly.
3. The number of deputies, conditions and procedure for election shall be established by a special law.
4. The President of the Somali Democratic Republic may nominate to the People's Assembly upto six persons from among people dedicated to science, arts and culture or highly esteemed patriots.

## **Article 62**

### **( Term of office )**

1. The term of office of each People's Assembly shall be five years beginning from the declaration of election results.
2. In the event of circumstances which shall render the holding of elections impossible, the President of the Somali Democratic Republic shall, after consultations with the Central Committee of the Somali Revolutionary Socialist Party, have the power to extend the term of the Assembly for a period not exceeding one year.

## **Article 63**

### **( Dissolution of the People's Assembly )**

1. The People's Assembly may be dissolved before the expiry of its term of office on the proposal of the one third of the deputies and the approval of two thirds of the membership.
2. The People's Assembly may also be dissolved by the President of the Republic after consultations with the Central Committee of the Somali Revolutionary Socialist Party and the standing committee of the People's Assembly.
3. The election to the new people's assembly shall take place within three months of the date of dissolution.

## **Article 64**

### **( Sessions )**

1. The People's Assembly shall hold to sessions annually.
2. The People's Assembly may be convened in an extraordinary session by a resolution of the standing committee, or on the request of one third of the membership.
3. The President of the Somali Democratic

Republic shall have the power to convene an extraordinary session of the People's Assembly.

## **Article 65**

### **( Meeting and decisions )**

1. The People's Assembly at its initial meeting shall elect from among its members : Chairman, vice-chairmen and a standing committee.
2. The meetings of the People's Assembly shall be public. However closed meetings may be held on the request of the President of the Republic, the standing Committee, Government or not less than one fourth of the deputies, and on the approval of the Assembly.
3. The majority of the deputies of the Assembly shall form a quorum.
4. The Assembly shall reach its decisions by a majority vote except when a special majority is required by the constitution or by law.

## **Article 66**

### **( Rules of procedure )**

The conduct of business in the Assembly shall be governed by rules of procedure adopted by the assembly.

## Article 67

### ( Powers of the Assembly )

The People's Assembly shall have the following powers :

1. Amending the constitution :
2. Legislation and approval of decisions on national development ;
3. Election and dismissal of the President of the Somali Democratic Republic as expressly stated in article 80 of this constitution ;
4. Election and dismissal of the Standing Committee of the Assembly ;
5. Ratification of international treaties to political, economic and commercial matters or agreements entailing financial obligations for the state ;
6. Ensuring observance of the constitution and the laws of the country ;
7. Approval of the national economic development plan ;
8. Approval of the annual budget and accounts ;
9. Enforcing the doctrine of accountability within the Government and its members ;

- 10 Any other powers granted to the Assembly by the constitution.

### **Article 68**

#### **( Delegation of Legislative Authority )**

1. The People's Assembly may for a limited period delegate to the Government the power to legislate on specified matters. The enabling legislation may establish the principles or directives which the Government shall follow.
2. Legislative power delegated to the Government shall be exercised through Presidential Decrees.

### **Article 69**

#### **( Emergency Decree Laws )**

1. In the event of special emergency circumstances, the Government may issue temporary provisions having the force of law. Such provisions shall be issued by decree of the President of the Republic. Such decrees shall within a month be submitted before the Peoples Assembly or the standing Committee for conversion into laws.
2. The People's Assembly when in session, or standing Committee when the Assembly is in recess, shall reach a decision within fifteen days beginning from the date of the the presentation of such decree.



**Article 70**  
**( Drafts laws )**

The President of the Somali Democratic Republic, the standing Committee, or the Government may present a draft law to the People's Assembly. Members of the People's Assembly may propose a draft law if such a proposal is supported by one third of the Assembly members.

**Article 71**  
**( Laws relating to Party Strategy )**

Every draft law concerning Party strategy for the realisation of revolutionary objectives and the system of the national leadership shall be approved by the Central Committee, before the People's Assembly shall reach a final decision.

**Article 72**  
**( Promulgation and publication of laws )**

1. Every law approved by the people's assembly or the standing committee shall be promulgated by the President within fortyfive days.
2. The President of the Somali Democratic Republic shall, within the period mentio-

ned in paragraph 1 of this article, have the power to resubmit such a law to the Assembly stating the grounds thereof with a request to reconsider the law and reach a decision.

3. Where the Assembly shall approve such a law for the second time by a two third majority, the President shall promulgate it within forty-five days.
4. Every law approved by the Assembly and promulgated by the President shall be published in the official bulletin and shall come into force after the fifteen days of its publication, unless the law shall prescribe a different time limit.

### **Article 73**

#### **( The Deputy )**

1. Every deputy shall represent the general interests of the Somali people.
2. Before assuming functions in the Assembly a Deputy shall take the following Oath.

«In the name of God and country I swear that I shall faithfully, selflessly and with full confidence serve the Somali People, implement the principles of the Revolution of 21st. October, 1969, abide by the Constitution and laws of the country, car-

ry out of the socialist principles, protect the general interests of the people and the Somali state, defend with all my ability the freedom, sovereignty and unity of the country, place the general interest above my own interest, and practice equality and Justice among the Somali people».

3. A Deputy shall not be persecuted for views and opinions expressed before the Assembly and its various committees in the exercise of his responsibilities.
4. No criminal proceedings shall be instituted against a deputy, nor shall he be arrested, or his person or domicile be subjected to search, except in cases of flagrante delicto or with the authorization of the Assembly or the standing committee, when the Assembly is not in session provided that such an act shall be subsequently validated by the Assembly.
5. A Deputy shall discharge his responsibilities in the Assembly while pursuing his ordinary duties. While the Assembly is in session, or when entrusted with tasks relating to his Assembly responsibility, a Deputy shall be entitled to an honorarium which shall be fixed by a special law.

#### **Article 74**

##### **( Removal and recall of a Deputy )**

- 1 Every deputy who shall fail to fulfill the

conditions of his membership or shall fail to discharge the duties relating to his responsibility shall be relieved of such responsibility.

2. The electors may recall any deputy in whom they have lost confidence on the proposal of one fourth of the electors.
3. The decision to relieve a deputy from his responsibilities shall be taken by a simple majority of the People's Assembly.

#### **Article 75**

##### **( Investigations by the Assembly )**

1. Every Deputy shall have the right to propose motions and put questions to the Government or its members, which the Government shall be obliged to answer within twenty days.
2. The Assembly may order investigations through committees comprising its members.

#### **SECTION 2**

##### **The Standing Committee**

#### **Article 76**

##### **( Responsibilities of the Standing Committee )**

The Standing Committee shall be the or-

gan which shall direct the business of the Assembly and shall assume the responsibilities of the Assembly between sessions and shall have its powers with the exclusion of those mentioned in article 67, paragraphs 1,3,7 and 8 and article 82 paragraphs 3 and 12 of the Constitution.

### **Article 77**

#### **( Membership of the Standing Committee )**

1. The Standing Committee shall comprise the following members :

- Chairman;
- Vice-Chairmen ;
- Secretary ; and
- Ten members.

2. The Chairman and Vice - Chairmen of the Assembly shall become the Chairman and Vice - Chairmen of the Standing Committee.

### **Article 78**

#### **( The powers of the Standing Committee )**

The standing committee shall have the following powers :

1. Legislation and amendment of laws during recesses, subject to subsequent validation by the Assembly :

2. Interpretation of laws and resolutions of the Assembly ;
3. The convening of ordinary and extraordinary sessions of the Assembly ;
4. Supervision of election of Deputies to the Assembly ;
5. Any other powers granted by the Constitution or the peoples' Assembly.

CAPITAL TWO  
PRESIDENT OF THE  
SOMALI DEMOCRATIC REPUBLIC

**Article 79**  
**( Head of State )**

The President of the Somali Democratic Republic shall be the Head of State and shall represent state power and the unity of the Somali People.

**Article 80**  
**( Election and term of office )**

1. The candidate for the President of the Republic shall be proposed by the Central Committee of the Somali Revolutionary Socialist Party and shall be elected by the People Assembly.

2. The election of the President shall be by a majority of two thirds of the Deputies on the first and second ballots. A simple majority shall be sufficient on the third ballot.
3. The Assembly may relieve the President of his responsibility in accordance with the procedure laid down in paragraphs 1 and 2 of this article.
4. The President of the Republic shall hold office for six years beginning from the date of taking the Oath of office and shall be eligible for re-election.
5. Before assuming office, the President shall take the Oath of office set out in article 73 of the Constitution.

## **Article 81**

### **( Qualifications for election )**

Every Somali whose father and mother are of Somali origin, shall not have married a person not of Somali origin, has fulfilled the conditions for election to the Assembly, and has attained the age of forty may be eligible to become the President of the Somali Democratic Republic. The President of the Republic, while in office, shall not marry a person not of Somali origin.

## Article 82

### ( Duties and powers of the President )

In addition to the powers and duties granted by the Constitution and the laws, the President of the Somali Democratic Republic shall have the following powers and duties :-

1. Representation of the state in relations with foreign states ;
2. Representation of the unitary nature of the political leadership of party and state ;
3. Ratification of international treaties relating to defence and security, sovereignty and independence of the Republic, on the approval of the Central Committee of the Party and People's Assembly ;
4. Ratification of other international agreements ;
5. Reception and accreditation of ambassadors and heads of foreign missions ;
6. Chairmanship of joint meetings of Party and state institutions ;
7. Appointment and dismissal of Ministers and deputy-ministers ;
8. Appointment and dismissal of the President of the Supreme Court, Attorney-



General of the state, having heard the opinion of the Central Committee of the Somali Revolutionary Socialist Party ;

9. Appointment and dismissal of senior state officials having heard the opinion of the council of ministers ;
10. Grant mercy and commute sentences :
11. To be Commander-in-chief of the armed forces and chairman of the National Defence Council ;
12. Declare states of war and peace after authorization by the Central Committee of the Party and People's Assembly ;
13. Initiate a referendum when the country is faced with important issues ;
14. To issue Presidential Decrees ;
15. Confer medals and other state honours.

### **Article 83**

#### **( Extraordinary powers of the President )**

1. The President of the Somali Democratic Republic, shall have the power, after consultations with the National Defence Council, to proclaim emergency rule throu-

ghout the country or a part of it, and take all appropriate measures when faced with grave matters endangering the sovereignty, internal or external security of the country, or in circumstances of absolute necessity.

2. In the event of a state of war the President shall assume power over the entire country, and those articles of the constitution which shall be incompatible with such a situation shall be suspended.

#### **Article 84**

##### **( Vice Presidents )**

1. The President of the Somali Democratic Republic having heard the opinion of the Central Committee of the Party and People's Assembly may appoint one or more Vice-Presidents.
2. Before assuming functions the vice-president or vice presidents shall take the Oath of office set out in article 73 of the constitution.

#### **Article 85**

##### **( Incapacity to discharge responsibility )**

1. In case of death, resignation, or permanent disability of the President of the Somali Democratic Republic, a new Presi-

dent shall be elected within sixty days in accordance with the procedure laid down in article 80 of the constitution.

2. Until the election of a new President, or in case of a temporary disability of the President the first Vice-President shall temporarily assume the presidency.

## **CAPITAL THREE**

### **THE GOVERNMENT**

#### **Section 1**

( Central Government )

#### **Article 86**

( Council of Ministers )

1. The Council of Ministers shall be the supreme executive organ of the Central Government.
2. The Council of Ministers shall consist of the chairman of the council and ministers.
3. The President of the Somali Democratic Republic shall be the chairman of the Council of Ministers.

4. The President may appoint a Prime Minister if he shall deem it appropriate.

### **Article 87**

#### **( Powers of the Council of Ministers )**

In addition to the powers granted by the constitution and laws the Council of Ministers shall have the following powers :-

1. To present draft laws to the peoples Assembly ;
2. To direct, coordinate and supervise Government activities.
3. To issue decrees.
4. To direct activities relating to the defence and security of the state.
5. To prepare the annual budget and accounts.
6. To lay down the plan for the economic development of the country ;
7. To conclude agreements with foreign countries and international institutions.
8. To take every step to safe guard the interest of the state and public order within the powers granted by the constitution.

## **Article 88**

### **( Organisation of the Government )**

1. A special law shall establish the powers and functions of the Council of Ministers not specified by the constitution and the number and functions of the Ministeries.
2. The organisational structure of the Council of Ministers, ministeries and related offices shall be determined by a presidential decree.

## **Article 89**

### **( Penal liability of Ministers )**

1. Ministers shall be liable for crimes resulting from the execution of their functions.
2. The law shall determine the procedure for presecuting ministers for crimes mentioned in paragraph 1 of this article and any other crimes.

## **Article 90**

### **( Oath of office )**

Before assuming their functions Government members shall take the Oath of office set out in article 73 of the constitution, before the President of the Republic.

## **Article 91**

### **( Government Programme )**

Subsequent to its appointment, the Gove-

rnment shall present its programme to the Central Committee of the Party and the People's Assembly.

### **Article 92**

#### **( Deputy Ministers )**

Ministers in their functions may be assisted by deputy ministers appointed by the President of the Republic, having heard the opinion of the Council of Ministers.

## **SECTION 2**

Decentralisation of power and administration

### **Article 93**

#### **( Administrative Decentralisation )**

As far as possible administrative functions shall be decentralised to local administration and public bodies.

### **Article 94**

#### **( Local Administration )**

1. Local administrative powers shall be an integral part of the Central Government powers in the Somali Democratic Republic.
2. The law shall determine local administrative powers in accordance with the principle of democratic centralism.

## **Article 95**

### **( People's local councils )**

1. The people shall directly elect members of the peoples local councils.
2. The law shall determine the structure, powers, sources of revenue and the relationship between the people's local councils the party, People's Assembly and the State.

## **CAPITAL FOUR**

### **THE JUDICIARY**

#### **SECTION 1**

#### **Principles of Justice**

## **Article 96**

### **( Objectives of Justice )**

1. The courts and the office of the Attorner-General shall protect the socialist system of the State and its social structure.
2. The courts and the office of the Attorner-General, in the fulfilment of their responsibility shall inculcate in the Somali citizen a sprit of participation in the construction of the country, defence of

the socialist system, observance of the laws, social cooperation and the faithful discharge of state and social duties.

3. The Judiciary shall ensure observance of the laws, and shall guarantee the protection of the freedom, rights and life of the citizen, interests and dignity of the human being.

### **Article 97**

#### **( Unity of the Judiciary )**

The Judiciary of the Somali Democratic Republic shall be unified.

### **Article 98**

#### **( Independence of the Judiciary )**

Judges and Attorney-General shall be independent in the performance of their functions and shall be guided by the rule of law, they shall not be relieved of their responsibilities except in conditions provided by the law.

### **Article 99**

#### **( Court Proceedings )**

1. The Court proceeding shall in principle be oral and shall be open to the public. The law shall determine the conditions in which the proceedings shall be in Camera.



2. Judgements of courts shall be pronounced in the name of the Somali people.

## SECTION 2

### The Courts

#### Article 100

##### ( Courts of the Republic )

1. The Courts of the Somali Republic shall comprise the following :-
  - The Supreme Court ;
  - Courts of Appeal ;
  - Regional Courts ;
  - District Courts ;
  - Judicial Committees of the working sites and
  - Military Courts.
2. Special courts whose jurisdiction and structure shall be determined by law, may be established.
3. People's Judges shall participate in the courts as determined by special law.

#### Article 101

##### ( The Supreme Court )

The Supreme court shall be the highest judicial organ in the Somali Democratic Republic. It shall regulate and supervise the activities of all the courts.

**( Article 102 )**

**( Organisation of the Judiciary )**

The organisation of the Judiciary in the Somali Democratic Republic and the mode of appointment of judges shall be determined by a special law.

**SECTION 3**

**Office of the Attorney-General**

**Article 103**

**( The Attorney-General of the State )**

1. The office of the State Attorney-General shall comprise : The Attorney-General and his deputies.
2. The establishment of the office of the Attorney-General and its functions shall be determined by a special law.

**Article 104**

**( Responsibilities of the State**

**Attorney-General**

1. The office of the State Attorney General shall ensure the strict observance of the laws of the country.
2. It shall ensure that the decisions, orders and directions of State institutions are in accordance with the Constitution and the laws of the country.

3. It shall initiate proceedings against anyone who shall commit a crime.
4. It shall supervise the prisons and reformatories.
5. It shall protect the rights of the weaker section of society.
6. It shall fulfil any other functions prescribed by the law.

## SECTION 4

### The Higher Judiciary Council

#### Article 105

#### ( Responsibilities of the Higher Judiciary Council )

1. The Higher Judiciary Council shall be the organ which shall direct the general policy and administration of the Judiciary.
2. The Higher Judiciary Council shall advise the President of the Republic on mercy, appointment, transfer, promotion, and dismissal of Judges and members of the office of the Attorney-General.
3. It shall supervise the functions and conduct of Judges and members of the office of the Attorney-General.
4. The structure of the Higher Judiciary Council and its functions shall be determined by a special law.

## **Article 106**

### **( Chairmanship of the Higher Judiciary Council )**

The President of the Somali Democratic Republic shall be the Chairman of the Higher Judiciary Council.

## **SECTION 5 Constitutional Court**

### **Article 107**

#### **( Constitutionality of laws )**

1. There shall be a Constitutional Court which shall have the power to decide on the constitutionality of laws.
2. The Constitutional Court shall be composed of the Supreme Court and members of the People's Assembly nominated by the President having heard the opinion of the Standing Committee of the People's Assembly.
3. The functions, composition and the term of the Constitutional Court shall be determined by a special law.

## **CHAPTER V DEFENCE AND SECURITY OF THE COUNTRY**

### **Article 108**

#### **( Responsibilities of the Armed Forces )**

1. The Armed Forces shall protect the sovereignty and independence of the Somali Democratic Republic, the achievements and fruits of the Revolution against internal and external enemies, ensure internal security and order and shall parti-

- cipate in the construction of the country.
2. The State shall develop the capability and technical expertise of the Armed Forces, raise their political consciousness, and inculcate in them the spirit of nationalism and self-sacrifice for the motherland.

### **Article 109**

#### **( Structure of the Armed Forces )**

The structure and the organisation of the Armed Forces shall be determined by a special law.

### **Article 110**

#### **( National Defence Council )**

1. The responsibilities of the National Defence Council shall be to evaluate conditions relating to the defence and the security of the country and mobilise all resources necessary for meeting the defence needs of the country.
2. The President of the Somali Democratic Republic shall be the Chairman of the National Defence Council and shall appoint other members.
3. The law shall determine the powers of the National Defence Council both in times of peace and war.

CHAPTER VI  
MISCELLANEOUS PROVISIONS

**Article 111**  
**( The Basic Law )**

1. The Constitution shall have supreme legislative authority.
2. The Constitution of the Somali Democratic Republic shall be the basis for all laws, Decrees and orders of State institutions.

**Article 112**  
**( Amendments to the Constitution )**

1. Amendments to the Constitution may be proposed by the President of the Somali Democratic Republic, the Central Committee of the Party or one third of the membership of the People's Assembly.
2. The People's Assembly shall approve Amendments to the Constitution by a two thirds majority.
3. Amendments to the constitution shall not affect the following :-
  - a) The Republican system of the country ;

- b) The adoption of the principle of socialism ;
- c) Territorial Unity ;
- d) The fundamental rights and freedoms of the citizen and individual.

### **Article 113**

#### **( Transitional Provisions )**

1. The laws at present in force shall continue to apply and those sections which are found incompatible with the Constitution shall be amended within one year.
2. Until such time that the institutions prescribed by the Constitution are established, their powers shall be exercised by existing institutions.

### **Article 114**

#### **( Entry into Force )**

The Constitution shall come into force with effect from the date of the declaration of results of the referendum of approval by the people.

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