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# Burundi's Constitution of 2005

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# Preamble

We the people of Burundi,

Conscious of our responsibilities and duties before history and future generations;

Reaffirming our faith in the ideal of peace, of reconciliation and of national unity following the Arusha Accord for Peace and Reconciliation in Burundi of August 28, 2000 and the Accords of Cease Fire;

Considering the necessity of reinstating a pluralist democratic order and state of law;

Proclaiming our attachment to the respect of the fundamental human rights notably resulting from the Universal Declaration of Human rights of December 10, 1948, the International Pacts of Human Rights of December 16, 1966 and the African Charter on Human and Peoples' Rights of June 18, 1981;

Considering our attachment to peace and social justice;

Conscious of the pressing need to promote the economic and social development of our country and to assure the protection of our national culture;

Reaffirming our determination to defend the sovereignty and political and economic independence of our country;

Affirming the importance, in international relations, of the right of populations to exercise self-determination;

Considering that the relationships between populations must be characterized by peace, goodwill, and cooperation conforming to the Charter of the United Nations of June 26, 1945;

Reaffirming our attachment to the cause of African unity conforming to the Constitutive Act of the African Union of May 25, 2002;

Reaffirming our unwavering determination to put an end to the deep-rooted sources of the continued ethnic and political violence, of genocide and exclusion, of bloodshed, political insecurity and instability, that has plunged our people into distress and suffering and gravely compromises the perspectives of economic development and the realization of equality and social justice in our country;

Considering that to achieve these goals, the following constitutional and legal principles must be guaranteed:

- The establishment and implementation of a democratic governance system;
- The inclusion of minority political parties in the general system of good governance;
- The protection and inclusion of ethnic groups, and cultural and religious minorities in the general system of good governance;
- The restructuring of the national security and justice system to guarantee security to all Burundians, including ethnic minorities.

Reaffirming our engagement to construct a political order and a system of government inspired by the realities of our country and founded on the values of justice, democracy, good governance, pluralism, the respect of liberties and the fundamental rights of the individual, unity, solidarity, mutual understanding, tolerance and cooperation among the different ethnic groups in our society;

We solemnly adopt the present constitution that is the fundamental law of the Republic of Burundi.

# TITLE I: OF THE STATE AND THE SOVEREIGNTY OF THE PEOPLE

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## 1. Of the General Principles

### Article 1

Burundi is an independent, sovereign, secular, democratic, and unitary Republic, respectful of its ethnic and religious diversity.

### Article 2

The national territory of Burundi is inalienable and indivisible.

### Article 3

Burundi is subdivided into provinces, communes, zones, local administrative collectivities, and all other subdivisions specified by the law. The law establishes their organization and functioning. It can modify their limits and number.

### Article 4

The status and the reestablishment of the monarchy may be the object of a referendum. Any party acting peacefully in favor of the restoration of the monarchy had the right to organize.

### Article 5

The national language is Kirundi. The official languages are Kirundi and all other languages established by the law.

All original legislative texts must be in Kirundi.

### Article 6

The principle of the Republic of Burundi is "The Government of the people, by the people and for the people."

### Article 7

The national sovereignty belongs to the people that exercise it, either directly through a referendum, or indirectly by their representatives. No party of the people or individual may claim to exercise this power.

### Article 8

Suffrage is universal, equal, secret, free and transparent. It may be direct or indirect within the conditions provisioned by the law.

All Burundians at least 18 years of age and with all their civil and political rights have the right to vote within the conditions determined by the electoral code.

## Article 9

The capital of Burundi is fixed at Bujumbura. The law may transfer it to another location within the Republic.

## Article 10

The flag of Burundi is tricolored: green, white and red. It has the form of a rectangle divided by a ribbon, with a white disk touching three red stars with six branches each that form a fictional, equilateral triangle inscribed in a fictional circle having the same center as the disk and a disk that is parallel to the length of the flag.

The law defines the dimensions and other details of the flag.

## Article 11

The slogan of Burundi is “Unity, Labor, Progress.” The emblem of the Republic of Burundi is a coat of arms with a lion’s head and three lances, the image encircled by the national slogan.

The national hymn is “Burundi Bwacu.”

The law determines the seal of the Republic.

## Article 12

Burundi citizenship is acquired, protected and lost according to the conditions determined by the law.

Children born of Burundi men or women have the same rights of nationality according to the law.

## 2. OF THE FUNDAMENTAL VALUES

### Article 13

All Burundi people are equal in merit and dignity. All the citizens enjoy the same rights and have the right to the same legal protection. No Burundi citizen may be excluded from the social, economic, or political life of the nation due to his or her race, language, religion, gender or ethnic origin.

### Article 14

All Burundi citizens have the right to live in Burundi in peace and security. They may live together in harmony, while respecting each other’s human dignity and tolerating their differences.

### Article 15

The Government is constructed from the volition of the Burundi people. It is responsible before them and respectful of their fundamental rights and liberties.

• National capital

• National flag

• National motto

• National anthem

• Requirements for birthright citizenship

• Conditions for revoking citizenship

• Human dignity  
• Equality regardless of gender  
• Equality regardless of race  
• Equality regardless of language  
• Equality regardless of religion

• Human dignity

## Article 16

The Burundi government must be composed as to represent all Burundi citizens and give all citizens equal chances to participate in civic affairs; that all the citizens have access to public services and that all decisions and the actions of the Government obtain the largest support possible.

## Article 17

The Government has a responsibility to realize the aspirations of the Burundi people, in particular to resolve past divisions, ameliorate the quality of life of all the Burundi people and to guarantee to all the possibility of living in Burundi free from fear, discrimination, sickness and hunger.

## Article 18

The function of the political regime is to unite, reassure and reconcile all Burundi citizens. This regime ensures that the Government places the source of its power and authority at the service of the Burundi people.

The Government respects the separation of powers, the pre-eminence of the law, principles of good governance and transparency in public affairs.

# TITLE II: OF THE CHARTER OF THE FUNDAMENTAL RIGHTS AND DUTIES OF THE INDIVIDUAL AND CITIZEN

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## Article 19

The rights and duties proclaimed and guaranteed, between others, by the Universal Declaration of Human Rights, the International Pacts related to human rights, the African Charter of human and community rights, the Convention on the elimination of all forms of discrimination at towards women and the Convention related to children's rights are an integral part of the Constitution of the Republic of Burundi.

These fundamental rights are not the object of any restriction or derogation, except in certain circumstances justifiable by the general interest or the protection of a fundamental right.

## Article 20

All the citizens have rights and duties.

## 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND THE CITIZEN

## Article 21

Human dignity is respected and protected. All violations of human dignity are punishable by the penal code.

• International human rights treaties

• Human dignity

## Article 22

All citizens are equal before the law, which assures them equal protection.

None may be the object of discrimination, particularly discrimination against their origin, race, ethnicity, sex, color, language, social situation, religious, philosophical or political convictions, physical or mental handicap, HIV/AIDS infection or any other incurable malady.

## Article 23

Neither the State nor its organs may treat anyone in an arbitrary manner.

The State had the obligation to indemnify all victims of arbitrary treatment by the State or its organs.

## Article 24

All women and men have the right to life.

## Article 25

All women and men have the right liberty, notably to physical and psychic integrity and the freedom of movement. No one may be submitted to torture, cruel, inhumane, or degrading torture or punishment.

## Article 26

No one may be kept in slavery or servitude. Slavery and human trafficking are prohibited in all their forms.

## Article 27

The State ensures, to the extent possible, that all citizens dispose of the means to carry out an existence of human dignity.

## Article 28

All women and men have the right to the respect of their private and family life, their domicile and their personal communications.

## Article 29

The liberty to marry is guaranteed, as is the right to choose one's partner. Marriage may not occur without the freedom and full consent of the future spouses.

Marriage between two people of the same sex is prohibited.

## Article 30

The family is the natural, cellular base of society. Marriage is its legitimate foundation. The family and marriage are under the State's particular protection of the State.

The parents have the natural right and duty to educate and raise their children. The State and its public collectivities support this responsibility.

- General guarantee of equality

- Equality regardless of gender
- Equality regardless of skin color
- Equality regardless of creed or belief
- Equality regardless of social status
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of language
- Equality regardless of religion
- Equality for persons with disabilities

- Ultra-vires administrative actions

- Right to life

- Prohibition of cruel treatment
- Freedom of movement
- Prohibition of torture

- Prohibition of slavery

- Right to marry

- Right to found a family

- State support for children



- Rights of children

All children have the right, from their families and the state, to measures of special protection due to their status as minors.

## Article 31

- Freedom of expression
- Freedom of religion
- Freedom of opinion/thought/conscience

The liberty of expression is guaranteed. The State respects the liberty of religion, thought, consciousness and opinion.

## Article 32

- Freedom of assembly
- Freedom of association

The liberty of reunion and association is guaranteed, as is the right to create associations or organization conforming to the law.

## Article 33

All Burundi citizens have the right to circulate and establish themselves freely within the national territory, as well as the freedom to leave and return.

## Article 34

- Right to renounce citizenship

No one may be arbitrarily deprived of his or her nationality, nor the right to change it.

## Article 35

- Protection of environment

The state assures the proper management and rational use of the nation's natural resources, all in preserving the environment and the conservation of these resources for generations to come.

## Article 36

- Right to own property
- Protection from expropriation

All persons have the right to property.

No one may be deprived of his or her property except for the public's benefit, in the cases and manner established by the law and subject to a fair and prior indemnification, or in the execution of a final judicial decision.

## Article 37

- Right to join trade unions
- Right to strike

The rights to establish unions and to affiliate with them, as well as the right to strike are recognized. The law may regulate the exercise of these rights and prohibit certain groups of people from striking.

In all cases, these rights are prohibited to members of security or defense forces.

## Article 38

- Right to fair trial
- Right to speedy trial

All people have the right, within a judicial or administrative procedure, to have their case heard fairly and to receive a judgment within a reasonable delay.

## Article 39

- Protection from unjustified restraint

No one may be deprived of his or her liberty, if such deprivation does not conform to the law.

- Principle of no punishment without law

No one may be inculpated, arrested, detained or judged except in the cases determined by the law promulgated anteriorly to the facts by which the person is judged.

The right to legal defense is guaranteed before all jurisdictions.

None one may be deprived, against his or her will, of the judge the law assigns to him or her.

## Article 40

All persons accused of a derelict act is presumed innocent until his or her guilt is legally established by a public process during which all the necessary guarantees for his or her free defense has been assured.

## Article 41

No one may be condemned for the acts or omissions that, at the moment they were committed, did not constitute infractions.

Similarly, no one may be forced to submit to a punishment that is greater than that mandated for the infraction at the time that it was committed.

## Article 42

No one may be forced to submit to detention orders except in the cases and the manners provisioned by the law notably for reasons relating to public order or the state's security.

## Article 43

No one may be the object of arbitrary intrusion into his or her private life, family, domicile or his or her correspondence, nor attacks against his or her honor or reputation.

Police searches or home visits by enforcement may not be ordered except in the forms and conditions provisioned by the law.

Privacy in one's correspondence and communications is guaranteed, respecting the forms and conditions determined by the law.

## Article 44

All children have the right to particular measures to assure or ameliorate the care necessary to their wellbeing, health, physical security protection against abuse, violence or exploitation.

## Article 45

No child may be use directly in a military conflict. The protection of children is assured in periods of military conflict.

## Article 46

No infant may be detained unless detention is the last resort, in which case the detention must have the shortest duration possible.

• Right to counsel

• Right to counsel  
• Presumption of innocence in trials

• Protection from ex post facto laws

• Right to privacy

• Right to protect one's reputation

• Rights of children  
• State support for children

• Rights of children

• Rights of children  
• Privileges for juveniles in criminal process

All infants have the right to be separated from detainees older than 16 years of age and have the conditions of his or her detention adapted to his or her age.

## Article 47

All restrictions of a fundamental right must be legally founded; they must be justified by the general interest or by the protection of someone else's fundamental rights; and they must be proportional to the envisioned goal of the restriction.

## Article 48

The judicial, administrative, and institutional orders must respect citizen's fundamental rights. The Constitution is the supreme law. The legislature, executive and the judicial must respect it. All laws that do not conform to the Constitution are stricken as null and void.

## Article 49

No citizen may be forced into exile.

## Article 50

The right to asylum is recognized within the conditions defined by the law.

Extradition is not authorized except within the limits provisioned by the law.

No Burundi citizen may be extradited abroad unless he or she is pursued by an international criminal jurisdiction for crimes of genocide, war or other crimes against humanity.

## Article 51

All Burundi citizens have the right to participate, either directly or indirectly through representatives, in the direction and management of the State's affairs restricted only by legal conditions of age and capacity.

All Burundi citizens also have the right of access to the public functions of their country.

## Article 52

All persons are entitled to obtain the satisfaction of their economic, social and cultural rights indispensable to their dignity and to the free development of their persons, due to the national effort and the proper management of the country's resources.

## Article 53

All citizens have a right to equal access to instruction, education and culture.

The State has the responsibility to organize public education and to facilitate access to it.

However, the right to found private schools is guaranteed within the conditions fixed by the law.

• Extradition procedure

• Protection of stateless persons

• Right to development of personality  
• Human dignity

## Article 54

The state recognizes to all citizens the right to work and endeavors to create the conditions that render effective the enjoyment of this right. It recognizes the right of all persons to enjoy proper and satisfying work conditions and guarantees to the laborer the just compensation for his or her services or production.

## Article 55

All persons have the right to access healthcare.

## Article 56

The state has the obligation to prioritize the development of the country, in particular its rural development.

## Article 57

All people at equal competence, without any discrimination, have the right to an equal salary for equal work done.

## Article 58

Each person has the right to the protection of the moral and material interests of his or her scientific, literary or artistic creation.

## Article 59

All foreigners on the Republic's territory enjoy the protection accorded to people and their property by virtue of the provisions in the present Constitution and the law.

Any foreigner with a proceeding against them for crimes against humanity, genocide, or war, or acts of terrorism may be extradited.

## Article 60

The judiciary power, guardian of the rights and the public liberties, assure the respect of these rights and liberties in the conditions provisioned by the law.

## Article 61

No one may abuse the rights recognized by the Constitution or by the law to compromise the national unity, peace, democracy, the independence of Burundi, or attack the secularization of the State or violate in any other manner the present Constitution.

## 2. Of the Fundamental Responsibilities of the Individual and the Citizen

## Article 62

- Right to work
- Right to safe work environment

- Right to health care

- Right to equal pay for work

- Reference to art
- Provisions for intellectual property
- Reference to science

- Terrorism

All persons have the responsibility to respect their compatriots and to show them consideration, without any discrimination.

### **Article 63**

Each citizen has responsibilities towards their family, the society, the State and the other public collectivities.

### **Article 64**

Each Burundi citizen has the responsibility to preserve and reinforce the national unity conforming to the Charter of National Unity.

### **Article 65**

Each person is held to respect the laws and the institutions of the Republic.

### **Article 66**

Each Burundi citizen has the responsibility to preserve the harmonious development of the family and to act in favor of the cohesion and respect of this family, to respect at all moments his or her parents, to care for and assist them when necessary.

### **Article 67**

Each individual has the right to respect and to consider his or her peer without any discrimination, to carry out relations that permit the promotion, safeguard, and reinforcement of respect and tolerance.

### **Article 68**

Each Burundi citizen must guard, in his relations with the society, the preservation and the reinforcement of the country's cultural values and contribute to the establishment of a morally healthy society.

### **Article 69**

The public goods are sacred and inviolable. Each citizen is held to scrupulously respect and protect them. Each Burundi citizen has the job of defending the patrimony of the nation.

All action of sabotage, vandalism, corruption, misappropriation, dilapidation, or all other acts that jeopardize public benefits is punishable according to the conditions provisioned by the law.

### **Article 70**

All citizens are held to carry out their civic obligations and to defend the country.

Each has the responsibility to work for the community benefit and to fulfill his or her professional obligations.

All citizens are equal before public criminal charges. No one may receive exoneration except by law.

• Duty to obey the constitution

The state may proclaim the solidarity of all before the charges that result in natural and national calamities.

## Article 71

All Burundi citizens charged with a public function or elected to a political function have the responsibility to accomplish them with conscientiousness, probity, devotion and loyalty in the general interest.

## Article 72

Each Burundi citizen has the responsibility of defending the national independence and the integrity of the territory.

All citizens have the sacred responsibility to watch over and participate in the defense of his or her patrimony.

All Burundi citizens, and all foreigners that are on the territory of the Republic of Burundi, have the responsibility to not compromise the security of the State.

## Article 73

Every individual has the responsibility to contribute to the safeguarding of peace, democracy and social justice.

## Article 74

All Burundi citizens have the responsibility to contribute, by his or her labor, to the construction and the prosperity of the country.

# TITLE III: OF THE SYSTEM OF THE POLITICAL PARTIES

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## Article 75

The multi-partisan is recognized in the Republic of Burundi.

## Article 76

Political parties may organize freely conforming to the law. They are authorized conforming to the law.

## Article 77

A political party is a nonprofit association uniting citizens around a project of democratic society founded on national unity with a distinct political program of precise objectives responding to the needs of the general interest and to assure the flourishing of all the citizens.

• Right to form political parties

## Article 78

The political parties, in their organization and their functioning, must respond to democratic principles. They must be open to all Burundi citizens and their national character must be reflected in their leadership. They may not promote violence, exclusion, or hate in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

## Article 79

Political parties and coalitions of political parties must promote the free expression of suffrage and participate in politics through peaceful means.

## Article 80

The law guarantees the non-interference of public powers in the internal matters of political parties, not including necessary restrictions to prevent ethnic, political, regional, religious or gender hate, and to maintain the public order.

## Article 81

Political parties may form coalitions during election seasons, according to the modalities fixed by the election laws.

## Article 82

Active members of the defense and security corps, and magistrates may not belong to a political party.

## Article 83

External financing for political parties is prohibited, except for any exceptional exemptions established by the law.

All financing that may threaten the country's independence and national sovereignty is prohibited.

The law determines and organizes the sources of financing of political parties.

## Article 84

Towards the ends of promoting democracy, the law may authorize the financing of the political parties of an equitable manner, proportional to the number of seats that they hold in the National Assembly. This financing may apply the functioning of political parties as to their electoral campaigns, and must be transparent. These types of subventions, of advantages and facilities that the State must accord to the political parties are fixed by the law.

## Article 85

The conditions in which political parties are formed, and exercise and end their activities are determined by the law.

## TITLE IV: OF ELECTIONS

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### Article 86

The right to vote is guaranteed.

### Article 87

Elections are free, transparent and regular. The electoral code determines their practical modalities.

### Article 88

The elections are organized in an impartial manner at the national, municipality, and commune levels, as well as the other levels of government fixed by the law.

### Article 89

A national and independent electoral commission guarantees the liberty, impartiality and independence of the electoral process.

### Article 90

The commission is composed of five independent individuals. Its members are nominated by decree after having been preliminarily approved separately by the National Assembly and the Senate by a three-fourths majority.

### Article 91

The Commission is charged with the following missions:

- a. Organizing the elections at the national, municipal, and communal levels;
- b. Ensuring that the elections are free, regular and transparent;
- c. Proclaiming the provisory results of the elections within a time period defined by the law;
- d. Promulgating the arrangements, the code of conduct and the technical details, including the physical location of voting boxes and their hours of service;
- e. Hearing the complaints concerning the respect and enforcement of electoral rules. The decisions of the Commission are not appealable.
- f. Ensuring, in applying the appropriate rules, that the electoral campaigns do not instigate ethnic violence or any type of violence contrary to the present Constitution;



- g. Assuring the respect of the dispositions of the present Constitution regarding ethnicity and gender, and recognizing related complaints or disputes.

## TITLE V: OF THE EXECUTIVE POWER

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### Article 92

The President of the Republic, two Vice Presidents and the members of the Government exercise the Republic's executive power.

### Article 93

An organic law establishes the regime of the indemnities and advantages of the President, the Vice President and the members of the Government as well as the regime of the incompatibilities. It also specifies their specific regime of social security.

### Article 94

When the President, Vice Presidents and members of Government begin and finish their terms, they must submit, on their honor, written declarations of their assets and patrimony to the Supreme Court.

## 1. Of the President of the Republic

### Article 95

As the Head of State, the President of the Republic incarnates national unity, ensures respect for the Constitution and assures by his arbitration the continuity of the State the regular functioning of the institutions.

The President is the guarantor of national independence, of territorial integrity, and respect for international treaties and agreements.

### Article 96

The President of the Republic is elected by universal direct suffrage for a term of five years.

### Article 97

Candidates for the presidential seat must:

1. Have the quality of elector within the conditions specified by the electoral law;
2. Have Burundi Nationality by birth;

3. Be at least 35 years old at the moment of election;
4. Reside in Burundi's territory at the moment his or her candidacy is presented;
5. Enjoy all his civil and political rights;
6. Subscribe to the Constitution and to the Charter of the National Unity.

Additionally, a presidential candidate must not have been condemned for crimes or misdemeanors of common law requiring a penalty determined by the electoral law.

The electoral law also determines the period of time after which a condemned person, as described the preceding paragraph, may recover his or her eligibility after the execution of his or her penalty.

## Article 98

Presidential candidates may be presented by political parties, or may present themselves as independent candidates.

Any candidate not presented by a political party at the moment of his or her presentation is considered an independent.

## Article 99

Every candidate to the presidential elections must be supported by a group of at least two hundred persons, taking into account the group's ethnic and gender composition.

The members of the supporting group must themselves meet the fundamental conditions required for eligibility in the general elections.

## Article 100

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

## Article 101

If the president-elect beforehand occupied a public function, he or she is compulsorily placed in a position of detachment from that function as soon as the results are proclaimed.

In the case where the president-elect occupies a function in the private sector, compensated or not, for his or her own compensation or for the compensation of others, the president-elect will end all activities as soon as the results are proclaimed.

## Article 102

The election for the President of the Republic takes place in a uninominal ballot of two rounds.

The President is elected by an absolute majority of the expressed votes. If no candidate obtains this majority in the first round, the election will proceed to a second round within fifteen days.

Only the two candidates that have obtained the greater number of votes in the first round may present themselves in the second round. If one of these candidates withdraws, the following candidates will present themselves in the order of their ranking from the first ballot.

The candidate that receives the majority of the suffrage expressed is declared the winner of the second round.

## Article 103

The President's term begins on the day he or she takes the presidential oath and ends when the succeeding president-elect takes office.

The presidential election takes place at least one month, and at most two months before the expiration of the current President's mandate.

## Article 104

If the current President of the Republic is stands as a candidate for the next presidential term, the Parliament may not be dissolved.

Additionally, the President of the Republic may not exercise his legislative power by decree-law as derived from Article 195 of this Constitution from the moment of the official announcement of his or her candidature until the election.

In the case of necessity, the Parliament is convoked in extraordinary session.

## Article 105

The electoral law specifies all the other provisions relative to the election of the President of the Republic.

## Article 106

At the moment of entering into function, the President of the Republic solemnly takes the following oath, received by the Constitutional Court before Parliament:

Before the Burundian People, sole holder of the national sovereignty, I (announcing name), President of the Republic of Burundi, swear fidelity to the Charter of the National Unity, to the Constitution of the Republic of Burundi and to the law and engage myself to dedicate all my forces to the defense of the superior interests of the nation, to assure the national unity, cohesion, social people, and justice of the Burundian People. I engage myself to fight any ideology and practice of genocide and of exclusion, to promote and to defend the individual and collective rights and freedoms of the person and of the citizen, and to safeguard the integrity and the independence of the Republic of Burundi.

## Article 107

The President of the Republic exercises the regulatory power and assures the execution of the laws. He exercises his powers by decrees countersigned, the case arising, by the Vice-President and the relevant Minister.

The countersignature does not intervene for the acts of the President of the Republic deriving from Articles 110, 113, 114, 115, 197, 198, 297 and 298 of this

Constitution.

The President of the Republic may delegate his powers to the Vice-Presidents, with the exception of those enumerated in the preceding paragraph.

## Article 108

The President of the Republic, in consultation with the two Vice-Presidents, appoints the members of the Government and terminates their functions.

## Article 109

The President of the Republic is the head of the Government. He presides over the Council of Ministers.

## Article 110

The President of the Republic is the Commander-in-Chief of the Corps of Defense and Security. He declares war and signs the armistice after consultation with the Government, with the Bureaus of the National Assembly and of the Senate and with the National Council of Security.

## Article 111

The President of the Republic appoints members to the superior civil and military offices.

An organic law determines the categories of employment related to the preceding paragraph.

The nominations of the high civil, military and judicial functions, as specified in article 187-9 of the present Constitution may only become effective after approval from the Senate.

## Article 112

The President of the Republic appoints and recalls the ambassadors and the extraordinary envoys to foreign States, and receives the letters of credentials and recalls of the ambassadors and extraordinary envoys from foreign States.

## Article 113

The President of the Republic has the right of pardon which he exercises after consultation with the two Vice-Presidents of the Republic and the Superior Council of the Magistracy.

## Article 114

The President of the Republic confers the national orders and the decorations of the Republic.

## Article 115

When the institutions of the Republic, the independence of the nation, the integrity of the territory or the execution of its international engagements are threatened in a grave and immediate manner and the regular functioning of the public powers is interrupted, the President of the Republic may proclaim, by decree-law, the state of exception and take all the measures required by these circumstances, after official consultation with the Government, the Offices of the National Assembly and Senate, the National Council of Security and the Constitutional Court.

The Presidents informs the nation by way of a message.

These measures must be inspired by the willingness to assure to the constitutional public powers, within the shortest time period, the means to accomplish their mission.

The Constitutional Court is consulted on their subject.

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

## Article 116

The President of the Republic may be impeached for grave fault, abuse of power or corruption by a resolution taken by two-thirds of the members of the National Assembly and the Senate together.

## Article 117

The President of the Republic is only criminally responsible for the acts accomplished in the exercise of his or her functions in cases of high treason.

There is high treason when, in violation of the Constitution or the law, the President deliberately commits an act contrary to the superior interests of the nation which gravely compromises national unity, social peace, social justice, the development of the country, or gravely infringes on human rights, territorial integrity, national independence and national sovereignty.

High treason belongs to the competence of the High Court of Justice.

The President of the Republic may only be impeached by a two-thirds majority of a secret vote by the members of the National Assembly and Senate, assembled in Congress.

The investigation may only be conducted by a team of at least three magistrates of the general office of Prosecutors of the Republic presided over by the General Prosecutor of the Republic.

## Article 118

When Parliament begins the procedure for an indictment of high treason against the President of the Republic, the President of the Republic may not dissolve Parliament until the end of the judicial process.

## Article 119

Except for acts that fall under the President's discretionary competence, his or her administrative actions may be questioned before the proper court.

## Article 120

At the end of his or her term, the President of the Republic has the right to a pension and all other privileges and comforts determined by the law, unless he or she is condemned for high treason.

## Article 121

In case of absence or temporary impediment of the President of the Republic, the First Vice-President will assure the management of current affairs and if the First Vice-President is unavailable, then the Second Vice-President.

In case of a vacancy because of demission, death or any other causes of a definitive end to his functions, the interim will be assured by the President of the National Assembly or, if he is also impeded from exercising his functions, by the Vice-Presidents of the Republic and the Government acting collectively.

The vacancy will be announced by the Constitutional Court called upon by the Vice-Presidents of the Republic and the Government acting collectively.

The temporary authority may not form a new Government.

The Vice-Presidents of the Republic and the Government are reputed, outgoing authorities and may do nothing more than assure the management of current affairs until the formation of a new government.

The ballot for the election of the new President of the Republic will take place, except in a state of emergency announced by the Constitutional Court, with a period of time that may not be less than a year nor greater than three months from the announcement of the presidential vacancy.

The temporary authority will name a national, independent electoral commission charged with organizing a new presidential election, conforming to the laws in place.

## 2. Of the Vice Presidents of the Republic

### Article 122

In the exercise of his or her functions, the President of the Republic is assisted by two Vice-Presidents.

The First Vice-President assures the coordination of the political and administrative domain.

The Second Vice-President assures the coordination of the economic and social domain.

### Article 123

The Vice-Presidents are named by the President of the Republic after the preliminary approval of their candidature by the National Assembly and the Senate voting separately and by a majority of their members. They are chosen among the elected.

They may be dismissed by the President of Republic.

### Article 124

The Vice-Presidents belong to different ethnic groups and political parties.

• Head of state replacement

• Deputy executive

• Deputy executive

Without prejudice to the preceding paragraph, their nomination will take into account the predominant character of their ethnic affiliation within their respective political parties.

## Article 125

The First Vice-President presides over the Council of Ministers on delegation of the President of the Republic and for a specific agenda.

In case of impediment of the First Vice-President, the President grants this delegation to the Second Vice-President.

## Article 126

The Vice-Presidents take by order, each in his sector, all measures of execution of the presidential decrees.

The Ministers charged with executing these orders will countersign them.

## Article 127

When they enter their functions, the Vice-Presidents solemnly take the following oath, received by the Constitutional Court, before Parliament:

“Before the Burundi people, sole keeper of national sovereignty, I (announce name), Vice-President of the Republic of Burundi, I swear fidelity to the Charter of National Unity, to the Constitution of the Republic of Burundi and to the law and commit myself to consecrate all my powers to the defense of the superior interests of the Nation, to assure the unity and cohesion of the Burundi people, the peace and social justice. I commit myself to combat all ideologies and practices of genocide and exclusion, to promote and defend the individual and collective rights and liberties of the individual and of the citizen, and to safeguard the integrity and independence of the Republic of Burundi.”

## Article 128

In case of the dismissal, death or any other cause of a definitive end of the functions of a Vice-President of the Republic, a new Vice-President of the Republic from the same ethnic group and political party as his predecessor will be nominated, following the same procedure, within a period of time not to exceed thirty days from the beginning of the definitive end of the former Vice-President.

## 3. Of Government

### Article 129

The Government is open to all the ethnic compositions. Of its ministers and vice-ministers, there must be at most 60% from the Hutu tribe and at most 40% from the Tutsi group. It is assured to be at least 30% female ministers and vice-ministers.

The members come from different political parties having earned more than 20% of the vote and who so desire. These parties have right to a percentage, rounded to the inferior number, of the total number of Ministers at least equal to those seats that they occupy at the National Assembly.

When the President dismisses a Minister, it proceeds to his replacement after consultation with his political party of origin.

## Article 130

The President of the Republic, after consultation with the two Vice-Presidents of the Republic, makes sure that the Minister in charge of National Defense is not from the same ethnic group as the Minister responsible for the National Police.

## Article 131

The Government determines and conducts the political agenda of the nation through decisions taken by consensus in the Council of Ministers.

## Article 132

The Government must deliberate over the general political agenda of the State, the projects of treaties and international accords, proposed laws, proposed presidential decrees, orders of a Vice-President and ordinances of the Ministers having a character of general regulation.

## Article 133

The members of Government are responsible before the President of the Republic. When they enter office, the members of the Government take solemnly the following sermon before Parliament and the President of the Republic:

“Before the President of the Republic, before Parliament, I (give name), I swear fidelity to the Charter of National Unity, to the Constitution and the law. I commit myself to consecrate all my powers to defend the superior interests of the nation, to promote the unity and cohesion of the Burundi people, the peace and social justice in the accomplishment of the functions that are given to me. I commit myself to combat all ideologies and practices of genocide and exclusion, and to promote and defend the rights and liberties of the person and citizen.”

## Article 134

The members of the Government take, by ordinances, all measures necessary to carry out the decrees of the President of the Republic and of orders of the Vice-President of the Republic.

## Article 135

The members of the Government make or propose the nominations of the public administration and the diplomatic posts, keeping in mind the necessity to maintain an ethnic, regional, political, and gender equilibrium.

## Article 136

The members of the Government are criminally responsible for any infractions committed in the exercise of their functions. They are answerable to the Supreme Court.

## Article 137

The functions of the members of Government are incompatible with the exercise of all professional activities the exercise of any parliamentary term.



#### 4. Of the Provincial and Public Administration

### Article 138

The executive power is delegated, at the provincial level, to a province Governor charged with coordinating the services of the administration working in the province.

The Governor of the province also exercises the powers the laws and regulations give him.

### Article 139

The Government of the province must be a civilian, native Burundian, established in or from the territorial entity that he is called to administer.

He is nominated by the President of the Republic after consultation with the Vice-Presidents of the Republic and confirmation by the Senate.

### Article 140

The Administration functions confirming to the democratic values and to the principles pronounced in the present Constitution at the law.

### Article 141

All the agents of the public administration exercise their functions in an efficient, impartial, and fair way to serve all the beneficiaries of public services. The diversion of public funds, corruption, extortion and embezzlement are punishable conforming to the law.

### Article 142

The administration is organized in ministries, and all ministers inform the President of the Republic how his ministry accomplishes its tasks and uses the funds allocated to him.

### Article 143

The Administration is largely representative of the Burundi nation and must reflect its diversity. The practices that it observes in matters of employment are founded on objective and equitable criteria of aptitude as well as on the necessity to correct inequality and to assure a large ethnic, regional and gender representation. Ethnic representation in public companies is provided on the basis of 60% at most for the Hutu and 40% at most for the Tutsi.

### Article 144

A law prescribes the distinction between private, technical, and political employment.

## Article 145

No agent of the public administration or judicial apparatus of the State may benefit from favorable treatment nor become the object of biased treatment because of his or her gender, ethnic origin or political affiliation.

## Article 146

The executives and agents of the Public Administration are required to make a declaration of their assets when they enter office and at the end of their terms.

A law determines the competent jurisdiction and the process to be followed.

# Title VI: Of the Legislative Power

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## 1. The Provisions Common to the National Assembly and Senate

### Article 147

The legislative power is exercised by Parliament, composed of two chambers: the National Assembly and the Senate.

The members of the National Assembly carry the title of deputy; those of the Senate carry the title of senator.

No congressman may belong to the Senate and National Assembly at the same time.

### Article 148

An organic law fixes the conditions in which the deputies and the senators are replaced in cases of vacant seats.

### Article 149

The mandate of the deputies and senators has a national character. All imperative mandate is null and void.

The vote of the deputies and of the senators is personal.

The internal regulations of the National Assembly and the Senate may exceptionally authorize the delegation of a vote. However, no one may receive the delegation of more than one mandate.

### Article 150

The deputies and the senators may not be prosecuted, investigated, arrested, detained, or tried for opinions or votes expressed during parliamentary sessions.

• Structure of legislative chamber(s)

• Replacement of legislators

• Immunity of legislators

Except in cases of flagrant offense, the deputies and senators may not, during the period of their sessions, be prosecuted except with the authorization of the Office of the National Assembly or the office of the Senate.

The deputies and the senators may not, outside session, be arrested except with the authorization of the Office of the National Assembly, for the deputies or the Office of the Senate for the senators except in cases of flagrant offense, of prosecutions already authorized or final convictions.

## Article 151

The deputies and senators are justiciable before the Supreme Court conforming to the law governing the court and prescribing the code of the organization of the judicial competence.

## Article 152

The mandate of deputy or senator is incompatible with all other function of a public character. An organic law may exempt certain categories of local elected officials or agents of the State of a mandate incompatible with the position of deputy or senator.

## Article 153

An organic law fixes the system of compensation and benefits of the deputies and senators as well as the system of incompatibilities. It also prescribes their specific system of social security.

## Article 154

When they enter into office and at the end of their term, the members of the offices of the National Assembly and the Senate must, on their honor, make a written declaration of their assets and property addressed to the Supreme Court.

## Article 155

A deputy or senator nominated to the Government or any other public office incompatible with a parliamentary mandate must immediately resign from the National Assembly and Senate if he accepts, and be replaced by a successor.

The deputy or senator placed in one of the situations described in the preceding paragraphs will resume his functions as soon as the incompatibilities are resolved if his term in office is still in course.

## Article 156

The mandate of deputies and senator will end by death, dismissal, permanent incapacity or unjustified absence for more than a quarter of meetings during a parliamentary session or when the deputy or senator experiences one of the cases of degradation provisioned by an organic law.

## Article 157

Except in cases of states of emergency declared by the Constitutional Court, the deliberations of the National Assembly and of the Senate are not valid unless they take place in their ordinary sessions.

• Public or private sessions

The sessions of the National Assembly and of the Senate are public. However, the National Assembly and the Senate may convene privately in case of need.

• Publication of deliberations

The minutes of the debates of the National Assembly and the Senate is published in the parliamentary journal.

## Article 158

Parliament votes on new law and controls the action of the Government.

## Article 159

These are within the domain the law:

1. The fundamental guarantees and obligations of the citizen:
  - Safeguard of individual liberty
  - Protection of public liberties
  - Constraints imposed, in the interest of national defense and public security, on citizens' personhood and property.
2. The status of persons and property:
  - Nationality, status, and capacity of people;
  - Matrimonial regimes, inheritance and gifts;
  - Regimes of property, of realty rights and of civil and commercial obligations;
3. The political, administrative, and judicial organizations:
  - General organization of administration;
  - Territorial organization, creation and modification of administrative conscriptions as well as electoral divisions;
  - Electoral system;
  - General organization of national orders, of decorations and honorific titles;
  - General rules of organization of national defense;
  - General rules of organization of the national police;
  - Status of persons in the defense and security corps;

• Electoral districts

- Status of personnel in Parliament;
  - General principles of the public function;
  - Statute of the public function;
  - Status of exception;
  - Organic framework of creation and of suppression of the public [and] autonomous establishments and services;
  - Organization of jurisdictions of all orders and procedure followed before these jurisdictions, creation of new orders of jurisdiction, determination of statutes of the magistrate, of the ministerial offices, and of the auxiliaries of justice;
  - Determination of crimes and offenses, as well as their applicable punishments;
  - The organization of the bar;
  - The penitentiary regime;
  - Amnesty.
4. The protection of the environment and the conservation of natural resources;
  5. Issues of finance and inheritance;
    - Regime for the emission of the currency;
    - Budget of the State;
    - Definition of the base and of the tax rate and taxes;
    - Alienation and management within the domain of the State.
  6. The nationalization and privatization of companies and the transfers of property of companies from the public to the private sector;
  7. The system of education and scientific research;
  8. The objectives of the social and economic activities of the State;
  9. The legislation of work, social security, the right to syndicate, including the conditions of exercising the right to strike.

## Article 160

Matters other than those within the domain of the law are of a regulatory character.

Legislative texts intervening in these matters may be modified by presidential decree taken after consultation with the Constitutional Court.

## Article 161

The regulatory texts intervening in matters that belong to the domain of the law may be modified by a legislative vote, after consultation with the Constitutional Court.

## Article 162

The financial laws determine, for each year, the resources and expenses of the State.

## Article 163

The two chambers of Parliament reunite in congress to:

1. Receive a message from the President of the Republic;
2. Accuse the President of the Republic in case of high treason, through a resolution taken by two thirds of the members of the National Assembly and Senate;
3. Reexamine the draft of the finance laws conforming to Article 177.
4. Elect the first President of the Republic post-transition.
5. Evaluate, ever six months, the implementation of the Government's programming;
6. Receive the oath of the CENI.

The Office of Parliament reunited in congress is composed of the offices of the National Assembly and the Senate. The presidency and vice-presidency of these meetings are given respectively to the President of the National Assembly and the President of the Senate.

The internal regulations of the National Assembly apply to congressional meetings.

## 2. Of the National Assembly

### Article 164

The National Assembly is composed of at least one hundred deputies at the rate of 60% Hutu and 40% Tutsi, with a minimum of 30% of women, elected by direct universal suffrage for a mandate of five years and three deputies from the Twa co-opted ethnicity conforming to the electoral code.

Where the results of the vote do not reflect the above percentages, a co-optation mechanism provided under the electoral code will proceed to address the imbalance.

• Joint meetings of legislative chambers

• First chamber representation quotas  
• Size of first chamber  
• First chamber selection  
• Term length for first chamber

The number of candidates to elect by district is fixed by electoral law proportionally to the population.

## Article 165

Candidates for legislative elections must be of Burundi nationality and origin, be at least twenty-five years old, and enjoy all his or her civil or political rights.

Candidates for legislative elections must not have criminal convictions or offenses under the common law with a punishment determined by the electoral law.

The electoral law determines as well the period of time after which someone convicted in the sense given above may regain his or her eligibility after the execution of his or her sentence.

## Article 166

The candidates to legislative election may be presented by the political parties or present themselves as independents as defined by Article 99 of the present Constitution.

## Article 167

The national independent electoral commission verifies the admissibility of candidates.

## Article 168

The elections of deputies occur following the ballot of lists by proportional representation. These lists must have a multiethnic character and maintain the equilibrium between women and men. For three candidates listed in a row, only two may belong to the same ethnic group, and at least a quarter of the candidates must be women.

## Article 169

Candidates presented by political parties, or the lists of independents, may not be considered as elected to the National Assembly unless, at the national level, their party or list has at least 2% of the popular vote.

## Article 170

As soon as its first session, the National Assembly will adopt its internal regulations that determine how it should organize and function. The National Assembly will also put in place its office. The first session will take place on the first business day following the seventh day after the validation of its election by the Constitutional Court. This session is presided over by the oldest deputy.

## Article 171

The office of the National Assembly is comprised of a President and Vice-Presidents. The President and the other members of the office of the National Assembly are elected for all the legislature. However, he may end their functions in the conditions fixed by the internal regulations of the National Assembly.

## Article 172

Parliamentary groups may be constituted within the National Assembly. The internal regulation of the National Assembly fixes the manner of its organization and functioning.

## Article 173

The parties of opposition at the National Assembly have the right to participate in all parliamentary commissions, whether they are specialized commissions or investigatory commissions.

A political party providing a member in the Government may claim to be part of the opposition.

## Article 174

The National Assembly convenes in three annual, regular sessions of three months each. The first session begins the first Monday of February, the second begins the first Monday of June, and the third on the first Monday of October.

Extraordinary sessions may not last longer than fifteen days. They may be convened at the demand of the President of the Republic or at the demand of an absolute majority of the members composed of the National Assembly, for a specific agenda.

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

## Article 175

The National Assembly may not have a valid deliberation unless at least two thirds of the deputies are present. The laws are voted by the majority of two-thirds of the deputies presented or represented.

The organic laws are voted by the majority of two-thirds of the deputies present or represented, except this majority cannot be inferior to the absolute majority of the members composing the National Assembly.

The majority of two-thirds of deputies present or represented is also required for voting on resolutions, decisions, and important recommendations.

## Article 176

The National Assembly is referred to the bill of the law of finances from the opening of the session in October.

## Article 177

The National Assembly votes on the general budget of the State. If the National Assembly has not decided the budget by December 31st, the budget of the preceding year will apply by provisional twelfths.

At the demand of the President of the Republic, Parliament will reconvene within fifteen days to reexamine the bill of the law of finances.

If Parliament has not voted on the budget by the end of that session, the budget is established definitively by a decree-law taken in Council of the Ministers.



## Article 178

A Court of Accounts will be created to examine and certify the accounts of all public services. The Court assists Parliament in the control and execution of the law of finances.

The Court of Accounts presents to Parliament a report on the regularity of the general account of the State and confirms if the funds are being used in conformity with the established procedures and the budget approved by Parliament.

The Court will give a copy of this report to the Government.

The Court of Accounts is granted the necessary resources to exercise its functions.

The law determines its missions, organization, competences, functioning and procedure followed before it.

## 3. Of the Senate

### Article 179

Candidates for the election of senators must be of Burundi nationality, be over thirty years old at the time of the election, and still have all his or her civil and political rights.

Candidates to senatorial elections may not have been convicted of a crime or misdemeanor of the common law with a punishment determined by the electoral law.

The electoral law also determines the period of time after which a person convicted in the sense given above may regain his or her eligibility after the execution of his or her sentence.

### Article 180

The Senate is composed of:

1. Two delegates of each province, elected by an electoral college composed of members of the communal Councils of the province considered, from different ethnic communities and elected by distinct ballots;
2. Three persons from the Twa ethnicity,
3. The former Heads of State.

There must be a minimum of thirty percent of women. The electoral law determines the practical modalities, with co-optation in the necessary cases.

### Article 181

The national, independent electoral commission verifies the candidate's eligibility. These candidates come from political parties or may run as independents as defined by Article 98 of the present Constitution.

## Article 182

As soon as the first session, the Senate will adopt its internal regulations that determine its organization and functioning. The Senate will also elect its Office.

The first session will rightfully convene the first business day following the seventh day after the validation of its election by the Constitutional Court. This session is presided over by the oldest senator.

## Article 183

The Office is composed of a President and Vice-Presidents.

## Article 184

The formation of parliamentary groups is prohibited within the Senate.

## Article 185

The Senate will convene each year in three regular sessions of three months each and at the same time as the National Assembly.

Extraordinary sessions may not last longer than fifteen days, may be convened at the demand of the President of the Republic or at the demand of an absolute majority of members composing the Senate, for a specific agenda.

Extraordinary sessions are open and closed by decree of the President of the Republic.

## Article 186

The Senate may not validly deliberate unless two-thirds of senators are present. The decisions are taken with a majority of two-thirds of senators presented or represented.

The organic laws are voted at the majority of two thirds of the senators present or represented, except the majority may not be inferior to the majority absolute of the members of the Senate.

## Article 187

The Senate is granted the following responsibilities:

1. Approve the amendments to the Constitution and the organic laws, including the laws governing the electoral process;
2. Be referred to the report of the ombudsman on all aspects of the public administration;
3. Approve the texts of the laws concerning the limitations, attributes and powers of the territorial entities;
4. Lead investigations in the public administration and, the case arising, make recommendations to assure that no region or group is excluded from the benefits of the public services;

5. Control the application of the constitutional dispositions requiring ethic and gender representation and equilibrium in all the structures and institutions of the State notably the public administration and the corps of defense and security;
6. Council the President of the Republic and the President of the National assembly on all questions, notably the legislative order
7. Formulate the observations or propose the amendments concerning the legislation adopted by the National Assembly
8. Elaborate and make propositions of law for review by the National Assembly.
9. Approve the nominations of only the following functions:

• Selection of active-duty commanders

a. The chiefs of the Corps of defense and security

b. The governors of province

c. The ambassadors;

• Ombudsman

d. The Ombudsman;

• Establishment of judicial council

e. The members of the Superior Council and the Magistrate;

• Supreme court selection

f. The members of the Supreme Court;

• Constitutional court selection

g. The members of the Constitutional Court;

h. The Attorney General of the Republic and the magistrates of the of the Prosecutor General of the Republic;

• Administrative court selection

i. The President of the Court of Appeals and the President of the Administrative Court;

j. The Prosecutor General near the Court of Appeal;

k. The presidents of the Courts of First Instance, of the Court of Commerce and of the Court of Labor;

l. The prosecutors of the Republic;

m. The members of the national, independent Electoral Commission.

## 4. Of the Procedure of Adopting New Law

### Article 188

The bills and propositions of law are deposited simultaneously at the offices of the National Assembly and Senate.

All bills of law and all propositions of law will specify if it is about a subject relevant to the responsibilities of the Senate conforming to Article 187.

The texts referred to in the preceding paragraph are registered in the agenda of the Senate.

The other texts are examined following the procedure prescribed in articles 190 and 191 below.

In cases of doubt or litigation over the eligibility of a text, the President of the Republic, the President of the National Assembly or the President of the Senate will refer to the Constitutional Court to decide the issue.

### Article 189

For the subject other than those mentioned in Article 188, the proposal of law is first read by the National Assembly. It is then transmitted to the Senate by the President of the National Assembly.

At the demand of its Office or at least a third of its members, the Senate examines the proposed law. This demand is formulated within seven days of the reception of the law.

No more than ten actual days after the demand, the Senate may either decide that it will not amend the proposed law, or that it will adopt the proposed law after having amended it.

If the Senate had not decided within the time given or if it makes known to the National Assembly not to amend the proposed law, the President of the National Assembly will transmit the bill to the President of the Republic within forty-eight hours for promulgation.

If the bill is amended, the Senate will transmit it to the National Assembly that will pronounce whether it adopts the bills or rejects the bill in its entirety or just the amendments adopted by the Senate.

### Article 190

If, on the occasion of the examination referred to in the last paragraph of Article 189, the National Assembly adopts a new amendment, the bill of law is returned to the Senate which makes a decision on the amended bill.

Within a time period that cannot exceed five days including the date of return of the bill, the Senate may either decide to accept the bill amended by the National Assembly, or adopt it after amending it again.

If the Senate does not make a decision on bill within the period of time given or if it makes known to the National Assembly its decision to accept the version of bill accepted by the National Assembly, the Assembly will transmit the bill within forty-eight hours to the President of the Republic for promulgation.

If the bill is amended again, the Senate will transmit the amended bill back to the National assembly who will pronounce definitely on the bill, either adopting the Senate's version or amending it again.

• Division of labor between chambers

## Article 191

Regarding subjects discussed in Articles 187, 1, and 3, the text adopted by the National Assembly is transmitted for adoption to the Senate by the President of the National Assembly.

The Senate will adopt the bill, within a time period not to exceed thirty jour, either without amendment, or after having amended it.

If the Senate adopts the bill without amendment, the President of the Senate will return the adopted text to the President of the National Assembly who will transmit it within forty-eight hours to the President of the Republic for promulgation.

If the Senate adopts the bill after amending it, the President of the Senate will transmit the amended bill to the National Assembly for another review.

If the amendments proposed by the Senate are adopted by the National Assembly, the President of the National Assembly will transmit, within forty-eight hours, the definitive text to the President of the Republic for promulgation.

When, following a disagreement between the two chambers, a bill or proposed law is not adopted, the President of the National Assembly and the President of the Senate will create a mixed, equal commission charged with proposing a common text for all or the remaining part of the bill in dispute, within fifteen days.

The text edited by the mixed, equal commission is submitted for approval to the two chambers. No amendment is admissible. Each chamber will approve the bill separately.

If the mixed commission does succeed at adopting a common text, or if this text is not adopted by both chambers, the President of the Republic may either request that the National Assembly decide definitely or declare void the bill or proposed law.

The National Assembly adopts a bill with a two-thirds majority.

## TITLE VII: OF THE RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE

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### Article 192

The initiative of laws belongs concurrently to the President of the Republic, the Government, the National Assembly and the Senate.

Proposed laws are deliberated in the Council of Ministers.

### Article 193

The agenda of the sessions of the National Assembly and the Senate includes, on priority and in the order that the Government has established, the discussion of the bills of law presented by the Government and the proposals of law presented by the members of the National Assembly or of the Senate.

If a proposal of law could not be studied during two successive ordinary sessions, it must be registered as a priority in the agenda of the following session.

• Initiation of general legislation

## Article 194

The Government has the right to propose amendments to proposed laws submitted by members of Parliament.

The National Assembly and the Senate have the right to deliberate, propose amendments to proposed laws or reject proposed laws submitted by the Government.

Nevertheless, the propositions and amendments formulated by the members of the National Assembly or the Senate are not receivable if their adoption would have the following consequences, without propositions for compensatory revenue: either an important decrease in public resources or the creation or aggravation of important public expenses.

When the National Assembly or the Senate tasks a parliamentary commission with examining a bill or proposed law, the Government may, after the opening of debates, oppose the review of all amendments that had not been previously submitted to this commission.

If the Government requests it, the chamber called upon will decide on a portion or the entire proposed law with a single vote by retaining only the amendments proposed or accepted by the Government.

## Article 195

The Government may, for the execution of its program, request that Parliament authorize it to take by legal-decrees, during a limited period, measures that would otherwise be under the authority of the law.

These legal-decrees must be ratified by Parliament during the following the next session.

The ratification would occur by a single vote on the text of the law.

In the absence of a ratification of the law, they will be struck down as lapsed and declared lapsed by Constitutional Court, the case arising.

## Article 196

If it appears, over the course of the legislative process, that a proposed law or amendment is not within the authority of the law, the Government may oppose its validity.

In case of a disagreement between the Government and Parliament, the Constitutional Court, at the demand of the President of the Republic, the President of the National Assembly, or the President of the Senate, may decide the issue within a delay of eight days.

## Article 197

The President of the Republic promulgates the laws adopted by Parliament within a delay of thirty days including the day of their transmission, if he or she does not formulate a demand for a second lecture or does not call the Constitutional Court for reason of unconstitutionality.

The demand of a new review may concern all or part of the law.

After a second lecture, the same text may not be promulgated unless it is voted in by a majority of three quarters of deputies and three quarters of senators.

• Organic laws

Before the promulgation of organic laws, the President of the Republic must verify their constitutionality through the Constitutional Court.

## Article 198

The President of the Republic may, after consultation of the Vice-Presidents of the Republic, of the President of the National Assembly and President of the Senate, submit to a referendum all proposed constitutional text, legislative or otherwise, susceptible to having profound repercussions on the life and future of the nation or on the nature or the functioning of institutions of the Republic.

## Article 199

The President of the Republic communicates with Parliament assembled in Congress by way of message. This message may not be subject to debate.

## Article 200

The members of Government may attend meetings of the National Assembly and Senate. They are heard each time they demand attendance. They may be assisted by experts.

## Article 201

The members of the National Assembly and of the Senate have the right to debate the actions of policies of the Government.

## Article 202

The National Assembly and the Senate may be informed of the activity of the Government through oral or written questions addressed to members of Government.

During these sessions, a session per week is reserved to prioritize the questions of deputies and senators, and the Government's responses.

The Government is required to give the National Assembly and the Senate all explanations demanded of it regarding its management and activities.

## Article 203

The National Assembly may present a motion of censure against the Government with a majority of two-thirds of its members. It can be dissolved by the Head of the State.

A motion of insubordination can be voted by a majority of two-thirds of the members of the National against a member of the Government who shows a manifest failure in the administration of their ministerial department or who perpetrates acts contrary to moral integrity or probity, or who, by their conduct, disturbed the normal functioning of the Parliament. In this case, the member of the Government must present his obligatory resignation.

## Article 204

The National Assembly and the Senate have the right to create parliamentary commissions charged with investigating specific issues of government action.

• Referenda

• Legislative oversight of the executive

• Legislative oversight of the executive

• Legislative oversight of the executive

# TITLE VIII: OF THE JUDICIAL POWER

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## Article 205

Justice is rendered by the courts and tribunals in all the territory of the Republic in the name of the Burundian People.

The role and duties of the Public Ministry are fulfilled by the Prosecuting Magistrates. However, the judges of the Ordinary Tribunals of Residence and the officers of the police may fulfill vis-à-vis these tribunals the duties of the Public Ministry under the surveillance of the Prosecutor of the Republic.

An organic law establishes the organization and the judicial competences.

## Article 206

Trials are public, except in closed-door cases pronounced by the judicial decision, when publicity would be dangerous to public order or good morals.

## Article 207

All judicial decisions must be substantiated before pronouncing it before a public audience.

## Article 208

The judicial power is structured in a manner to reflect the composition of the population.

The procedures of recruitment and nomination in the judicial body obeys the concern of promoting regional, ethnic, and gender equilibrium.

## Article 209

The judicial power is impartial and independent of legislative or executive power.

In the exercise of its functions, the judge may not submit to any authority other than the Constitution and the law.

The President of the Republic, Head of State, is responsible for the independence of the Magistracy. The Superior Council of the Magistracy assists the President in this mission.

## 1. Of the Superior Council of the Magistracy

## Article 210

The Superior Council of the Magistracy watches over the proper administration of the Justice. It is responsible for the independence of the seated magistrates to exercise of their functions.



## Article 211

The Superior Council of the Magistracy is the highest disciplinary instance of the Magistracy. It recognizes the complaints of individuals or the Ombudsman concerning the professional conduct of the Magistrates as well as the recourses for the Magistrates against the disciplinary measures or claims concerning their career.

## Article 212

A magistrate may only be dismissed for a professional fault or incompetence, and only by proposition of the Superior Council of the Magistracy.

## Article 213

The Superior Council of the Magistracy assists the President of the Republic and the Government in:

1. The elaboration of policy on the matter of justice;
2. The following of the situation of the country in the judicial and human rights domain;
3. The elaboration of the strategies against impunity.

## Article 214

In their career, the Magistrates are appointed by Decree of the President of the Republic on a proposal of the Minister having justice within their attributions, after the opinion of the Superior Council of the Magistracy. Those of the Ordinary Tribunals of Residence are appointed by ordinance of the Minister having justice within his attributions following the same procedure.

## Article 215

All nomination to judicial functions referred to in Article 188,9, except to the Constitutional Court, are made by the President of the Republic on a proposal by the Minister having justice within his attributions, after the opinion of the Superior Council of the Magistracy and confirmation by the Senate.

## Article 216

The Superior Council of the Magistracy annually produces a report on the state of the judiciary, which it addresses to the Government, the National Assembly and the Senate.

## Article 217

The Superior Council of the Magistracy is balanced ethnically, regionally, and by gender. It is comprised of:

- Five members designated by Government,
- Three judges of superior jurisdictions,
- Two magistrates from the Public Ministry,

- Two judges of the Ordinary Tribunals of Residence,
- Three members exercising a juridical profession in the private sector.

The members of the second, third and fourth category are elected by their peers.

## Article 218

The members of the Superior Council of the Magistracy are nominated by the President of the Republic after the Senate.

## Article 219

The Superior Council of the Magistracy is presided over by the President of the Republic assisted by the Minister having justice within his attributions.

## Article 220

An organic law determines the organization and the functioning of the Superior Council of the Magistracy as well as the modalities of the designation of its members.

## 2. Of the Supreme Court

### Article 221

The Supreme Court is the highest ordinary jurisdiction of the Republic.

It is responsible for the proper application of the law by the courts and tribunals.

### Article 222

The judges of the Supreme Court are nominated by the President of the Republic on the proposition of the appropriate Minister, after the opinion of the Superior Council of the Magistracy and with approval of the Senate.

### Article 223

It is instituted, near the Supreme Court, a general office of the Republic whose members are nominated of the same manner as the judges of the Supreme Court.

### Article 224

An organic law specifies the composition, the organization, the competence and the functioning of the Supreme Court as well as the applicable procedure before it.

## 3. Of the Constitutional Court

### Article 225

The Constitutional Court is the jurisdiction of the State for constitutional matters. It is the judge of the law's constitutionality and the interpretation of the Constitution.

• Structure of the courts

• Supreme court selection

• Supreme court powers

• Constitutional interpretation  
• Establishment of constitutional court

## Article 226

The Constitutional Court is composed of seven members. They are nominated by the President of the Republic and after approval of the Senate. They have a mandate of six years nonrenewable.

At least three members of the Constitutional Court are career magistrates.

The President, Vice-President and the career magistrates are permanent.

The members of the Constitutional Court are chosen among jurists recognized for their moral integrity, their impartiality and their independence.

Three members of the Constitutional Court are nominated before the entry into force of the Constitution and have a mandate limited to three years. They are chosen by drawing of lots assured by the President of the court, assisted by his adjunct in course of his public audience.

## Article 227

The Constitutional Court may only sit validly if at least five of its members are present. Its decisions are taken with the absolute majority of the sitting members, the voice of the President being decisive in the case of equal sharing of the voices.

## Article 228

The Constitutional Court is competent to:

- Decide on the constitutionality of the laws, and on the regulatory acts taken in the matters other than those belonging to relevant the domain of the law;
- Assure the respect for the Constitution, including the Charter of Fundamental Rights, by the organs of the State, and the other institutions;
- Interpret the Constitution, at the request of the President of the Republic, of the President of the National Assembly, of the President of the Senate, of one quarter of the Deputies or of one quarter of the Senators;
- Decide on the regularity of the presidential and legislative elections and of the referenda and to proclaim the definitive results of them;
- Receive the oath of the President of the Republic, of the Vice-Presidents of the Republic and of the members of the Government before their entry into their functions;
- Declare the vacancy of the position of President of the Republic.

The organic laws before their promulgation, the internal regulations of the National Assembly and of the Senate before their application, are submitted obligatory to the control of constitutionality.

## Article 229

The Constitutional Court is equally competent to decide on the cases specified in Articles 115, 157, 160, 161, 188, 234 and 296 of this Constitution.

## Article 230

The Constitutional Court is referred to a matter by the President of the Republic, the President of the National Assembly, the President of the Senate, by one-quarter of the members of the National Assembly or one-quarter of the members of the Senate, or by the Ombudsman.

• Constitutional court term limits  
• Eligibility for const court judges  
• Constitutional court selection  
• Constitutional court term length

• Constitutionality of legislation

• Constitutional court powers

• Constitutionality of legislation

• Ombudsman

Every natural or legal person interested, including the Public Ministry, may refer the Constitutional Court to a matter of the constitutionality of the laws, either directly by way of an action or indirectly by the procedure of exception of unconstitutionality invoked in a matter submitted to another jurisdiction.

This one postpones its decision until the decision of the Constitutional Court which must intervene within a period of thirty days.

### **Article 231**

A provision declared unconstitutional may not be promulgated or implemented.

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

### **Article 232**

An organic law determines the organization and the functioning of the Constitutional Court as well as the procedure applicable before it.

## **4. OF THE HIGH COURT OF JUSTICE**

### **Article 233**

The High Court of Justice is composed of the Supreme Court and of the Constitutional Court reunited. It is presided over by the President of the Supreme Court; the Public Ministry is represented by the General Prosecutor of the Republic.

### **Article 234**

The High Court of Justice is competent to judge the President of the Republic for high treason, and the President of the National Assembly, the President of the Senate and the Vice-Presidents of the Republic for crimes and misdemeanors committed during their mandate.

The instruction and the judgment take place before any other affair.

The decisions of the High Court of Justice are not susceptible to any recourse except by pardon or revision.

### **Article 235**

In the case of conviction, the President of the Republic, the Vice-Presidents of the Republic, the President of the National Assembly and the President of the Senate are relieved of their functions.

### **Article 236**

An organic law establishes the rules of organization and of functioning of the High Court of Justice as well as the procedure applicable before it.

## TITLE IX: OF THE OMBUDSMAN

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• Ombudsman

### Article 237

The Ombudsman receives the complaints and conducts the inquiries concerning administrative faults and violations of the rights of the citizens committed by the agents of the public function and of the judiciary, and makes recommendations on that subject to the competent authorities. He also assures mediation between the Administration and the citizens and between the ministries and the Administration and plays the role of an observer in what concerns the functioning of the public administration.

The law establishes the organization and the functioning of his service.

### Article 238

The Ombudsman has at his disposal the powers of the resources necessary to fulfill his functions. He presents every year a report to the National Assembly and to the Senate. His report is published in the Official Gazette of Burundi.

### Article 239

The Ombudsman is appointed by the National Assembly by a majority of three-quarters of its members. His appointment is subject to the approval of the Senate by a majority of two-thirds of its members.

His mandate is for six years, non-renewable.

## TITLE X: OF DEFENSE AND OF SECURITY

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### Article 240

The Corps of Defense and of Security are established in accordance with the law. Apart from these, no other armed organization may be created or raised.

### Article 241

The Corps of Defense and of Security must reflect the resolute willingness of the Burundians, as individuals and as a nation, to live as equals, in peace and harmony. They must teach their members to act in conformity with the Constitution and the laws in force, as well as with the international conventions and agreements of which Burundi is a part, and requires from them they respect these texts.

The Corps of Defense and of Security are at the service of the Burundian People. They must be an instrument of protection of all the Burundian People and all the People must recognize themselves in them.

### Article 242

The maintenance of the national security and that of the national defense are submitted to the authority of the Government and to the control of the Parliament.

## Article 243

The Corps of Defense and of Security must render account of their actions and work in all transparency.

Parliamentary commissions given the charge of supervising the work of the Corps of Defense and of Security, are created in accordance with the legislative texts in force and following the regulations of the Parliament.

## Article 244

Neither the Corps of Defense as of Security, nor any of their members may, in the exercise of their functions:

- a. Infringe the interests of a political party which, in the terms of the Constitution, is legal;
- b. Manifest their political preferences;
- c. Favor in a partisan manner the interests of a political party;
- d. Be a member of a political party or of an association with a political character;
- e. Participate in activities or manifestations of a political character.

The law concerning the organization and the functioning of the Corps of Defense and of Security punishes the violation of it.

## Article 245

The Corps of Defense and of Security consist of a force of national defense, a national police and a national intelligence service, all established in accordance with this Constitution.

The National Defense Force of Burundi is an armed corps designed, organized and trained for the defense of the integrity of the territory, of the independence and of the sovereignty of the Nation.

The National Police of Burundi is a corps designed, organized and trained for the maintenance and restoration of security and order in the country.

The National Intelligence Service is a corps designed, organized and trained to look for, centralize and exploit all information of a nature that contributes to the security of the State, of its institutions and of its international relations, as well as to the prosperity of its economy.

## Article 246

The Corps of Defense and of Security are subordinated to the civilian authority within the respect for the Constitution, for the law and for the regulations.

## Article 247

The Corps of Defense and of Security develop within them a society that is not discriminatory, either by gender or ethnicity.

## Article 248

The organic laws determine the establishment, the missions, the organization, the instruction and the conditions of service and the functioning of the Force of National Defense, of the National Police and of the National Intelligence Service.

## Article 249

Within the limits determined by the Constitution and the laws, only the President of the Republic may authorize the use of the Armed Forces:

- a. In the defense of the State;
- b. In the restoration of order and of the public security;
- c. In the fulfillment of the international obligations and engagements.

## Article 250

When the Force of National Defense is used in one of the cases cited in the paragraph above, the President consults officially in the competent instances so enabled and informs the Parliament promptly and in a detailed manner concerning:

- a. The reason or reasons for the use of the Force of National Defense;
- b. All places where this force is deployed;
- c. The period for which this force is deployed.

## Article 251

If the Parliament is not in session, the President convokes it in an extraordinary session within the seven days following the use of the Force of National Defense.

## Article 252

The Corps of Defense and of Security respect the rights and the dignity of their members within the framework of the normative constraints of discipline and instruction.

## Article 253

The members of the Corps of Defense and of Security have the right to be informed about the socio-political life of the country and to receive a civic education.

## Article 254

All foreign intervention outside the international conventions is prohibited. All recourse to foreign forces is prohibited, except in the case of authorization by the President of the Republic.

## Article 255

The State has the duty to put in place a pertinent policy of reforms in the matter of defense and of security that reinforces the unity and the cohesion of the Burundian People, notably by assuring the necessary ethnic, regional and gender equilibriums.

## Article 256

The Corps of Defense and of Security are organized in a manner that guarantees the unity within themselves, the political neutrality of the members as well as the impartiality in the accomplishment of their missions.

## Article 257

The Corps of Defense and of Security are open without discrimination to all Burundian citizens who desire to be a part of them. Their organization is based on volunteering and on professionalism.

During a period for the Senate to determine, the Corps of Defense and of Security may not include more than 50% of the members belonging to a particular ethnic group, taking into account the necessity to assure the ethnic equilibrium and to prevent acts of genocide and coups d'état.

## Article 258

The correction of the disequilibrium within the Corps of Defense and of Security is approached progressively in a spirit of reconciliation and trust in order to secure all Burundians.

## Article 259

The Corps of Defense and Security are composed of professionals and are nonpartisan.

Their members benefit from a technical, moral and civic training. This training focuses notably on the culture of peace, the conduct in a pluralist democratic political system and for the rights of Man.

## Article 260

The members of the Corps of Defense and of Security are trained at all levels in the respect for international humanitarian law and for the primacy of the Constitution.

## Article 261

A civilian may not be subjected to the code of military justice nor judged by a military jurisdiction.



## TITLE XI: OF THE LOCAL COLLECTIVITIES

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### Article 262

An organic law creates the commune as well as other local collectivities of the Republic.

The law determines the fundamental principles of their status, of their organization, of their competences, of their resources as well as the conditions in which these local collectivities are administrated.

### Article 263

The commune is a decentralized administrative entity. It is subdivided into entities specified by an organic law.

### Article 264

The commune is administrated by the Communal Council and by the Communal Administrator.

### Article 265

The elections at the communal level are held in accordance with the procedures indicated hereafter:

- a. The elections at the communal level are administered by the Councils of the local collectivity of five members elected by universal direct suffrage. The councilor who has obtained the highest number of votes becomes the Head of the local collectivity. The candidates must present themselves as independents;
- b. The communes are administrated by the Communal Councils which are elected by universal direct suffrage.

### Article 266

The Independent National Electoral Commission sees to it that the Communal Councils reflect in a general manner the ethnic diversity of their electorate. In a case where the composition of a Communal Council would not reflect this ethnic diversity, the Independent National Electoral Commission may order the cooptation to the council of persons originating from an ethnic group underrepresented, provided that the persons thus coopted do not constitute more than one-fifth of the members of the Council. The persons to be coopted are designated by the Independent National Electoral Commission.

For the first elections, every Communal Council elects within it a Communal administrator and may remove him from his functions for a valid reason, such as corruption, incompetence, grave fault or diversion of funds. For the following elections, the National Assembly and the Senate may, after evaluation, legislate that the Administrator should be elected by universal direct suffrage.

None of the principal ethnic components may be represented by more than 67% of the Communal Administrators at the national level. The Independent National Electoral Commission assures the respect for this principle.

## Article 267

The State sees to the harmonious and balanced development of all the communes of the country on the base of the national solidarity.

# TITLE XII: OF THE NATIONAL COUNCILS

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## Article 268

In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:

- The National Council for National Unity and Reconciliation;
- The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity;
- The National Council of Security;
- The Economic and Social Council;
- The National Council of Communication.

The Government guarantees to these Councils the necessary means for their functioning.

### 1. Of the National Council for National Unity and Reconciliation

## Article 269

The National Council for National Unity and Reconciliation is a consultative organ given the charge of notably:

- Conducting reflections and giving advice on all essential issues related to unity, to peace and to national reconciliation, in particular those relating to the prioritizing missions of the institutions;
- Following regularly the evolution of the Burundian society from the point of view of the issue of the national unity and of reconciliation;
- Producing periodically a report on the status of national unity and reconciliation and bring it to the cognizance of the nation;
- Emitting proposals in view of the improvement of the situation of the national unity and of the reconciliation in the country;
- Conceiving and initiating the necessary actions in view of rehabilitating the institution of Ubushingantahe, to make of it an instrument of peace and of social cohesion;
- Emitting opinions and proposals on other matters of interest to the nation.

The National Council for National Unity and Reconciliation is consulted by the President of the Republic, the Government, the National Assembly and the Senate.

On its own initiative, it may equally emit opinions and render them public.

## Article 270

The National Council for National Unity and Reconciliation is composed of notable persons recognized for their moral integrity and the interest they bear for the life of the nation and more particularly to its unity.

The members of the National Council for National Unity and Reconciliation are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

## Article 271

The members of the National Council for National Unity and Reconciliation must take an oath to defend the national unity and to promote reconciliation.

## Article 272

The National Council for National Unity and Reconciliation produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

## Article 273

An organic law specifies the composition and establishes the organization and the functioning of the National Council for National Unity and Reconciliation.

## 2. Of the National Observatory for the Prevention and the Eradication of Genocide, of War Crimes and of Crimes Against Humanity

### Article 274

The National Observatory for the prevention and eradication of genocide, war crimes and crimes against humanity is a consultative organ charged with:

- Following regularly the evolution of the Burundian society from the point of view of the issue of genocide, of war crimes and of other crimes against humanity;
- Preventing and eradicating the acts of genocide, war crimes and other crimes against humanity;
- Suggesting the measures to effectively fight against the impunity of crimes;
- Promoting the creation of a regional observatory;
- Promoting a national inter-ethnic front of resistance against genocide, war crimes and other crimes against humanity, as well as against globalization and collective culpability;
- Promoting legislation against genocide, war crimes and the other crimes against humanity, and following the strict respect of it;
- Proposing policies and measures for the rehabilitation of the victims of genocide, of war crimes and of other crimes against humanity;
- Contributing to the implementation of vast program of sensitization and education to peace, to unity and to national reconciliation.

## Article 275

The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

## Article 276

An organic law determines the missions, the composition, the organization and the functioning of the National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity.

• Advisory bodies to the head of state

## 3. Of the National Council of Security

### Article 277

The National Council of Security is a consultative organ given the charge of assisting the President of the Republic and the Government in the elaboration of the policy in the matters of security, in the following of the situation of the country in the matter of security, in the following of the strategies of defense, of security and maintenance of order in the case of crisis.

The Council follows attentively the status of the national unity and cohesion within the Corps of Defense and of Security.

The Council may be consulted on any other issue in relation to the security of the country.

The Council produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

### Article 278

The members of the National Council of Security are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

### Article 279

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

## 4. Of the Economic and Social Council

### Article 280

The Economic and Social Council is a consultative organ with competence in all the aspects of the economic and social development of the country.

It is obligatorily consulted on any project of development, issues of the environment and conservation of nature and on any project of regional or sub-regional integration.

The Economic and Social Council can, on its own initiative, under the form of recommendations, draw the attention of the National Assembly, of the Senate or of the Government to the reforms of economic and social order that seem to conform

to or contradict the general interest.

Its gives its opinion on all issues brought to its examination by the President of the Republic, the Government, the National Assembly, the Senate or by another public institution.

## Article 281

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

The members of the Economic and Social Council are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

## Article 282

The Economic and Social Council produces an annual report that it addresses to the President of the Republic, to the Government, to the National Assembly and to the Senate.

## Article 283

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

## 5. Of the National Council of Communication

### Article 284

The National Council of Communication sees to the freedom of audio-visual and written communication within the respect for the law, for public order and for morality.

The National Council of Communication has, to the effect, a power of decision notably in the matter of the respect for and the promotion of the freedom of the press and the equitable access of the diverse political, social, economic and cultural opinions to the public media.

The National Council of Communication equally plays a consultative role vis-à-vis the Government in the matter of communication.

### Article 285

The National Council of Communication is composed of members chosen in the sector of communication and in the diverse sectors of users of the media, on the base of the interest that they bear for social communication, and for the freedoms of the press, expression, and opinion.

### Article 286

The members of the National Council of Communication are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

• Media commission

• State operation of the media  
• Freedom of press

## Article 287

The National Council of Communication produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

## Article 288

An organic law determines the missions, composition, organization and functioning of the National Council of Communication.

# TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS

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## Article 289

The President of the Republic has the high direction of international negotiations. He signs and ratifies the international treaties and agreements.

## Article 290

The treaties of peace and the treaties of commerce, the treaties relative to the international organization, the treaties that engage the finances of the State, those that modify the provisions of a legislative nature as well as those relative to the status of persons may not be ratified except by a law.

## Article 291

The Republic of Burundi may create with other States international organizations of common administration and coordination and of free cooperation. It may conclude agreements of association or of community with other States.

## Article 292

The treaties take effect only after having been regularly ratified and under reserve of their application by the other party in the case of bilateral treaties, and the realization of the conditions for the entry into force specified by them for the multilateral treaties.

## Article 293

The agreements authorizing the storing of toxic wastes and other matters that could gravely infringe the environment are prohibited.

## Article 294

The Corps of Defense and Security may participate in international operations for the maintenance of peace in the world. No Burundian force may be deployed exterior to the national frontiers without prior authorization of the President of the Republic after consultation with the Vice-Presidents of the Republic and with the

- Foreign affairs representative
- Treaty ratification

- International organizations
- Treaty ratification
- Legal status of treaties

National Council of Security.

The National Assembly and the Senate must be informed within a period not exceeding seven days.

## Article 295

Any cession, exchange, or adjunction of territory is only valid with the consent of the Burundian People called to pronounce itself by referendum.

## Article 296

When the Constitutional Court, referred to the matter by the President of the Republic, the President of the National Assembly, the President of the Senate, a quarter of the members of the National Assembly or of the Senate, has declared that an international engagement contains a clause contrary to the Constitution, the authorization to ratify this engagement may only occur except after amendment or revision of the Constitution.

# TITLE XIV: OF THE REVISION OF THE CONSTITUTION

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## Article 297

The initiative of the revision of the Constitution belongs concurrently to the President of the Republic after consultation with the Government, to the National Assembly or to the Senate deciding respectively with an absolute majority of the members that compose them.

## Article 298

The President of the Republic can submit to referendum a bill of amendment of the Constitution.

## Article 299

No procedure of revision may be retained if it infringes the national unity, the cohesion of the Burundian People, the secularity of the State, the reconciliation, the democracy or the integrity of the territory of the Republic.

## Article 300

The bill or the proposal of amendment of the Constitution is adopted with a majority of four-fifths of the members of the National Assembly and two-thirds of the members of the Senate.

## TITLE XV: OF THE PARTICULAR PROVISIONS FOR THE FIRST POST-TRANSITION PERIOD

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### Article 301

Any person having exercised the functions of President of the Republic during the period of transition is ineligible in the first presidential elections.

### Article 302

Exceptionally, the first President of the Republic of the post-transition period is elected by the elected National Assembly and the elected Senate meeting in Congress, with a majority of two-thirds of the members. If this majority is not obtained on the first two ballots, it immediately proceeds to other ballots until a candidate obtains the suffrage equal to the two-thirds of the members of the Parliament.

In the case of vacancy of the first President of the Republic of the post-transition period, his successor is elected according to the same modalities specified in the preceding paragraph.

The President elected for the first post-transition period may not dissolve the Parliament.

### Article 303

Equally exceptionally and to the sole ends of the first elections of the Deputies, and only if one party has obtained more than three-fifths of the seats by direct suffrage, a total of eighteen to twenty-one supplementary members are coopted in equal numbers from the lists of all parties having registered at least the minimum established for the suffrage, or in a rate of two persons per party in the case where more than seven parties should meet the required conditions.

## TITLE XVI: OF THE TRANSITORY PROVISIONS

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### Article 304

While awaiting the establishment of the institutions issuing from the elections in accordance with this Constitution, the institutions of transition and the territorial administration remain in function until the date determined in accordance with the calendar established by the Independent National Electoral Commission.



## TITLE XVII: OF THE FINAL PROVISIONS

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### Article 305

In the measure that they are not contrary to the Constitution, the legislative and regulatory provisions, prior to its entry into force, remain in application until their modification or their abrogation.

### Article 306

The Post-Transition Interim Constitution of the Republic of Burundi promulgated on October 28, 2004 is abrogated.

### Article 307

This Constitution of the Republic of Burundi enters into force the day of its promulgation.

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