Burundi

Constitution interimaire post-transition de la République du Burundi

- PREAMBLE
- TITLE I THE STATE AND SOVEREIGNTY OF THE PEOPLE
  - 1. GENERAL PRINCIPLES.
  - 2. CORE VALUES
- TITLE II OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES OF THE INDIVIDUAL AND THE CITIZEN
  - 1. FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND THE CITIZEN
  - 2. FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND THE CITIZEN
- TITLE III OF THE POLITICAL PARTY SYSTEM
- TITLE IV ELECTIONS
- TITLE V OF THE EXECUTIVE
  - 1. THE PRESIDENT OF THE REPUBLIC
  - 2. VICE-CHAIRMAN OF THE REPUBLIC
  - 3. GOVERNMENT
  - 4. PROVINCIAL ADMINISTRATION AND PUBLIC.
- TITLE VI OF THE LEGISLATURE
  - 1. PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND THE SENATE
  - 2. THE NATIONAL ASSEMBLY
  - 3. SENATE
  - 4. THE PROCEDURE FOR THE ADOPTION OF LAWS
- TITLE VII OF THE RELATIONSHIP BETWEEN THE EXECUTIVE AND LEGISLATIVE
- TITLE VIII OF THE JUDICIARY
  - 1. THE BOARD OF GOVERNORS OF THE JUDICIARY
  - 2. THE SUPREME COURT
  - 3. THE CONSTITUTIONAL COURT
  - 4. IN THE HIGH COURT OF JUSTICE
- TITLE IX OF THE OMBUDSMAN
- TITLE X OF BODY DEFENCE AND SECURITY
- TITLE XI OF LOCAL
- TITLE XII NATIONAL COUNCILS
  - 1. NATIONAL COUNCIL FOR NATIONAL UNITY AND RECONCILIATION
  - 2. THE NATIONAL OBSERVATORY FOR THE PREVENTION AND ERADICATION OF GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY
  - 3. NATIONAL SECURITY COUNCIL
  - 4. ECONOMIC AND SOCIAL COUNCIL
LAW N° 1/010 OF 18 MARCH 2005 RELATING TO ENACTMENT OF THE CONSTITUTION OF THE REPUBLIC OF BURUNDI

THE PRESIDENT OF THE REPUBLIC,

Given the Arusha Agreement for Peace and Reconciliation in Burundi;

Revised Law No. 1/018 of 20 October 2004 promulgating the Interim Post-Transition Constitution of the Republic of Burundi;

The people of Burundi have approved by referendum held on 28 February 2005;

Having regard to decision RCCB 121 of 18 March 2005 delivered by the Constitutional Court;

ENACTED:

Single article:

The Constitution of the Republic of Burundi adopted by referendum on 28 February 2005 and which is annexed to this Act is enacted.

Done in Bujumbura, March 18, 2005

Domitian NDAYIZEYE

Seen and sealed with the Seal of the Republic,

The Minister of Justice and Attorney General

Didace Kiganhae

INTERIM CONSTITUTION POST-TRANSITION OF THE REPUBLIC OF BURUNDI

PREAMBLE

WE, THE PEOPLE OF BURUNDI
Aware of our responsibilities and our duties before history and future generations;

Reaffirming our faith in the ideals of peace, reconciliation and national unity in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi of 28 August 2000 and Agreements Cease-Fire;

Considering the need to re-establish a pluralistic democratic order and rule of law;


Considering our commitment to peace and social justice;

Recognizing the urgent need to promote economic and social development of our country and to safeguard our national culture;

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

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

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

Reaffirming our commitment to the cause of African Unity in accordance with the Constitutive Act of African Union of 25 May 2002;

Reaffirming our unwavering determination to end the root causes of the continuous state of ethnic and political violence, genocide and exclusion, bloodshed, insecurity and political instability, which plunged the people in distress and suffering and seriously undermine the prospects for economic development and the achievement of equality and social justice in our country;

Considering that to achieve this result, the constitutional and legal principles must be guaranteed the following:

Establishing and implementing a system of democratic governance;
The inclusion of minority political parties in the general system of good governance;
Protection and inclusion of ethnic, cultural and religious minority in the general system of good governance;
The restructuring of the national security and justice to ensure the safety of all Burundians, including ethnic minorities.
Reaffirming our commitment to build a political order and a system of government inspired by the realities of our country and against the values of justice, democracy, good governance, pluralism, respect for fundamental rights and freedoms of the individual, of unity, solidarity, mutual understanding, tolerance and cooperation between different ethnic groups in our society;

**SOLEMNLY ADOPT THIS CONSTITUTION IS THE BASIC LAW OF THE REPUBLIC OF BURUNDI.**

**TITLE I**

**THE STATE AND SOVEREIGNTY OF THE PEOPLE**

**A. OF PRINCIPLES GENERAL.**

Article 1

Burundi is an independent, sovereign, secular, democratic, unitary and respecting their ethnic and religious diversity.

Article 2

The country of Burundi is inalienable and indivisible.

Article 3

Burundi is divided into provinces, common areas and hills, and other subdivisions as provided by law. Their organization and functioning are determined by law. It can change the boundaries and number.

Article 4

Status and the restoration of the monarchy may be the referendum. Any party fighting peacefully for the restoration of the monarchy has the right to work.

Article 5

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

All legislation must have their original version 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

National sovereignty belongs to the people and exercised either directly by means of referendum, or indirectly through their representatives.

No group of people, no individual can assume the exercise.

Article 8

Suffrage is universal, equal, secret, free and transparent. It can be direct or indirect as provided by law.

Voters are, under conditions determined by the electoral code, all Burundian aged eighteen years of age and enjoying their civil and political rights.

Article 9

Burundi's capital Bujumbura is fixed. The law may transfer to any other location of the Republic.

Article 10

The flag of Burundi is a tricolor of green, white and red. It has the shape of a rectangle divided by a jumper, has in its center a white disk hit three red six-pointed stars forming an equilateral triangle inscribed in a fictitious imaginary circle having the same center as the disk and the base is parallel to the length of the flag.

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

Article 11

The motto of Burundi is "Unity, Work, Progress." The emblem of the Republic of Burundi is a shield struck the lion's head and three spears, all surrounded by the national motto.

The national anthem is "Bwacu Burundi."

The seal of the Republic is determined by law.

Article 12

The quality of Burundians is acquired, retained and lost under conditions determined by law.

Children born men or women of Burundi have the same rights under the Nationality Law.
2. CORE VALUES

Article 13
All Burundians are equal in worth and dignity. All citizens have equal rights and are entitled to equal protection of the law. No Burundi will be excluded from the social, economic or political nation because of race, language, religion, sex or national origin.

Article 14
All Burundians have the right to live in peace in Burundi and in safety. They must live together in harmony, respecting human dignity and tolerating differences.

Article 15
The Government is built on the will of the Burundian people. He is responsible to him and respects the fundamental rights and freedoms.

Article 16
The Government must be made so that all Burundians are represented and represent them all, everyone has equal opportunity to be part of it, that all citizens have access to public services and that decisions and actions of the Government collect the widest possible support.

Article 17
The Government's task is to realize the aspirations of the Burundian people, especially to heal the divisions of the past, to improve the quality of life of all Burundians and ensure everyone the opportunity to live in Burundi away from fear, discrimination, disease and hunger.

Article 18
The function of the political system is to unite, to reassure and to reconcile all Burundians. This scheme ensures that the Government is established to serve the people of Burundi, the source of his power and authority.

The Government respects the separation of powers, rule of law and principles of good governance and transparency in the conduct of public affairs.

PART II

THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES OF THE INDIVIDUAL AND THE CITIZEN

Article 19
The rights and duties proclaimed and guaranteed, among other things, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the African Charter on Human and Peoples' Rights, the Convention on Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child are an integral part of the Constitution of the Republic of Burundi.
These fundamental rights are not subject to any restriction or derogation, except in
certain circumstances be justified by public interest or protection of a fundamental right.

Article 20
All citizens have rights and obligations.

A. OF FUNDAMENTAL RIGHTS OF ' INDIVIDUAL AND CITIZENS

Article 21
Human dignity is respected and protected. Any attack on human dignity is punishable
under the penal code.

Article 22
All citizens are equal before the law, which ensures equal protection.
No one shall be discriminated against because of their origin, race, ethnicity, sex, color,
language, social position, of his religious beliefs, philosophical or political because of a
physical or mental disability or because of being HIV / AIDS or other terminal illness.

Article 23
No person shall be treated arbitrarily by the State or its organs.
The State has the obligation to compensate any victim of arbitrary treatment by him or
by virtue of its organs.

Article 24
Every woman, every man has the right to life.

Article 25
Every woman, every man has the right to freedom of person, including the physical and
mental integrity and freedom of movement. No one shall be subjected to torture or to
cruel, inhuman or degrading treatment.

Article 26
No one shall be held in slavery or servitude. Slavery and the slave trade are prohibited in
all their forms.

Article 27
The State shall to the extent practicable, that all citizens have the means to lead an
existence worthy of human dignity.

Article 28
Every woman, every man has a right to respect for his private and family life, his home
and his personal communications.

Article 29
The freedom to marry is guaranteed, as well as the right to choose his or her partner.
Marriage shall be entered into with the free and full consent of the intending spouses.
The marriage between same sex is prohibited.
Article 30

The family is the natural unit and basis of society. Marriage is the legitimate holder. Family and marriage are under the special protection of the state.

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

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

Article 31

Freedom of expression is guaranteed. The state respects freedom of religion, thought, conscience and opinion.

Article 32

Freedom of assembly and association is guaranteed, as well as the right to form associations or organizations according to law.

Article 33

All Burundian citizens have the right to move freely and settle anywhere within the national territory and to leave and return.

Article 34

No one shall be arbitrarily deprived of his nationality nor denied the right to change it.

Article 35

The State shall ensure the proper management and rational exploitation of natural resources, while preserving the environment and conservation of these resources for future generations.

Article 36

Everyone has the right to property.

No one shall be deprived of his possessions except in the public interest, in the cases and manner established by law and subject to fair and prior compensation or pursuant to a court decision casting res judicata.

Article 37

The right to form trade unions and join, and the right to strike, are recognized. The law may regulate the exercise of these rights and to prohibit certain categories of people to strike.

In all cases, these rights are forbidden to members of the defense and security.

Article 38

Everyone has the right to a judicial or administrative proceedings, that its a fair hearing and to be tried within a reasonable time.
Article 39
No one shall be deprived of his liberty, except according to law.
No one shall be accused, arrested, detained or sentenced in the cases determined by law promulgated prior to which he is charged.
The right to defense is guaranteed in all courts.
No one may be removed against his will from the judge that the law assigns it.

Article 40
Everyone charged with a crime is presumed innocent until proved guilty according to law in a public trial during which all the guarantees necessary for their defense have been assured.

Article 41
No one shall be convicted for acts or omissions which, when it was committed did not constitute an offense.
Similarly, it can not be inflicted heavier penalty than was applicable at the time the offense was committed.

Article 42
No one shall be subjected to security measures in cases and forms provided by law for particular reasons of public order or state security.

Article 43
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.
It can be ordered searches or searches of premises in the forms and conditions prescribed by law.
The secrecy of correspondence and communications is guaranteed in accordance with the forms and conditions determined by law.

Article 44
Every child has the right to special measures to ensure or improve the care necessary for his welfare, his health and his physical safety and for protection against ill-treatment, abuse or exploitation.

Article 45
No child can be used directly in armed conflict. Child protection is ensured in armed conflict.

Article 46

No child may be detained except as a last resort, in which case the duration of his detention shall be as short as possible.

Every child has the right to be kept apart from prisoners over 16 years and be subject to treatment and detention conditions appropriate to their age.

Article 47

Any restriction of a fundamental right must be based on a legal basis and must be justified by public interest or the protection of a fundamental right of others and must be proportionate to the aim.

Article 48

Fundamental rights must be respected throughout the legal, administrative and institutional. The Constitution is the supreme law. The legislative, executive and judiciary must enforce it. Any law inconsistent with the Constitution is void.

Article 49

No citizen may be forced into exile.

Article 50

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

Extradition is only permitted within the limits prescribed by law.

No Burundians can not be extradited abroad unless it is pursued by an international criminal tribunal for genocide, war crimes or other crimes against humanity.

Article 51

While Burundi has the right to participate, either directly or indirectly through their representatives, management and administration of state affairs subject to legal requirements, including age and ability.

While Burundi is also entitled to access to public service in his country.

Article 52
Everyone is entitled to realization of economic, social and cultural rights indispensable for his dignity and the free development of his person, through national effort and the resources of the country.

Article 53

Every citizen has the right to equal access to education, education and culture.

The State has the duty to organize public education and to promote access.

However, the right to establish private schools is guaranteed under conditions set by law.

Article 54

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

Article 55

Everyone has the right to access to health care.

Article 56

The State has an obligation to promote the development of the country, especially rural development.

Article 57

Equal competence, everyone is entitled, without discrimination, to equal pay for equal work.

Article 58

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

Article 59

Any alien in the territory of the Republic shall enjoy the protection afforded to persons and property under this Constitution and the law.

An alien prosecuted for genocide, crimes against humanity, war crime or act of terrorism can be extradited.
Article 60

The judicial power, guardian of the rights and civil liberties, ensure respect for these rights and freedoms as provided by law.

Article 61

No one shall exercise the rights granted by the Constitution or by law to undermine national unity, peace, democracy, independence of Burundi, undermine the secular state or otherwise violate this Constitution.

Two. FUNDAMENTAL DUTIES OF ' INDIVIDUAL AND CITIZENS

Article 62

Everyone has the duty to respect his compatriots and their show consideration without discrimination.

Article 63

Every citizen has duties to the family and society, to the state and other public bodies.

Article 64

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

Article 65

Everyone is obliged to respect the laws and institutions of the Republic.

Article 66

Each Burundi has a duty to preserve the harmonious development of the family and to work for the cohesion and respect for this family, to respect his parents at any time, feed them and assist them when necessary.

Article 67

Every individual has the duty to respect and consider his fellow man without discrimination, and to maintain the relationships that allow him to promote, safeguard and enhance respect and tolerance.

Article 68

Each of Burundi must ensure, in its relations with society, preservation and strengthening of cultural values and Burundian contribute to the establishment of a morally sound society.
Article 69

Public goods are sacred and inviolable. Everyone is obliged to strictly abide and protect them. Each Burundi has a duty to defend the heritage of the nation.

Any act of sabotage, vandalism, corruption, embezzlement, misappropriation, or any act prejudicial to the public good is punishable as provided by law.

Article 70

All citizens are required to fulfill their civic obligations and defend the homeland.

Everyone has the duty to work for the common good and to fulfill his professional obligations.

All citizens are equal before the public burdens. It can not be established that exemption by law.

The State may proclaim the solidarity of all before the charges that result from natural disasters and national.

Article 71

Burundian responsible for any public office or elected to political office has a duty to fulfill it with conscience, honesty, dedication and loyalty in the public interest.

Article 72

Each Burundi has a duty to defend national independence and territorial integrity.

Every citizen has the sacred duty to watch and participate in the defense of his country.

All Burundian any alien in the territory of the Republic of Burundi has a duty not to compromise the security of the state.

Article 73

Everyone has a duty to contribute to safeguarding peace, democracy and social justice.

Article 74

While Burundi has a duty to contribute by his labor to the construction and prosperity of the country.

PART III
THE SYSTEM OF PARTY POLICIES

Article 75
The multiparty system is recognized in the Republic of Burundi.

Article 76
Political parties can be formed freely, according to law. They are approved according to law.

Article 77
A political party is a non-profit organization of citizens around a project of democracy based on national unity, with a unique policy platform to meet specific goals in order to serve the public interest and ensure the development of all citizens.

Article 78
Political parties, in their organization and operation, must conform to democratic principles. They must be open to all Burundians and their national character must also be reflected in their direction. They can not advocate violence, exclusion and hatred in all forms, including those based on ethnic, regional, religious or gender.

Article 79
Political parties and coalitions of political parties should promote the free expression of the vote and participate in politics through peaceful means.

Article 80
The law provides for non-government interference in the internal functioning of political parties, except as is necessary restrictions to prevent ethnic hatred, political, regional, religious or gender and maintenance of public order.

Article 81
Political parties may form coalitions in the elections, on terms agreed by the electoral law.

Article 82
Members of the defense and security and the magistrates activities are not allowed to join political parties.

Article 83
External financing of political parties is prohibited, unless special dispensation established by law.

Any funding likely to undermine the independence and national sovereignty is prohibited.

The law defines and organizes the funding of political parties.
Article 84
For the purpose of promoting democracy, the law may authorize the financing of political parties equitably, in proportion to their seats in the National Assembly. This funding can be applied both to the functioning of political parties as election campaigns, and should be transparent. The types of grants, benefits and facilities that the State may extend to political parties are fixed by law.

Article 85
The conditions under which political parties are formed, exercise and stop their activities are determined by law.

PART IV
ELECTIONS

Article 86
The right to vote is guaranteed.

Article 87
Elections are free, transparent and fair. The electoral code determines the practical.

Article 88
Elections are conducted impartially at the national, municipal and hills, and other levels set by law.

Article 89
An independent national electoral commission, guarantees freedom, independence and impartiality of the electoral process.

Article 90
The Commission consists of five independent persons. Its members are appointed by decree after having been approved separately by the National Assembly and the Senate by a majority of three quarters.

Article 91
The Commission is responsible for the following tasks:

a) To organize elections at the national level, at the commune level and the hills;

b) Ensure that the elections free, fair and transparent;

c) To proclaim the provisional election results within a period defined by law;

d) To promulgate such arrangements, the code of conduct and technical details, including the location of polling stations and the hours they are open;

e) To hear complaints concerning compliance with the electoral rules and implement them. The Commission's decisions are final;
f) Ensure, by applying appropriate rules, that election campaigns are conducted in order to incite ethnic violence or otherwise contrary to this Constitution;

g) Ensure compliance with the provisions of this Constitution relating to the multi-ethnicity and gender and hear disputes in this regard.

TITLE V

THE EXECUTIVE

Article 92

Executive power is vested in a President of the Republic, two vice-presidents and members of the Government.

Article 93

An organic law determines the system of allowances and benefits of the President, the Vice-Presidents and members of the Government and the system of incompatibilities. It also specifies their specific social security regime.

Article 94

At their commencement and at the end thereof, the President of the Republic, the Vice-Presidents of the Republic and the Cabinet members are required to honor their written statement of their goods and sent to Heritage the Supreme Court.

A. THE PRESIDENT OF THE REPUBLIC

Article 95

The President of the Republic, Head of State, symbol of national unity, ensures compliance with the Constitution and ensure its continuity arbitration of the state and the normal functioning of institutions.

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

Article 96

The President of the Republic is elected by direct universal suffrage for a five-year term renewable once.

Article 97

The candidate for President of the Republic shall:
1) be a qualified elector under the conditions specified by the electoral law;  
   2) be of Burundian nationality by birth;  
   3) have attained thirty-five years of age at the time of election;  
4) reside in the territory of Burundi at the time of nomination;  
   5) enjoy full civil and political rights;  
6) subscribe to the Constitution and the Charter of National Unity.

In addition, the presidential candidate must not have been convicted of a crime or common law offenses to a term determined by the electoral law.

The electoral law also provides for the time after which a convicted person as defined in the preceding paragraph may regain its eligibility for the execution of his sentence.

Article 98

Candidates may be nominated by political parties or stand as an independent.

Is considered independent, the candidate who at the time the nomination is submitted by any political party.

Article 99

Each presidential bid must be sponsored by a group of two hundred people formed taking account of the ethnic and gender.

Members of the sponsoring group must themselves meet the substantive requirements for eligibility for election.

Section 100

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

Section 101

In case the candidate elected President of the Republic held a public function, it is automatically placed on secondment from the declaration of results.

   In the case where he was a private function, paid or unpaid, for its own account or on behalf of a third party, it ceased operations at the announcement of results.

Section 102

The election of the President of the Republic is elected in each two towers.
The President of the Republic is elected by an absolute majority of votes cast. If it is not obtained in the first round, there shall, within fifteen days, a second ballot.

Only can run on the second ballot the two candidates receiving the highest number of votes in the first round. In case of withdrawal of one or other of the two candidates, the following candidates are presented in order of their ranking after the first ballot.

Shall be declared elected in the second round the candidate receiving the majority of the votes cast.

Article 103

The mandate of the President of the Republic begins on the day of his swearing and ends at the inauguration of his successor.

The election of the President of the Republic is at least one month and two months at most before the expiry of the mandate of the President of the Republic.

Section 104

If the President of the Republic in office is a candidate, the Parliament may be dissolved.

The President of the Republic can not, moreover, from the official announcement of his candidacy until the election, its power to legislate by decree, under Article 195 of this Constitution.

If necessary, the Parliament is convened in extraordinary session.

Article 105

The election law states all other provisions concerning the election of the President of the Republic.

Article 106

When he took office, the President of the Republic takes the oath solemnly below, received by the Constitutional Court to Parliament:

Before the people of Burundi, the sole possessor of sovereignty, I, (state name), President of the Republic of Burundi, I pledge allegiance to the Charter of National Unity, to the Constitution of the Republic of Burundi and Law and pledge to devote all my strength to defend the interests of the nation, to ensure national unity and cohesion of the Burundian people, peace and social justice. I pledge to fight all ideology and practice of genocide and exclusion, to promote and defend the rights and freedoms of the individual and collective person and citizen, and to safeguard the integrity and independence of the Republic of Burundi.

Section 107
The President of the Republic shall exercise statutory authority and enforce the laws. It exercises its powers by decree countersigned, if necessary, by the Vice-President and the Minister concerned.

The countersignature is not involved in the acts of the President of the Republic under Articles 110, 113, 114, 115, 197, 198, 297et of this Constitution.

President of the Republic may delegate its powers to a Vice President with the exception of those listed in the preceding paragraph.

Article 108

The President of the Republic, in consultation with the two Vice-Presidents, shall appoint members of the Government and terminate their appointments.

Article 109

President of the Republic is the Head of Government. He chairs the Council of Ministers.

Section 110

The President of the Republic is the Commander in Chief of the defense and security. He declares war and the armistice signed after consulting the Government, Offices of the National Assembly and Senate and the National Security Council.

Section 111

The President of the Republic shall make appointments to senior civil and military.

An organic law determines the categories of posts referred to in the preceding paragraph.

Appointments to senior civilian, military and judiciary as specified in Article 187-9 of this Constitution shall become effective only if approved by the Senate.

Section 112

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

Article 113

The President of the Republic has the right to exercise it after consultation with the two Vice-Presidents of the Republic and after consulting the Higher Judicial Council.

Section 114
The President of the Republic conferred national orders and decorations of the Republic.

Section 115

When the institutions of the Republic, the independence of the nation, territorial integrity or performance of its international commitments are threatened with a serious and immediate and the regular functioning of public authorities is interrupted, the President of the Republic may proclaim by decree a state of emergency and take all measures required by these circumstances after official consultation with the Government, the Office of the National Assembly and Senate, the National Security Council and the Court constitutional.

He informs the nation by message.

These measures must be inspired by the desire to provide the constitutional public authorities, promptly, the means to accomplish their mission.

The Constitutional Court is consulted about them.

Parliament can be dissolved during the exercise of emergency powers.

Section 116

President of the Republic may be declared deposed from office for gross misconduct, grave abuse or corruption, by a resolution passed by two-thirds of the members of the National Assembly and Senate combined.

Section 117

The President of the Republic is not criminally responsible for acts performed in the line of duty in case of high treason.

There is high treason when in violation of the Constitution or the law, the President of the Republic deliberately commits an act contrary to the interests of the nation that seriously undermines national unity, social peace, social justice, development the country or seriously jeopardizes human rights, the territorial integrity, independence and sovereignty.

High treason under the jurisdiction of the High Court of Justice.

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

The statement can be conducted by a team of at least three judges of the Prosecutor General of the Republic headed by the Prosecutor General of the Republic.
Section 118

When the procedure of impeachment of the President of the Republic for high treason is triggered by the Parliament, the President of the Republic shall not dissolve it until the outcome of legal proceedings.

Article 119

Except for acts within its discretionary jurisdiction, the administrative acts of the President of the Republic may be challenged in the courts.

Section 120

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

Section 121

In case of absence or temporary incapacity of the President of the Republic, the First Vice President manages the current affairs and in the absence of the latter, the Second Vice-President.

In case of vacancy caused by resignation, death or other cause of termination of his functions, the position shall be filled by the President of the National Assembly or, if the latter is in turn unable to perform his functions, by the Vice-Presidents of the Republic and the Government acting collectively.

The vacancy is found by the Constitutional Court, by the Vice-Presidents of the Republic and the Government acting collectively.

The interim authority is unable to form a new government.

The Vice-Presidents of the Republic and the Government are deemed to have resigned and may not simply that ensuring the current business until the formation of a new Government.

The ballot for the election of the new President of the Republic shall, except in cases of force majeure recognized by the Constitutional Court within a period which shall not be less than one month and more than three months since the establishment of vacancy.

The interim authority shall appoint an independent national electoral commission to organize a new presidential election in accordance with applicable law.

Two. VICE - PRESIDENTS OF THE REPUBLIC
Section 122

In exercising its functions, the President of the Republic is assisted by two Vice-Presidents.

The First Vice-President coordinates the administrative and policy area.

The Second Vice-President shall coordinate the economic and social fields.

Section 123

The Vice Presidents are appointed by the President of the Republic after approval of their application by the National Assembly and the Senate voting separately and the majority of their members. They are chosen among the chosen.

They can be removed from office by the President of the Republic.

Section 124

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

Notwithstanding the preceding paragraph, shall be taken into consideration in their appointment of the predominant character of ethnicity within their respective political parties.

Section 125

The First Vice President chairs the Council of Ministers on behalf of the President of the Republic and on a specific agenda.

In the absence of the First Vice-President, the President confers the delegation to the Second Vice-President.

Section 126

The Vice Presidents shall by order, each in its sector, all enforcement of presidential decrees.

The Ministers responsible for their implementation countersign the orders of Vice-Presidents.

Section 127

When assuming office, the Vice-Presidents lend the following oath solemnly received by the Constitutional Court, Parliament:
Before the people of Burundi, the sole possessor of sovereignty, I (state name), Vice-President of the Republic of Burundi, I pledge allegiance to the Charter of National Unity, to the Constitution of the Republic of Burundi and Law and undertake to devote all my strength to defend the interests of the Nation, to ensure unity and cohesion of the people of Burundi, peace and social justice. I pledge to fight all ideology and practice of genocide and exclusion, to promote and defend the rights and freedoms of the individual and collective person and citizen, and to safeguard the integrity and independence of the Republic of Burundi.

Section 128

In case of resignation, death or any other cause of termination of service of a Vice-President of the Republic, a new Vice-President of the Republic from the same ethnic group and the same political party as his predecessor was appointed, following the same procedure, within a period not exceeding thirty days from the termination of service of the Vice President to replace.

Three. GOVERNMENT

Section 129

The Government is open to all ethnic groups. It includes more than 60% of Ministers and Deputy Ministers Hutu and more than 40% of Ministers and Deputy Ministers Tutsi. He is assured a minimum of 30% women.

Members come from different political parties involving more than one twentieth of the votes and who are interested. These parties are entitled to a percentage, rounded down, the total number of Ministers at least equal to the seats they occupy in the National Assembly.

When the President shall dismiss a Minister, he shall be his replacement after consultation with the political party of origin.

Section 130

The President of the Republic after consultation with the two Vice-Presidents of the Republic shall ensure that the Minister of National Defence Force is not the same ethnicity as the Minister responsible for National Police.

Section 131

The Government defines and implements national policy in the context of decisions taken by consensus in the Cabinet.

Section 132
The Government must deliberate on the general policy of the State, the draft treaties and international agreements, draft laws, draft presidential decrees, orders of Vice-President and orders of Ministers with a character general regulations.

Section 133

The Cabinet members are accountable to the President of the Republic.

When assuming office, members of the Government shall solemnly the following oath before Parliament and the President of the Republic:

"Before the President of the Republic, to parliament, I, ... (state name), swear allegiance to the Charter of National Unity, the Constitution and the law. I pledge to devote all my strength to defend the interests of the nation, to promote unity and cohesion of the Burundian people, peace and social justice in the discharge of functions entrusted to me. I pledge to fight all ideology and practice of genocide and exclusion, and promote and defend the rights and freedoms of person and citizen."

Section 134

Members of the Government shall, by ordinance, all measures of implementation decrees of the President of the Republic and decrees of a Vice-President of the Republic.

Section 135

Members of the Government or are offering appointments in government and diplomatic posts, taking into account the need to maintain an ethnic balance, regional, political and gender.

Section 136

Members of the Government shall be criminally liable for offenses committed in the exercise of their functions. They are amenable to the Supreme Court.

Article 137

The office of member of the Cabinet shall not exercise any professional activity and the exercise of a parliamentary mandate.

4. PROVINCIAL ADMINISTRATION AND PUBLIC.

Section 138

The executive power is delegated, at the provincial level, a provincial governor to coordinate government departments working in the province.
The Provincial Governor shall, in addition, the powers that the laws and regulations confer on it.

Section 139

The Provincial Governor should be Burundian civil native, established or national of the territorial entity that is called to administer.

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

Section 140

The Authority operates in accordance with democratic values and principles enshrined in this Constitution and the law.

Article 141

All officers of government exercise their functions so as to serve all users of public services in an efficient, impartial and fair. Misappropriation of public funds, corruption, extortion and embezzlement are punishable by law.

Section 142

The administration is organized in departments, and any minister reports to the President of the Republic of the way his department performs its tasks and the use of funds allocated to it.

Section 143

The Administration is broadly representative of the nation of Burundi and must reflect the diversity of its components. Practices they observe in employment based on suitability criteria objective and fair as well as the need to correct imbalances and to ensure broad representation ethnic, regional and gender. Ethnic representation in public enterprises is provided at a rate of 60% or less for 40% Hutu and Tutsi for more.

Section 144

Legislation clarifies the distinction between career positions or technical positions and political positions.

Section 145

No agent of government or the judiciary of the State is not eligible for preferential treatment or be subject to a biased treatment solely because of gender, ethnicity and regional or of their political affiliation.
Section 146

Executives and staff of the Public Administration are required to declare their assets to their duties and at the end of the latter.

A law determines the jurisdiction and procedure.

TITLE VI

THE LEGISLATURE

A. OF PROVISIONS COMMON TO THE ASSEMBLY NATIONAL AND THE SENATE

Section 147

Legislative power is exercised by Parliament consisting of two chambers: the National Assembly and Senate.

Members of the National Assembly are called deputies, and those of the Senate are called senators.

No one may belong to both the National Assembly and Senate.

Article 148

An organic law determines the conditions under which the deputies and senators are replaced in the event of a vacancy.

Section 149

The mandate of deputies and senators is national. Any imperative mandate is null.

The vote of deputies and senators is personal.

The bylaws of the National Assembly and Senate may exceptional cases, authorize voting. However, no person may act on behalf of more than one term.

Section 150

MPs and senators can not be prosecuted, searched or arrested, detained or tried for opinions expressed or votes cast during the sessions.

Except in cases of flagrante delicto, MPs and senators may not, during the sessions, be prosecuted without the authorization of the Office of the National Assembly or the Senate Bureau.
MPs and senators can not, out of session, be arrested without prior authorization of the Office of the National Assembly for Members or the Office of the Senate for senators except in cases of flagrante delicto, prosecution already authorized or final conviction.

Article 151

MPs and Senators are amenable to the Supreme Court under the law governing it and the code with the organization and jurisdiction of courts.

Article 152

The office of Deputy or Senator is incompatible with any other public character. An organic law may exempt certain categories of local or state officials of the regime of incompatibility with the office of Deputy or Senator.

Article 153

An organic law determines the system of allowances and benefits of deputies and senators as well as the system of incompatibilities. It also specifies their specific social security regime.

Section 154

When assuming office and at the end thereof, the Officers of the National Assembly and Senate are required to honor their written statement of their property and assets sent to the Supreme Court.

Article 155

A deputy or a senator appointed by the Government or any public office incompatible with parliamentary office and who accepts immediately ceases to sit in the National Assembly or the Senate and was replaced by his deputy.

The deputy or senator placed in one of the cases mentioned in the preceding paragraph shall return to duty as soon as the incompatibility is gone and as long as the term for which he was elected is underway.

Section 156

The office of deputy and one senator is terminated by death, resignation, permanent disability and absence without leave for more than a quarter of a session or sessions when the member or Senator falls into one cases of revocation provided by an organic law.

Section 157
Except in cases of force majeure duly recognized by the Constitutional Court, the proceedings of the National Assembly and Senate are only valid if they take place instead of their regular sessions.

The sessions of the National Assembly and Senate are public. However, the National Assembly and Senate may meet in closed session if necessary.

The minutes of the proceedings of the National Assembly and the Senate is published in the parliamentary newspaper.

Article 158
Parliament passes laws and controls the action of Government.

Section 159
Are a matter of law:

1 ° The fundamental guarantees and obligations of the citizen:

- safeguarding of individual freedom;
- protection of civil liberties;
- constraints imposed in the interest of national defense and public safety for citizens in their persons and their property.

2 ° The status of persons and property:

- nationality, status or legal capacity of persons;
- matrimonial regimes, inheritance and gifts;
- property ownership, real rights and civil and commercial obligations.

3 ° The political, administrative and judicial:

- general organization of the administration;
- territorial organization, creation and modification of administrative districts and the electoral boundaries;
- the electoral system;
- general organization of national orders, decorations and honorary titles;
- general rules of organization of national defense;
- general rules of organization of the national police;
- staff regulations of the defense and security;
- status of staff of Parliament;
- general principles of public service;
- Status of the Public Service;
- state of emergency;
- organizational structure of creation and destruction of institutions and autonomous public services;
- organization of courts of all orders and proceedings in such courts, creation of new classes of courts, determining the status of the judiciary, government offices and court officers;
- determination of crimes and offenses and penalties applicable to them;
- organization of the bar;
- penitentiary system;
- amnesty.

4 ° The environmental protection and conservation of natural resources;

5 ° The financial and property questions:

- system of issuing currency;
- State budget;
- definition of the base and the rate of taxes;
- Disposal and management of the domain of the State.

6 ° The nationalization and denationalization of enterprises and transfers of ownership of public sector enterprises to the private sector;

7 ° The system of education and scientific research;

8 ° The objectives of the economic and social state;

9 ° The labor legislation, social security, labor law, including the conditions for exercising the right to strike.

Section 160

Matters other than those in the area of the law for regulation.

The Acts of Parliament passed concerning these matters may be amended by presidential decree issued after consultation with the Constitutional Court.

Section 161

The texts prescribed form intervened in matters within the scope of the law can be changed by legislation, after consultation with the Constitutional Court.

Section 162

The Finance Act shall, for each year, the revenues and expenditures of the state.

Section 163
Both houses of Parliament to meet in Congress:

1) Receive a message from the President of the Republic;
2) To accuse the President of the Republic for high treason by a resolution passed by two-thirds of the members of the National Assembly and Senate;
3) Review the draft Finance Act pursuant to section 177;
4) To elect the first President of post-transition.
5) evaluate, every six months, the implementation of the Government program
6) To receive the oath of INEC

The Office of the Parliament in joint session is composed of the offices of the National Assembly and Senate. The chair and vice-chair sessions are assigned respectively to the President of the National Assembly and the President of the Senate.

The internal regulations of the National Assembly is the one that applies to the proceedings of Congress.

Two. OF ’ NATIONAL ASSEMBLY

Section 164

The National Assembly is composed of at least one hundred members at 60% Hutu and 40% Tutsi, including a minimum of 30% women, elected by direct universal suffrage for a term of five years and three MPs from the Twa ethnic group co-opted in accordance with the electoral code.

Should the voting results do not reflect the percentages referred to above, there shall be at redressing the imbalances related through the mechanism of cooptation scheduled by the electoral code.

The number of candidates to be elected by constituency is determined by the electoral law in proportion to population.

Section 165

The parliamentary candidate must be of Burundian nationality and origin, be twenty-five years at least, enjoy full civil and political rights.

The parliamentary candidate must not have been convicted of a crime or common law offenses to a term determined by the electoral law.

The electoral law also provides for the time after which a convicted person as defined in the preceding paragraph may regain its eligibility for the execution of his sentence.

Section 166
The parliamentary candidates may be nominated by political parties or stand as an independent as defined by Article 99 of this Constitution.

Section 167

The Independent National Electoral Commission shall verify the eligibility of candidates.

Article 168

Elections of deputies are held after polling closed lists by proportional representation. These lists must be multi-ethnic and consider the balance between men and women. For three candidates following a list, only two may belong to the same ethnic group, and at least one out of four must be female.

Article 169

The candidates nominated by political parties or independent lists can not be considered elected and sit in the National Assembly if, at the national level, their party or their list totaled a number of votes equal to or greater 2% of all votes cast.

Section 170

Since its first session, the National Assembly shall adopt its rules of procedure defining its organization and functioning. It also sets up his office. The first session meets right on the first business day after the seventh day after confirmation of his election by the Constitutional Court. This session is chaired by the oldest deputy.

Article 171

The Office of the National Assembly consists of a Chairman and Vice-Presidents.

The President and other officers of the National Assembly are elected for the whole legislature. However, it may be terminated at their functions under the conditions specified in the bylaws of the National Assembly.

Section 172

Parliamentary groups can be formed within the National Assembly. The Rules of Procedure of the National Assembly as the mode of organization and functioning.

Article 173

Opposition parties in the National Assembly entitled to participate in all committees, whether of special committees, or commissions of inquiry.

A political party with membership to the Government can not claim the opposition.
Article 174

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

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

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

Article 175

The National Assembly has a quorum if two thirds of members present. Laws are passed by a two thirds majority of members present or represented.

Organic laws are passed by two-thirds majority of members present or represented, without such a majority may be less than the absolute majority of members constituting the National Assembly.

The two-thirds majority of members present or represented is required for the vote on resolutions, decisions and important recommendations.

Article 176

The National Assembly shall consider the draft budget law at the opening of its session in October.

Article 177

The National Assembly adopts the general budget of the State. If the National Assembly does not decide to December 31, budget of the previous year is taken by provisional twelfths.

At the request of the President of the Republic, Parliament meets in congress within fifteen days to review the draft budget law.

If Parliament has not passed the budget at the end of this session, the budget is finalized by decree issued by the Council of Ministers.

Section 178

There shall be a Court of Auditors to examine and certify the accounts of all public services. It shall assist the Parliament in monitoring the implementation of the budget law.
The Court of Audit shall submit to Parliament a report on the regularity of the general account of the state and confirm whether funds were used according to established procedures and the budget approved by Parliament.

It gives a copy of the report to the Government.

The Court of Auditors has the resources necessary for performance of his duties.

The law determines its missions, its organization, competence, functioning and proceedings before it.

Three. SENATE

Section 179

Candidates for election of Senators must be citizens of Burundi, to be thirty five years at the time of the election, enjoy full civil and political rights.

The senatorial candidate must not have been convicted of crimes or common crimes to a term determined by the electoral law.

The electoral law also provides for the time after which a convicted person as defined in the preceding paragraph may regain its eligibility for the execution of his sentence.

Section 180

The Senate is composed of:

1) Two delegates from each province, elected by an electoral college composed of members from local councils in the province in question, from different ethnic communities and elected by separate ballots;
2) Three persons from the Twa ethnic group;
3) The former heads of state.

He is assured a minimum of 30% women. The electoral law shall determine the practical arrangements, with appropriate co-optation.

Section 181

The Independent National Electoral Commission shall verify the eligibility of candidates. These applications come from political parties or may consist of independent as defined by section 98 of this Constitution

Section 182
Since its first session, the Senate adopted its rules of procedure defining its organization and functioning. It also elects its Bureau.

The first session meets right on the first business day after the seventh day after confirmation of his election by the Constitutional Court. This session was chaired by Senator the oldest.

Section 183

The Board includes a Chairman and Vice-Presidents

Section 184

The formation of parliamentary groups is prohibited in the Senate.

Article 185

The Senate meets every year in three sessions of three months each and at the same time that the National Assembly.

Special sessions not exceeding a period of fifteen days, may be called at the request of the President of the Republic or at the request of an absolute majority of members of the Senate, on a specific agenda.

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

Section 186

The Senate has a quorum if two-thirds of senators present. Decisions are taken by majority of two thirds of senators present or represented.

Organic laws are passed by two-thirds majority of senators present or represented, without such a majority may be less than the absolute majority of members of the Senate.

Section 187

The Senate has the following skills:

1) Approve amendments to the Constitution and organic laws, including laws governing the electoral process;
2) Be before it the report of the Ombudsman on any aspect of public administration;
3) Approve laws dealing with the demarcation, powers and powers of territorial entities;
4) Conduct investigations in public administration and, where appropriate, make recommendations to ensure that no region or group is excluded from receiving public services;
5) Monitor implementation of constitutional provisions requiring the ethnic and gender representativeness and balance in all structures and state institutions including public administration and defense and security;
6) Advise the President of the Republic and President of the National Assembly on any matter, including legislation;
7) To comment or suggest amendments to legislation passed by the National Assembly;
8) Prepare and submit legislative proposals for consideration by the National Assembly;
9) Approve appointments only to the following functions:
   a) Heads of Defence Corps and security;
   b) the provincial governors;
   c) the ambassadors;
   d) the Ombudsman;
   e) Board members of the Judiciary;
   f) members of the Supreme Court;
   g) members of the Constitutional Court;
   h) the Attorney General of the Republic and the magistrates of the Prosecutor General of the Republic;
   i) the President of the Court of Appeal and the President of the Administrative Court;
   j) the Attorney General at the Court of Appeal;
   k) the presidents of the Courts, the Commercial Court and Labour Court;
   l) the prosecutors;
   m) members of the Independent National Electoral Commission.

Four. OF PROCEDURE ’ PASSING LAWS

Section 188

Projects and bills are submitted simultaneously to the offices of the National Assembly and Senate.

Every bill and any bill specify whether it is a matter within the jurisdiction of the Senate pursuant to section 187.

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

The other texts are examined using the procedure prescribed in sections 190 and 191 below.

In case of doubt or dispute on the admissibility of a bill, the President of the Republic, President of the National Assembly or the Senate President takes the Constitutional Court for decision.

Article 189
In matters other than those referred to in Article 188, the text adopted on first reading by the National Assembly. He was immediately sent to the Senate by the President of the National Assembly.

At the request of his office or a third of its members at least, the Senate examines the draft text. This request is made within seven days of receipt of the draft.

Within a period not exceeding ten days from the request, the Senate may decide that there is no need to amend the bill or proposed law, or adopt the draft or the bill after have it amended.

If the Senate has not acted within the time or should it inform the National Assembly's decision not to amend the draft text, the President of the National Assembly passes within forty eight hours President of the Republic for enactment.

If the bill has been amended, the Senate sends it to the National Assembly which shall be given by either adopting or rejecting all or part of the amendments adopted by the Senate.

Article 190

If, on the occasion of a review under section 189 last paragraph, the National Assembly adopted a new amendment, the bill is returned to the Senate, which decides on the amended bill.

Within a period not exceeding five days from the date of referral, the Senate may either decide to accept the bill as amended by the National Assembly, or adopt the bill following further amendment.

If the Senate has not acted within the time or should it inform the National Assembly's decision to accept the bill as passed by the National Assembly, it transmits it within forty eight hours to the President of the Republic for enactment.

If the project has been further amended, the Senate sends it to the National Assembly that a final decision by either adopting or by amending the bill.

Section 191

In matters referred to in Article 187, 1 and 3, the text adopted by the National Assembly for adoption is transmitted to the Senate by the President of the National Assembly.

The Senate adopted the draft within a period not exceeding thirty days, either without amendment or amended after.
If the Senate adopts the draft without amendment, the President of the Senate return the adopted bill to the President of the National Assembly who shall forward within forty-eight hours the President of the Republic for enactment.

If the Senate passes the bill after having amended, the President of the Senate sends it to the National Assembly for reconsideration.

If the amendments proposed by the Senate shall be passed by the National Assembly, the President of the National Assembly shall, within forty-eight hours, the final text to the President of the Republic for enactment.

When, because of a disagreement between the two rooms, a draft or proposed law could be adopted, the President of the National Assembly and the President of the Senate create a joint commission tasked with proposing a common text on all or part of the text still under discussion, within 15 working days.

The text drafted by the joint committee is submitted for approval to both chambers. No amendment shall be admissible. Each of the two chambers approved separately.

If the joint committee fails to adopt a common text, or if the text is not adopted by either chamber, the President of the Republic may either ask the National Assembly making a final decision or declare void the bill or proposed law.

The National Assembly adopted that text by a majority of two-thirds.

TITLE VII
THE RELATIONSHIP BETWEEN THE EXECUTIVE AND LEGISLATIVE

Section 192

Legislative initiative belongs jointly to the President of the Republic, the Government, the National Assembly and Senate.

Bills are considered by the Council of Ministers.

Section 193

The agenda of sessions of the National Assembly and Senate and has priority in the order that the Government has set the discussion of bills introduced by the Government and bills tabled by members of the National Assembly or the Senate.

If a bill has not been studied for two successive sessions, it must be registered in the priority agenda of the next session.

Section 194
The Government has the right to propose amendments to bills submitted by members of Parliament.

The National Assembly and the Senate have the right to deliberate, propose amendments to bills or reject the bills introduced by the Government.

However, proposals and amendments introduced by members of the National Assembly or the Senate are not admissible where their adoption would have consequences, a significant decrease in public resources or the creation or increase of an important public unless these proposals or amendments are accompanied by offsetting revenue proposals.

When the National Assembly or the Senate referred the consideration of a draft or a bill to a parliamentary committee, the Government may, after the opening of the hearing to oppose the consideration of any amendment that has not been previously submitted to the commission.

If the Government so requests, the Board decides challenged by a single vote on all or part of the project or the proposed law by retaining only the amendments proposed or accepted by him.

Article 195

The Government may, for the implementation of its program, ask Parliament for authorization to take by decree, for a limited period, the measures which are normally a matter of law.

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

Ratification is by a single vote on all legislation.

In the absence of a ratification bill, they are struck sunset proven by the Constitutional Court if NECESSARY.

Section 196

If it appears during the legislative process, a proposal or amendment is not in the field of law, the Government may declare the unsuitability.

In case of disagreement between the Government and Parliament, the Constitutional Court, at the request of the President of the Republic, the President of the National Assembly or the Senate President shall rule within eight days.

Section 197
President of the Republic promulgates the laws adopted by Parliament within thirty days from the date of transmission, if it makes no demand for second reading or seizes the Constitutional Court for unconstitutionality.

The request for reconsideration may involve all or part of the law.

After a second reading the same text can not be promulgated if it was voted by a majority of three fourths of deputies and senators of three quarters.

Before enacting organic laws, the President of the Republic must verify compliance with the Constitution by the Constitutional Court.

Section 198

President of the Republic may, after consultation with the Vice-Presidents of the Republic, the President of the National Assembly and the Senate President, submit to referendum any proposed constitutional, legislative or otherwise, may have profound effects on life and the future of the nation or the nature or functioning of the institutions of the Republic.

Section 199

The President of the Republic communicates with the Parliament in joint session by message. This message does not give rise to any debate.

Section 200

Members of the Government may attend meetings of the National Assembly and Senate. They are heard whenever they request it. They may be assisted by experts.

Section 201

Members of the National Assembly and Senate have the right to discuss the action and government policy.

Article 202

The National Assembly and the Senate can learn about the activities of the Government by way of oral or written questions addressed to members of the Government.

During the sessions, one session per week precedence shall be given to questions from MPs and senators and the Government's responses.

The Government shall furnish to the National Assembly and the Senate all explanations requested of it on his administration and his actions.
Section 203

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

A motion of no confidence may be voted by a majority of two thirds of the members of the National Assembly against a member of government who accuses a manifest failure in the management of his department or who performs acts that violate the integrity or the moral probity or, by his behavior, obstructs the normal functioning of parliament. In this case, the member of this Government must resign.

Section 204

The National Assembly and the Senate have the right to form parliamentary committees to investigate specific objects of government action.

TITLE VIII

THE JUDICIARY

Section 205

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

The role and responsibilities of the Department are filled by public prosecutors. However, judges of courts of residence and police officers can fill the courts with these duties of the Public Prosecutor under the supervision of the prosecutor.

The organization and jurisdiction of courts are determined by an organic law.

Section 206

The court hearings are public, except in cases of pronounced closed by court order, when advertising is dangerous to public order or morality.

Article 207

Any judicial decision must be substantiated before being pronounced in public.

Section 208

The judiciary is structured to reflect in its composition the entire population.

The recruitment and appointment in the judiciary is essential to obey order to promote balanced regional, ethnic and gender balance.
Article 209

The judiciary is impartial and independent of the legislative and executive branches. In exercising its functions, the judge is subject only to the Constitution and the law.

The President of the Republic, Head of State, is guarantor of the independence of the Judiciary. He is assisted in this task by the Higher Judicial Council.


Section 210

The Superior Council of Magistracy shall ensure the proper administration of justice. He is the guarantor of the independence of judges in the exercise of their functions.

Section 211

The Higher Judicial Council is the highest disciplinary body of the judiciary. It hears complaints from individuals or the Ombudsman regarding the professional conduct of judges and magistrates of appeals against disciplinary action or complaints about their careers.

Section 212

A magistrate can not be removed for misconduct or incompetence, and only at the proposal of the Higher Judicial Council.

Section 213

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

1. developing policy on justice;

2. monitoring the situation in the country in the judiciary and that of human rights;

3. development strategies in the fight against impunity.

Article 214

In their career, judges are appointed by Decree of the President of the Republic on proposal of the Minister having justice shall, after consulting the Higher Judicial Council. Those courts are appointed residence by order of the Minister having Justice in his duties following the same procedure.
Section 215

Any appointment to judicial office referred to in section 188.9, except the Constitutional Court, is made by the President of the Republic on proposal of the Minister having Justice in his duties, after consultation with the Council of the Judiciary and confirmation the Senate.

Section 216

The Higher Judicial Council produced an annual report on the state of justice that address the Government, the National Assembly and Senate.

Section 217

The Superior Council of Magistracy is balanced in terms of ethnic, regional and gender. It includes:

- five members appointed by the Government;
- three judges of higher courts;
- two magistrates under the Crown;
- two judges of the courts of residence;
- three members of legal professions in the private sector.

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

Section 218

Members of the Higher Judicial Council are appointed by the President of the Republic after approval by the Senate.

Section 219

The Superior Council of Magistracy is presided by the President of the Republic assisted by the Minister having Justice in his duties.

Section 220

An organic law determines the organization and functioning of the Higher Judicial Council and the manner of appointment of its members.

Section 221

The Supreme Court is the highest ordinary jurisdiction of the Republic. It guarantees the right of enforcement by the courts.
Section 222

The judges of the Supreme Court are appointed by the President of the Republic on proposal of the Minister having justice shall, after consulting the Higher Judicial Council and with the approval of Senate.

Section 223

There shall be established at the Supreme Court, a public prosecutor of the Republic whose members are appointed in the same manner that judges of the Supreme Court.

Section 224

An organic law shall determine the composition, organization, jurisdiction and functioning of the Supreme Court and the procedure applicable before it.

Three. OF THE E C O C ONSTITUTIONNELLE

Section 225

The Constitutional Court is the court of the State in constitutional matters. It judges the constitutionality of laws and interprets the Constitution.

Article 226

The Constitutional Court is composed of seven members. They are appointed by the President of the Republic and after approval by the Senate. They serve six-year term.

At least three members of the Constitutional Court are professional judges.

The President, Vice-President and professional judges are permanent.

Members of the Constitutional Court are selected from lawyers recognized for their moral integrity, impartiality and independence.

Three members of the Constitutional Court appointed before the coming into force of this Constitution have a mandate limited to three years. Their choice is made by drawing lots provided by the President of this Court assisted by his deputy during a public hearing.

Section 227

The Constitutional Court shall be quorate if at least five of its members are present. Its decisions are taken by absolute majority of members sitting, the chairman having the casting vote in case of a tie.
Article 228

The Constitutional Court is competent to:

- rule on the constitutionality of laws and regulatory acts taken in matters other than those in the field of law;
- ensure compliance with this Constitution, including the Charter of Fundamental Rights by the state bodies, other institutions;
- interpret the Constitution, at the request of the President of the Republic, the President of the National Assembly, the President of the Senate, a quarter of the deputies or a quarter of senators;
- decide on the regularity of presidential and legislative elections and referendums and proclaim the final results;
- administering the oath of the President of the Republic, the Vice-Presidents of the Republic and members of the Government before their appointment.
- declaring vacant the post of President of the Republic.

Organic laws before their promulgation, the bylaws of the National Assembly and Senate before their implementation, are necessarily subject to constitutional review.

Section 229

The Constitutional Court also has jurisdiction to adjudicate cases under sections 115, 157, 160, 161, 188, 234 and 296 of this Constitution.

Article 230

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

Any natural or legal person and the prosecution can appeal to the Constitutional Court on the constitutionality of laws, either directly by action or indirectly through the process of unconstitutionality invoked in a case before another court.

It shall stay the proceedings until the decision of the Constitutional Court which must occur within thirty days.

Section 231

A provision declared unconstitutional may not be enacted or implemented.

The decisions of the Constitutional Court are not subject to appeal.

Section 232
An organic law determines the organization and functioning of the Constitutional Court and the procedure applicable before it.

Four. OF THE HIGH COURT OF JUSTICE

Section 233

The High Court consists of the Supreme Court and the Constitutional Court met. It is chaired by the President of the Supreme Court, the prosecution is represented by the Attorney General of the Republic.

Article 234

The High Court of Justice has jurisdiction to try the President of the Republic for high treason, the President of the National Assembly, Senate President and Vice-Presidents of the Republic for crimes committed during their term.

The investigation and trial take place forthwith.

The decisions of the High Court of Justice are not subject to appeal except pardon or revision.

Article 235

If convicted, the President of the Republic, the Vice-Presidents of the Republic, the President of the National Assembly and Senate President are relieved of their duties.

Section 236

The rules of organization and functioning of the High Court of Justice and the procedure applicable before it are determined by an organic law.

TITLE IX

THE ’ OMBUDSMAN

Section 237

The Ombudsman receives complaints and conducts investigations of mismanagement and violations of citizens' rights committed by agents of the civil service and judiciary and make recommendations thereon to the competent authorities. It also provides mediation between government and citizens and between departments and the Administration and acts as an observer with respect to the functioning of public administration.

The organization and running of his office are fixed by law.
Article 238

The Ombudsman has the powers and resources to perform its functions. It submits an annual report to the National Assembly and Senate. His report is published in the Official Bulletin of Burundi.

Section 239

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

His office is six years non renewable.

TITLE X

BODIES OF DEFENCE AND SECURITY

Section 240

The defense and security are established according to law. Apart from these, it can not be created or exercise any other armed organization.

Section 241

The defense and security must reflect the resolve of Burundians, as individuals and as a nation, to live as equals in peace and harmony. They must teach their members to act in accordance with the Constitution and laws, as well as with international agreements and conventions to which Burundi is a party, and require them to comply with these texts.

The defense and security are serving the people of Burundi. They must be an instrument to protect all the people of Burundi and all the people should recognize them.

Section 242

Maintaining national security and national defense that are subject to the authority of the Government and Parliament's control.

Section 243

The defense and security must be held accountable for their actions and work seamlessly.

It is created committees to oversee the work of the defense and security, in accordance with existing legislation and following the rules of Parliament.

Section 244

Neither the defense and security, nor any of their members can not, in the exercise of their functions:

a) prejudice the interests of a political party which, under the Constitution, is legal;

b) Demonstrating their political preferences;
c) benefit for partisan interests of a political party;

d) Membership of a political party or political association;

e) Participate in activities or political demonstrations.

Law on organization and functioning of the defense and security represses the violation.

Section 245

The defense and security consist of a national defense force, national police and national intelligence service, all prepared in accordance with this Constitution.

The National Defence Force of Burundi is an armed body designed, organized and trained to defend its territorial integrity, independence and sovereignty;

The National Police of Burundi is a body designed, organized and trained for the maintenance and restoration of security and order within the country;

The National Intelligence Service is a body designed, organized and trained to search, centralize and operate any information likely to contribute to the security of the state, its institutions and its international relations, and the prosperity of his economy.

Section 246

The defense and security are subordinate to civilian authority in respect of the Constitution, the law and regulations.

Section 247

The defense and security develop in them a culture of non-discriminatory, non-ethnic- and gender-neutral.

Article 248

The organic acts establishing the missions, organization, training, service conditions and the operation of the National Defence Force, National Police and National Intelligence Service.

Article 249

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

a) In defense of the State;

b) In the restoration of order and public safety;

c) In carrying out the international obligations and commitments.
Article 250

When the defense force is used in one of the cases cited in the above paragraph, the President formally consult the competent bodies authorized and inform Parliament promptly and in detail on:

a) The reason or reasons for the use of the national defense force;
b) Any place where the force is deployed;
c) The period for which that force is deployed.

Article 251

If Parliament is not in session, the President shall convene an extraordinary session within seven days of use of the national defense force.

Section 252

The defense and security respect the rights and dignity of their members within the normal constraints of the discipline and instruction.

Article 253

Members of the defense and security have the right to be informed of the socio-political life of the country and receive a civic education.

Article 254

Any foreign intervention outside the international conventions is prohibited. Any use of foreign forces is prohibited, except when authorized by the President of the Republic.

Article 255

The State has the duty to implement a policy reforms relevant to defense and security, which strengthens the unity and cohesion of the people of Burundi, including through the ethnic balance, regional and genres necessary.

Section 256

The Corps of defense and security are organized to ensure unity among themselves, members of political neutrality and impartiality in carrying out their missions.

Section 257

The Corps of defense and security are open without discrimination to all Burundian citizens wishing to take part. Their organization is based on volunteerism and professionalism.
During a period determined by the Senate, the Corps of defense and security have no more than 50% of members belonging to a particular ethnic group, given the need to ensure ethnic balance and prevent acts of genocide and coups.

Section 258

Correcting imbalances in the body defense and security is gradually approached in a spirit of reconciliation and confidence to secure all Burundians.

Section 259

The defense and security are made up of professionals and are non-partisan.

Their members are trained technical, moral and civic. This training shall include the culture of peace, the behavior in a pluralistic democratic political system and human rights.

Section 260

Members of the defense and security are trained at all levels to respect international humanitarian law and the primacy of the Constitution.

Section 261

A civilian can not be subject to the code of military justice or trial by a military court.

TITLE XI

LOCAL

Article 262

The municipality and other local authorities of the Republic are established by an organic law.

The law determines the fundamental principles of their status, their organization, their skills, resources and the conditions under which local authorities are administered.

Section 263

The town is a decentralized administrative entity. It is divided into entities provided by an organic law.

Section 264
The Municipality is administered by the Municipal Council and Municipal Administrator.

Article 265

Elections are held at the municipal level, in accordance with procedures set out below:

(A) The hills are administered by councils of hill of five members elected by direct universal suffrage. The consultant who obtained the greatest number of votes becomes the Head of the hill. Candidates must present themselves as independents;

(B) The municipalities are administered by the communal councils are elected by direct universal suffrage;

Section 266

The Independent National Electoral Commission shall ensure that the Communal Councils generally reflect the ethnic diversity of the electorate. If the composition of a Town Council would not reflect the ethnic diversity, the Independent National Electoral Commission may order the appointment to the Board of people from one ethnic group under-represented, provided that the persons so co-opted are not more than one fifth of the members of the Council. To co-opt individuals are designated by the Independent National Electoral Commission.

For the first elections, each municipal council elects a municipal administrator and may be removed from office for cause, such as corruption, incompetence, misconduct or embezzlement. For the next elections, the National Assembly and the Senate may, after evaluation, legislate that the Administrator is elected by direct universal suffrage;

None of the main ethnic groups are represented in more than 67% of local councilors nationally. The Independent National Electoral Commission ensures compliance with this principle.

Section 267

The State shall ensure the harmonious and balanced development of all municipalities in the country based on national solidarity.

TITLE XII

NATIONAL COUNCILS

Section 268

To ensure broad participation of citizens in governance, the rule establishes the following national guidance:

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

The Government guarantees that advice means necessary for their operation.

1. NATIONAL COUNCIL FOR

NATIONAL UNITY AND RECONCILIATION

Section 269

The National Council for National Unity and Reconciliation Commission is an advisory body including:

- to hold discussions and give advice on all core issues relating to unity, peace and national reconciliation, especially those relating to priority missions of the institutions;
- regularly monitor the evolution of Burundian society in terms of the issue of national unity and reconciliation;
- to produce a periodic report on the status of national unity and reconciliation and to bring to the attention of the nation;
- make proposals for improving the situation of national unity and reconciliation in the country;
- to design and initiate the necessary actions to rehabilitate the institution of Ubushingantahe to make it an instrument of peace and social cohesion;
- to give opinions and proposals on other matters affecting the nation.

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

On its own initiative, may also issue opinions and make them public.

Section 270

The National Council for National Unity and Reconciliation Commission is composed of individuals recognized for their moral integrity and their interest in the life of the nation and especially to his unit.

Members of the National Council for National Unity and Reconciliation Commission are appointed by the President of the Republic in consultation with the Vice-Presidents of the Republic.

Section 271
Members of the National Council for National Unity and Reconciliation must take an oath to defend the national unity and promote reconciliation.

Article 272

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

Section 273

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

2. THE NATIONAL OBSERVATORY FOR THE PREVENTION AND ERADICATION OF GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY

Article 274

The National Observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity is a consultative body including:

- regularly monitor the evolution of Burundian society in terms of the issue of genocide, war crimes and other crimes against humanity;
- prevent and suppress acts of genocide, war crimes and other crimes against humanity;
- to suggest measures to effectively fight against impunity for crimes;
- promote the creation of a regional observatory;
- promote inter-ethnic national front of resistance against genocide, war crimes and crimes against humanity and against globalization and collective guilt;
- to promote legislation against genocide, war crimes and other crimes against humanity, and to monitor strict compliance;
- to propose policies and measures to rehabilitate victims of genocide, war crimes and other crimes against humanity;
- to contribute to the implementation of a comprehensive program of outreach and education for peace, unity and national reconciliation.

Section 275

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

Article 276
An organic law defines the functions, composition, organization and functioning of the National Observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity.

3. NATIONAL SECURITY COUNCIL

Section 277

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

The Council is closely monitoring the state of unity and cohesion within the national defense and security.

The Council may be consulted on any other matter related to national security.

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

Section 278

Members of the National Security Council are appointed by the President of the Republic in consultation with the Vice-Presidents of the Republic.

Section 279

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

4. ECONOMIC AND SOCIAL COUNCIL

Article 280

The Economic and Social Council is an advisory body with jurisdiction over all aspects of economic and social development.

It must be consulted on any proposed development plan, the issues of environment and nature conservation and any regional integration project or sub-regional.

The Economic and Social Council may, on its own initiative, as recommendations, attention of the National Assembly, Senate or the Government on reforms of a social and economic as it deems consistent with or contrary to the general interest.
He also advises on all matters brought to its consideration by the President of the Republic, the Government, the National Assembly, the Senate or by another public agency.

Section 281

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

Members of the Economic and Social Council are appointed by the President of the Republic in consultation with the Vice-Presidents of the Republic.

Section 282

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

Section 283

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

5. NATIONAL COUNCIL OF COMMUNICATION

Section 284

The National Communication Council ensures freedom of the audio-visual and written in compliance with the law, public order and morality.

The National Council of Communication, for this purpose, a particular decision-making power in terms of respect and promotion of press freedom and equal access of various political, social, economic, cultural and public media.

The National Council of Communication also plays an advisory role to the Government in terms of communication.

Article 285

The National Communication Council is composed of members chosen in the communication sector and in various media users, based on their interest in social communication, freedom of press, speech and opinion.

Article 286

Members of the National Communications Council are appointed by the President of the Republic in consultation with the Vice-Presidents of the Republic.
Article 287

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

Article 288

An organic law defines the functions, composition, organization and functioning of the National Communication.

TITLE XIII

TREATIES AND INTERNATIONAL AGREEMENTS

Section 289

President of the Republic of senior management of international negotiations. It signs and ratifies international treaties and agreements.

Article 290

Peace treaties and trade agreements, treaties relating to international organization, treaties involving the finances of the State, to amend the legislative provisions and those relating to personal status may be ratified only by a law.

Article 291

The Republic of Burundi can create with other States and international management of joint coordination and free cooperation. It may conclude association agreements or community with other states.

Article 292

Treaties take effect only after having been duly ratified and subject to enforcement by the other party to bilateral treaties and the fulfillment of the conditions of enforcement provided by them for multilateral treaties.

Section 293

The agreements allow the storage of toxic waste and other materials that may cause serious harm to the environment are prohibited.

Section 294

The Corps of defense and security can participate in international peacekeeping to peace in the world. No force in Burundi can not be deployed outside national borders without
prior approval of the President of the Republic after consultation with the Vice-
Presidents of the Republic and the National Security Council.

The National Assembly and the Senate should be informed in time not exceeding seven
days.

Article 295

No sale, no exchange, no addition of territory shall be valid without the consent of the
Burundian people have to decide by referendum.

Article 296

When the Constitutional Court, on application by the President of the Republic,
President of the National Assembly, Senate President, one fourth of the members of the
National Assembly or the Senate, said that an international commitment contains a
clause contrary to the Constitution, the authorization to ratify this commitment can only
occur after amendment or revision of the Constitution.

TITLE XIV

REVISION OF THE CONSTITUTION

Section 297

The initiative to revise the Constitution rests with the President of the Republic after
consultation with the Government, the National Assembly and Senate respectively
acting by an absolute majority of members who compose it.

Article 298

President of the Republic may submit to referendum a draft amendment of the
Constitution.

Article 299

No amendment procedure may be accepted if it undermines national unity, cohesion of
the Burundian people, the secular state, reconciliation, democracy, integrity of the
territory of the Republic.

Article 300

The draft or proposed amendment to the Constitution is adopted by a majority of four
fifths of the members of the National Assembly and two-thirds of the Senate.

TITLE XV
SPECIAL PROVISIONS FOR THE FIRST POST-TRANSITION PERIOD

Section 301

Anyone who has served as President of the Republic during the transition period is ineligible for the first presidential elections.

Section 302

Exceptionally, the first President of the Republic of the post-transition period is elected by the National Assembly and the Senate elected in Congress, a majority of two-thirds of the members. If this majority is not obtained in the first two rounds, shall immediately be additional ballots until one candidate obtains the vote equal to two-thirds of the members of Parliament.

In case of vacancy of the first President of the Republic of the post-transition period, his successor is elected in the same manner provided in the preceding paragraph.

President elected for the first post-transition can not dissolve parliament.

Section 303

Exceptionally well and only for the first elections of deputies, and only if a party won more than three-fifths of the seats in direct elections, a total of eighteen to twenty-one additional members are co-opted in equal numbers from lists of all parties having registered at least the threshold for votes, or for two people per party in cases where more than seven parties meet on the requirements.

The arrangements for co-option will be determined by the electoral law.

TITLE XVI

TRANSITIONAL PROVISIONS

Section 304

Pending the establishment of institutions from the elections in accordance with this constitution, the transitional institutions and the territorial government remain in office until the date determined in accordance with the timetable of the Independent National Electoral Commission.

TITLE XVII

FINAL PROVISIONS

Section 305
To the extent that they are not contrary to the Constitution, laws and regulations prior to its entry into force remain in effect until amended or repealed.

Section 306

The Interim Post-Transition Constitution of the Republic of Burundi enacted October 20, 2004 is repealed.

Article 307

The present Constitution of the Republic of Burundi shall enter into force on the day of its promulgation.