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## About this Document

On February 15, 2012, amid rising unrest in the country, Syrian President Bashar Al-Assad announced that the country would hold a referendum on a new constitution. The draft document, published on the Syrian Arab News Agency (SANA) today, promises political pluralism and democratic elections in a bid to address the national and international demands for regime change.

Within a few hours of the draft constitution's release, Qordoba's team of world-class translators were set to motion from Qordoba's headquarters in Dubai, UAE, to provide the international community with an English language version of the document. Thanks to its human-powered, technology-driven platform, Qordoba was able to provide a bridge to the Arab world to the millions watching it transform itself.

We are very proud of the high quality work our team produced in such a short period of time – around 10,000 words in a few short hours. We are excited to see how this document will help you in your reporting, research or interest in foreign affairs. We have made sure you can share and reuse this content easily by licensing this work under Creative Commons Attribution License.

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## English Translation of the Syrian Constitution Modifications

15/02/2012

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## Introduction

Throughout its long history, the Arab civilization, being part of the human heritage, has faced huge challenges aimed at breaking its will and subjecting it to colonial domination. It has constantly been able to withstand these challenges and rise up to fulfill its role in shaping human civilization through its own creative abilities.

The Syrian Arab Republic is proud of its Arab identity and of its people forming an integral part of the Arab nation, manifested in ongoing national and regional contributions and an ongoing endeavor to support Arab cooperation towards unity of the Arab nation.

Abiding by righteousness, justice, and international law, the Syrian Arab Republic aims to achieve and maintain peace and international security, both of which it considers to be key objectives.

Over the past decades, the significance of the Syrian role has increased both regionally and internationally, thus resulting in several human and national achievements and fulfilment of aspirations across all areas. Syria also gained crucial political importance as the heart of the Arab world, the confrontation frontline with the Zionist enemy, and the resistance base against domination over the Arab world and its wealth and resources. The prolonged struggle and sacrifices of our people for the sake of independence, progress and national unity has paved the way towards a strong state and strong identification with their Syrian Arab army – the main guarantor and protector of the nation's sovereignty, security, stability and territorial integrity, forming the basis of the popular struggle for the independence of all their occupied lands.

Through the power of its multiple sects and constituents and its public and institutions and civil organizations, Syrian society has made accomplishments that have proven the depth of its civilization. Its persistence and ability to cope with a changing environment has allowed it to maintain its role and position as a historical catalyst to human civilization.

Since the beginning of the 21<sup>st</sup> century, Syria has faced many challenges in its effort to develop and modernize amidst difficult regional and international conditions which have impacted its national sovereignty. That is the motivation behind the production of this Constitution – as a basis to reinforce the rule of law.

The completion of this Constitution represents the culmination of the popular struggle for freedom and democracy, and is the people's real embodiment of their achievements in the face of massive changes. It is a compass for future advancement, a moderator for its institutions, and the source of its legislation – through a system of fundamental principles: independence, sovereignty, and rule of the people based on elections, political and party-based pluralism, national unity, cultural diversity, public freedoms, human rights, social justice, equality, equal opportunities, citizenship, the rule of law, and independence. The betterment of society and its citizens is the ultimate end to which every national effort is exerted, and preserving their dignity is a statement on the civilization of the country and the authority of the state.

## Chapter 1: Basic Principles

### Part 1: Political principles

#### Article 1

1. The Syrian Arab Republic is a democratic state with full sovereignty, that cannot be divided nor have any part of its land waived and is part of the Arab world.
2. People of the Syrian Arab Republic are part of the Arab Nation.

#### Article 2

1. The Republican system is the system of governance in this state.
2. Governance is by the people, no individual or group has the right to claim it, and is based on the principle of governance for people by people.
3. People may exercise governance only as and within limits specified in the constitution.

#### Article 3

1. The President has to be part of the Muslim faith.
2. Islamic jurisprudence doctrine is a primary source of legislation.
3. The state respects all religious beliefs and guarantees freedom to perform all rituals provided they do not jeopardize general order.
4. Personal welfare and status of religious sects is protected and respected.

#### Article 4

Arabic is the state's official language.

#### Article 5

The capital of the state is Damascus.

#### Article 6

1. The flag of the Syrian Arab Republic consists of three colors: Red, White and Black, with two green stars, of five angles each. The flag is rectangular, with its width measuring two thirds of its length. It is divided into three triangles of identical dimensions and have the same length as the flag. The upper one is red, the middle being white and the bottom one is black, white the two green stars in the middle of the white rectangle.
2. The law specifies the state's emblem and national anthem and all the rules related to each.



#### **Article 7**

The constitutional oath is as follows:

*"I swear by God the Almighty to respect the state's constitution, its laws and republican system, watch over the interests of the people and their freedoms, preserve the security, sovereignty and independence of the homeland, and work and struggle for the realization of social justice and the unity of the Arab nation'."*

#### **Article 8**

1. The political system is based on the principle of political pluralism, and rule is only obtained and exercised democratically through voting.
2. Licensed political parties and electoral groups shall participate in the national political life and is required to respect the principles of national sovereignty and democracy.
3. The law regulates all rules and procedures related to the formation of political parties.
4. No political activity shall be practiced nor political party or group formed on religious, sectarian, tribal, regional, or professional basis or according to discrimination because of sex, origin, race, or color.
5. The public office or public money shall not be harnessed for a political, partisan, or electoral benefit.

#### **Article 9**

The constitution guarantees the preservation and protection of the cultural diversity of the Syrian society in all its components and varied resources as a national heritage that reinforces national unity within the framework of territorial integrity of the Syrian Arab Republic.

#### **Article 10**

Public organizations, trade unions and associations are agencies that gathers citizens for the sake of development of the society and realizing the objectives of its members. The State shall guarantee the independence, exercise of peoples' control and their participation in various sectors and councils established by the laws in areas in which to achieve its objectives in accordance to terms and conditions prescribed by the law.

#### **Article 11**

The army and armed forces are a national institution responsible for defending the integrity and security of the homeland and regional sovereignty, and avails itself to the service of the peoples' interests, the protection of their objectives and national security.

#### **Article 12**

Councils elected democratically at the national or local level are institutions through which citizens exercise their sovereignty and building of the State and community leadership.

### **Part 2: Economic Principles**

#### **Article 13**

1. The national economy shall be based on the development of the public and private economic activities through the economic and social plans aiming at increasing the national income, developing production, raising the standard of living of individuals and creating jobs opportunities.
2. The State's economic policy shall aim at meeting the basic needs of the community and individuals through the achievement of economic growth and social justice, in order to reach a comprehensive, balanced and sustainable development.
3. The State shall guarantee the protection of producers and consumers, support trade and investment, prevent monopoly in the various economic sectors, work on the development of human resources, and protect the labor force in what serves the national economy.

#### **Article 14**

Public ownership includes natural resources, public utilities, and public installations and establishments. The state undertakes to exploit and to supervise the administration of this property in the interest of the entire people. It is the duty of the citizens to protect this property.

#### **Article 15**

1. Private ownership, collective or individual, shall be protected in accordance with the following principles:
  - a. The public seizure of funds is prohibited.
  - b. Individual ownership may not be expropriated except for public interest and in return for just compensation in accordance with the law.
  - c. Private seizure cannot be effected except through a judicial decision.
  - d. Private seizure is permissible for the necessities of war and general disasters in accordance with the Law and in return for just compensation.
2. The compensation shall be just and equivalent to the true value of the property.

#### **Article 16**

The law defines the maximum of agricultural ownership and agricultural investment in a manner that guarantees the protection of the farmer and of the agricultural worker against exploitation and insures increase in production.

#### **Article 17**

The right of inheritance is guaranteed in accordance with the law.

#### **Article 18**

1. Taxes, fees and any other form of public costs shall only be imposed in accordance with the Law.
2. Taxes are imposed on an equitable and progressive bases which achieve the principles of equality and social justice.

### **Part 3: Social Principles**

#### **Article 19**

The community in the Syrian Arab Republic shall be based on solidarity and respect of social justice principles, freedom, equality and preservation of human dignity of every individual.

#### **Article 20**

1. The family is the basic unit of society and is protected by the state.
2. The state protects and encourages marriage and eliminates the material and social obstacles hindering it. The state protects mothers and infants and extends care to adolescents and youths and provides them with the suitable circumstances to develop their faculties.

#### **Article 21**

Martyrdom for the sake of the nation is a supreme value and the State shall provide for the families of martyrs in accordance with the Law.

#### **Article 22**

1. The state insures every citizen and his family in cases of emergency, illness, disability, orphanhood, and old age.
2. The state protects the citizens' health and provides them with the means of protection, treatment, and medication.

#### **Article 23**

The state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the restrictions that prevent women's development and participation in building the society.

**Article 24**

The State, jointly with the community, ensures the losses resulting from natural disasters.

**Article 25**

The state guarantees educational, social, and health services, and shall endeavor to achieve balanced development in all regions in the Syrian Arab Republic.

**Article 26**

1. Public service is a duty and an honor. It aims at achieving public interest and serving the people.
2. All citizens are equal in assuming public service functions, and the Law shall define the conditions of assuming them, as well as the rights and obligations of people charged with these functions.

**Article 27**

Protecting the environment is the duty of the State and the community, as well as every citizen.

**Part 4: Educational and Cultural Principles**

**Article 28**

The educational system is based on creating a generation proud of and adheres to its heritage, identity, belonging and national unity.

**Article 29**

1. Education is a right guaranteed by the state, is provided free across all levels, and the law regulates education in the cases where education is paid for at universities and government institutions.
2. Education is compulsory throughout the elementary stage, and the state undertakes to extend compulsory education to other stages.
3. The state supervises education and regulates its approach in order to achieve consistency with community needs and the requirements of development.
4. The law shall regulate the supervision of state over private educational institutions.

**Article 30**

Physical education is a foundation for society building and the state support and encourages it in order to form a physically, morally and intellectually strong generation.

**Article 31**

Scientific research and all its requirements are supported by the state, and the state guarantees freedom of scientific, literary, artistic, and cultural inquiry and innovation, and helps provides the means to achieve it. The state pledges to extend all help to support the advancement of science and the arts and encourage and protect creative talent.

**Article 32**

The state shall protect monuments, archaeological sites, and all objects of heritage, artistic, historical, and cultural value.

## Chapter 2: Rights, Freedoms and the Rule of Law

### Part 1: Rights and Freedoms

#### Article 33

1. Freedom is a sacred right and the state shall guarantee the personal freedom of its people and safeguards their security and dignity.
2. Citizenship is a fundamental principle which involves rights and duties enjoyed by every citizen and exercised within boundaries of the law.
3. Citizens are equal in rights and duties, without discrimination on grounds of sex, race, language, religion or creed.
4. The State guarantees equal opportunities among citizens.

#### Article 34

Every citizen has the right to participate in the political, economic, social, cultural life. The law regulates this participation.

#### Article 35

Every citizen has the duty of respecting the Constitution and the laws of the land.

#### Article 36

1. The inviolability of private life is protected by law.
2. Homes are protected and shall not be entered or inspected except by order of judicial authority and in the cases specified by law.

#### Article 37

Confidentiality of postal, telecommunications, radio, and other forms of correspondence is guaranteed in accordance with the law.

#### Article 38

1. A citizen may not be deported from the homeland or denied re-entry to it.
2. No citizen may be extradited to any foreign entity.
3. Every citizen has the right to move within the state's territory unless forbidden to do so by a judicial sentence or in implementation of public health and safety laws.

#### Article 39

Political refugees shall not be extradited because of their political beliefs or for their defense of freedom.

#### **Article 40**

1. Work is every citizen's right and duty. The state undertakes to provide jobs for all citizens, the law shall regulate the workplace, its conditions and workers' rights.
2. Every worker shall receive a fair wage according to the nature and quality of work and productive output, given that he is paid no less than a minimum wage that ensures basic necessities of life.
3. The state shall guarantee health insurance and social security for workers.

#### **Article 41**

Payment of taxes, fees and public costs are duties by law.

#### **Article 42**

1. Freedom of belief is protected in accordance with law.
2. Every citizen has the right to express his views freely and openly, in written, oral or any other means of expression.

#### **Article 43**

The state shall guarantee freedom of the press, printing and publishing, the media and its independence in accordance with laws.

#### **Article 44**

Citizens have the right to assemble and demonstrate peacefully and to strike from work within the principles of the Constitution and the laws that regulates the exercise of these rights.

#### **Article 45**

Freedom to form associations and trade unions on a national basis, for lawful purposes and by peaceful means, is guaranteed in accordance with the terms and conditions prescribed by law.

#### **Article 46**

1. Compulsory military service is a sacred duty and regulated by law.
2. Defense of homeland security and the safeguard of critical national information is the duty of every citizen.

#### **Article 47**

The state guarantees the protection of national unity and it is the citizen's duty to preserve this unity.

#### **Article 48**

Syrian citizenship is regulated by law.

#### **Article 49**

Election and referendum is a right and duty for all citizens and is regulated by law.

### **Part 2: Sovereignty of Law**

#### **Article 50**

The sovereignty of law is the basis of ruling in the country.

#### **Article 51**

1. Penalty is Personal. No crime and no penalty but in accordance with the law.
2. A defendant is presumed innocent till he is convicted in a fair trial.
3. The right of standing trial and taking the actions of appeal, revision and pleading in front of a jury is preserved by law, and the state guarantees legal assistance for those who cannot afford it, in accordance with the provisions of the law.
4. It is prohibited that laws provide immunity to any act or administrative decision against judicial supervision.

#### **Article 52**

Provisions of law only apply to the actions that follows the date of the such; they do not have any retroactive effect, criminal matters may be excluded, and only explicitly.

#### **Article 53**

1. It is prohibited to question anyone or arrest him but under a fiat or decree rendered by the competent judicial authority, unless he is arrested in the case of flagrante delicto, or for the purpose of bringing him to judicial authorities under the accusation of committing a felony or an offense.
2. It is prohibited to torture or treat anyone humiliatingly; punishment of doing the same is determined in accordance with the provisions of the law.
3. At arrest, the arrested should be informed with his rights and why he was arrested, and it is prohibited to keep him arrested by the administrative authority but under an order from the competent judicial authority.
4. On wrong verdicts, and if the penalty is implemented, sentenced people may claim the state for compensation of damages.

#### **Article 53**

Any violation of personal freedom or of the sanctity of personal life or of any other public rights or liberties secured by the constitution is considered a crime that shall be punished by law.



## Chapter 3: State Authorities

### Part 1: The Legislative Authority

#### Article 55

The legislative authority in the State shall be undertaken by the People's Assembly in accordance with the constitution.

#### Article 56

The People's Assembly mandate is four Gregorian years starting from the date of its first meeting and it may not be renewed but in a state of war, under a law.

#### Article 57

The members of the People's Assembly shall be elected by public, confidential, direct and equal voting in accordance with election law.

#### Article 58

Any member of the people's Assembly represents all the people, and his proxy may not be restricted by any limitations or conditions; he shall use such proxy guided by his honor and conscience.

#### Article 59

Electors are citizens who have completed eighteen years of age and who meet the conditions provided for in the election law.

#### Article 60

1. The People's Assembly election method, number and qualifications shall be set by a law.
2. At least half of the members of the assembly should be workers and farmers, as defined by law.

#### Article 61

The election law shall include provisions that guarantee:

1. The freedom of the electors to choose their representatives and the integrity and probity of the election process.
2. The right of the candidates to monitor the election process.
3. The punishment of whoever tampers with the will of electors.
4. The setting of election campaigns funding standards.
5. The organization of election campaigns and using media in the same.

#### **Article 62**

1. Elections are held during the sixty days preceding the date of expiry of the mandate of the Assembly.
2. The assembly shall keep holding meetings till another assembly is elected.

#### **Article 63**

If for any reason a vacancy in the assembly becomes available, a new member shall be elected within sixty days, provided that more than six months separate the date of the vacancy from the expiration date of the mandate of the existing assembly; the membership of the new member expires with the expiration of the assembly; vacancies shall be determined by election law.

#### **Article 64**

1. The people's Assembly is called for meeting by a decree rendered by the President within fifteen days from the expiration of the existing assembly mandate or from the declaration of the election results, in case there is no existing assembly; the meeting shall be held on the sixteenth day in case no decree is rendered.
2. The Assembly shall, during its first meeting, elect its president and office members; such elections shall be conducted every year thereof.

#### **Article 65**

1. The People's Assembly shall be convened for three regular sessions a year, the combined period of which should not be less than six months; the rules of procedure of the Assembly set its session dates and duration.
2. The Assembly may be convened for exceptional sessions at the request of the President or at least one third of the members of the Assembly, or the office of the Assembly.
3. The last legislative session of the year remains open until the general budget of the state is passed by the Assembly.

#### **Article 66**

1. The Supreme Constitutional Court shall have jurisdiction to consider appeals regarding elections of the members of People's Assembly.
2. Appeals should be submitted by candidates within three days beginning from the date of announcing results; the Court shall render final verdicts within seven days of the expiration date of submitting appeals.

#### **Article 67**

The members of the People's Assembly shall take the oath stated in Article Seven of this Constitution.

#### **Article 68**

The allowance and compensation of the members of the People's Assembly shall be determined by a law.

#### **Article 69**

The People's Assembly sets its own rules of procedure to regulate the manner in which it will work, the manner of conducting its duties and the responsibilities of the Office of the Assembly.

#### **Article 70**

Members of the Assembly are not accountable before criminal or civil courts for any views they express, in public or private voting sessions, or in the activities of the various committees.

#### **Article 71**

Members of the People's Assembly have immunity for the duration of their term, and it is not permissible to undertake any judicial action against any member except in the case of a witnessed crime or by permission of the Office of the Assembly only. These actions are declared in the Assembly during its first meeting after this action.

#### **Article 72**

1. Members shall not exploit their membership to the Assembly in any manner or for any purpose.
2. The law defines which actions are prohibited during the term of their membership to the Assembly.

#### **Article 73**

1. The House Speaker represents the Assembly and signs and speaks in its name.
2. The Assembly has its own security forces that follow the orders of the House Speaker. No other armed forces are permitted to enter the People's Assembly premises unless granted permission by the House Speaker.

#### **Article 74**

The members of the Assembly have the right to propose legislation and address questions and inquiries to the cabinet or any minister in accordance with the Assembly's internal organization.

#### **Article 75**

The People's Assembly assumes the following powers:

1. Approval of laws
2. Debate of Cabinet policy
3. Withholding confidence in the Cabinet or a Minister.
4. Approval of the general budget and account audits.
5. Approval of development plans.
6. Approval of international treaties and agreements connected with state security; namely, peace and alliance treaties, all treaties connected with the rights of sovereignty or agreements which grant concessions to foreign companies or establishments, as well as treaties and agreements which entail expenditures of the state treasury not included in the treasury's budget, and treaties and agreements which relate to granting loans or which run counter to the provisions of the laws in force or treaties and agreements which require promulgation of new legislation to be implemented.
7. Approval of general amnesty.
8. Acceptance or rejection of the resignation of a member of the Assembly.

#### **Article 76**

1. The Prime Minister shall, within 30 days at the latest from the date of formation of the Cabinet, submit a statement paper of Cabinet policy to People's Assembly for discussion.
2. The Cabinet shall be responsible to the People's Assembly for implementing its statement paper.
3. If People's Assembly is not in session [at the time of formation of the Cabinet and the submission of the statement paper], an extraordinary session shall be held.

#### **Article 77**

1. Confidence may not be withheld without the interrogation of the Cabinet or a Minister. A request for withholding confidence has to be made in accordance with a proposal submitted by at least one-fifth of the members of the Assembly. Confidence in the Cabinet or a minister may be withheld by a majority of the members of the Assembly.
2. In the event of a no confidence vote in the Cabinet, the Prime Minister must submit the Cabinet's resignation to the President. A minister from whom confidence has been withheld must also resign.

#### **Article 78**

The Assembly may form provisional committees from its members for fact finding and information collection on topics concerning the exercising of its jurisdiction.

#### **Article 79**

1. Every fiscal year has one budget and the beginning of the fiscal year is defined by law.
2. The method of preparing the budget is defined by law.
3. The draft budget must be submitted to People's Assembly two months before the beginning of the fiscal year.

#### **Article 80**

1. The Assembly shall vote on the budget chapter by chapter, and the budget shall not be considered effective unless approved by the Assembly.
2. If the Assembly fails to approve the budget before the beginning of the new fiscal year, the previous fiscal year's budget remains in force until approval of the new fiscal year budget. Revenues shall be collected in accordance with the laws still in force.
3. No change in the budget's chapters is permissible except in accordance with the provisions of the law.
4. During study of the budget, People's Assembly shall have no right to increase the estimates of revenues or expenditures.

#### **Article 81**

After approval of the budget, the People's Assembly may approve laws on new expenditures and revenues.

#### **Article 82**

The final accounts of a fiscal year shall be presented to People's Assembly within one year after the conclusion of the fiscal year. The settlement of accounts should be made by law. Amounts to be applied to the settlement of accounts should be applied to the budget, subject to approval.

## **Part 2: The Executive Authority**

### **(1) The President of the Republic**

#### **Article 83**

The President of the Republic and the Council of Ministers exercise executive authority on behalf of the people within the limits defined in this Constitution

#### **Article 84**

A candidate to the post of the President of the Republic must:

1. Above the age of 40.
2. Have the Arab Syrian nationality since birth and must have parents with the Arab Syrian nationality since their birth.
3. Enjoy his civil and political rights and must not be convicted of an outrageous offense, even if rehabilitated, that may have stripped them from him.
4. Must not be married to a non-Syrian spouse.
5. Be permanently residing in Syria at least for 10 continuous years before the time of the submission of the candidacy application.

#### **Article 85**

Elections for the President of the Republic shall be as follows:

1. The Speaker of the House shall set elections for a new President at least 60 days before the conclusion of the term of the current President but not more than 90 days before the conclusion of the current President's term.
2. Candidates for President shall submit applications to the Supreme Constitutional Court within 10 days after the announcement of the date of the Presidential elections.
3. The candidacy application shall not be accepted unless the applicant has the written support of his candidacy from at least 35 members of People's Assembly. Each member of the People's Assembly shall give his support to one Presidential candidate only.
4. The Supreme Constitutional Court shall review applications of candidacy for Presidential elections within 5 days after the end of the period for registration of Presidential candidates.
5. If during this period only one candidate is determined to have met the requirements for Presidential candidates, the Speaker of the House shall re-open the call for Presidential candidates in accordance with the same criteria.

#### **Article 86**

1. The President shall be elected through a direct vote by the people.
2. The candidate who obtains the absolute majority of votes shall be elected President. If none of the candidates obtains this absolute majority, the two candidates with the highest number of votes shall stand for election within two weeks.
3. The Speaker of the House shall announce the results of the elections.

#### **Article 87**

1. If People's Assembly is dissolved during the course of the period determined for the elections of a new President, the incumbent President shall continue performing his duties until the conclusion of the elections of a new People's Assembly and until this new People's Assembly convenes. A new President shall be elected by the people within 90 days after the first meeting of the new People's Assembly.
2. If the term of the President concludes and no new President, the incumbent President shall continue performing his duties until the election of a new President.

#### **Article 88**

The President is elected for seven calendar years beginning from the date of expiration of the term of the incumbent President. The President may be re-elected for only another single term.

#### **Article 89**

1. The Supreme Constitutional Court shall have jurisdiction to consider appeals relating to the election of the President.
2. Appeals shall be submitted by candidates within three days from the announcement of the results of the elections. The Supreme Constitutional Court shall issue final rulings on the received appeals within seven days from the conclusion of the period allowed for the submission of appeals.

#### **Article 90**

Before assuming his post, the President shall take the constitutional oath, stated in Article 7 herein, before People's Assembly.

#### **Article 91**

1. The President may appoint one vice President or more and may assign some of his duties to him/them.
2. Before taking his post, the vice President takes the constitutional oath stated in Article 7 herein before the President.

#### **Article 92**

If there is a temporary impediment preventing the President from carrying out his duties, the vice President shall carry out these duties on his behalf.

#### **Article 93**

1. In the case of a vacancy in the office of the President or if the President is permanent unable to fulfill his duties, the vice President will take over for a period not exceeding 90 days from the date of the beginning of the vacancy. During this period Presidential elections must take place.
2. In the case of a vacancy in the office of the President and a vacancy in the office of the vice President, the Prime Minister shall take over for a period not to exceed 90 days, during which period Presidential elections must take place.

#### **Article 94**

If the President wishes to resign from office, his resignation must be submitted to the People's Assembly.

#### **Article 95**

The ceremonial functions and privileges of the office of the President are to be determined by a law, as will be the financial compensation of the President.

#### **Article 96**

The President will respect the constitution, preserve the order of public institutions, and see to the protection and unity of the nation.

#### **Article 97**

The President will appoint the Prime Minister, the council of ministers and their respective deputies; he will also accept their resignations and dismissals from office.

#### **Article 98**

The President will meet with the the Cabinet of ministers upon his appointment to oversee the implementation of state policy.

#### **Article 99**

The President must convene meetings of the Cabinet of ministers, and he may request reports from the Prime Minister and the ministers of the Cabinet.

#### **Article 100**

The President must issue laws passed by the People's Assembly, and he has the right to object to any decision received by his office for a period of one month. If the People's Assembly passes the law a second time with two-thirds majority, then it must be issued by the President as law.



**Article 101**

The President shall issue Presidential decrees and orders only in accordance to the law.

**Article 102**

The President requires the approval of the People's Assembly to declare a state of war, mobilize the general population for war, and conclude peace after a state of war.

**Article 103**

The President may announce and cancel states of emergency only by a decision issued by the Cabinet of ministers with two-thirds majority. It shall then be presented to the first possible session of People's Assembly under provisions to be determined by a law.

**Article 104**

The President is the titular head of all diplomatic missions to foreign countries. He also accepts the heads of diplomatic missions of foreign countries to the Syrian Arab Republic.

**Article 105**

The President is the chief commander of the military and the armed forces and makes all decisions related to this authority, though he may delegate some of them.

**Article 106**

The President appoints civil and military officers and accepts their dismissals in accordance with the law.

**Article 107**

The President enters into international treaties and agreements as well as cancels them in accordance with the provisions of both the constitution and international law.

**Article 108**

The President is allowed special pardons of amnesty and has the right to reinstate status.

**Article 109**

The President has the right to award medals.

**Article 110**

The President may address the People's Assembly both through written and oral presentations.

#### **Article 111**

1. The President may decide to dissolve the People's Assembly for a reasoned decision issued by him.
2. Upon dissolution of the People's Assembly, elections for a new People's Assembly are to take place within 60 days.
3. The People's Assembly cannot be dissolved more than once for the same reason.

#### **Article 112**

The President may prepare draft laws and present them to the People's Assembly for their review.

#### **Article 113**

1. The President has the authority to issue legislation outside of the People's Assembly meetings if necessary, in the event of dissolution of the People's Assembly.
2. This legislation must be presented to the new the People's Assembly within 15 days of the first session.
3. The People's Assembly has the right to cancel this legislation or to amend them in the event of two-thirds majority of those voting (with a two-thirds quorum required), as long as the amendments do not have retroactive impact on , and if these legislations were not already abolished by the People's Assembly or provisionally sanctioned.

#### **Article 114**

In case of grave danger which threatens national unity or the safety and independence of the homeland, or hinders the state's institutions from undertaking their constitutional duties, the President may take quick action required by the circumstances to face the danger.

#### **Article 115**

The President may form bodies, councils and committees, and determine their functions and powers at the time of formation.

#### **Article 116**

The President may appeal directly to the people in referendums for important issues related to the country's interests, and the result of these referendums are binding and effective from the date of their announcement by the President.

#### **Article 117**

The President cannot be held responsible for actions pertaining directly to his duties, except in the case of high treason. A request for his indictment requires a proposal of at least one-third of the members of the People's Assembly and an Assembly decision adopted by a two-thirds majority in an open vote at a special secret session. His trial takes place only before the Supreme Constitutional Court.

## **(2)The Cabinet**

### **Article 118**

1. The Cabinet is the state's highest executive and administrative body. It consists of the Prime Minister, his deputies, and the ministers. It supervises the execution of the laws and regulations and the work of the state machinery and institutions.
2. The Prime Minister supervises the activities of the ministers.

### **Article 119**

The compensations and allowances of the President of the Council of Ministers, his deputies, the ministers, and their deputies are determined by a law.

### **Article 120**

The Prime Minister, his deputies, and the ministers and their deputies take the constitutional oath, as specified in Article 7, before the President of the Republic and before they assume their responsibilities, whenever a new Cabinet is formed. In the case of a Cabinet reorganization, only the new ministers takes the oath.

### **Article 121**

The Prime Minister, his deputies and the ministers are responsible before the President of the republic and before the People's Assembly.

### **Article 122**

The Minister is the highest administrative authority in his ministry. He carries out the state's general policy where it concerns his ministry.

### **Article 123**

While in office, the ministers are not permitted to be members of the Board of Directors of any private company, act as its agents, participate in any commercial or industrial transaction, or undertake any liberal profession, directly or indirectly.

### **Article 124**

1. Prime Minister, his deputies and the ministers, are responsible under the civil and penal law.
2. The President of the Republic has the right to refer a minister to trial for whatever crimes he commits while in his post or because of it, in accordance with provisions of the Constitution and the law.
3. An accused minister is suspended as soon as the indictment is issued and until the court arrives at a decision regarding the charges brought against him. His resignation or dismissal does not prevent committing him to trial. The trial and its procedures are in accordance with the law.

#### **Article 125**

1. The ministry is considered resigned in the following cases:
  - a. At the end of the President's term.
  - b. At electing a new People's Assembly.
  - c. If the majority of the Ministers resigned.
2. The Cabinet continues to act on its duties until a decree is issued forming a new Cabinet.

#### **Article 126**

Cabinet and the People's Assembly membership may be combined.

#### **Article 127**

The provisions applicable to the Ministers are also applicable to the Deputy Ministers.

#### **Article 128**

The Cabinet has the following powers:

1. Formulating the executive plans to carry out the state's general policy.
2. Steering the work of the ministries and other state's public departments and establishments.
3. Drawing up the state's general budget project.
4. Preparing draft laws.
5. Preparing the development plan, developing production, and exploiting national resources and everything that will strengthen the economy and increase the national income.
6. Contracting and granting loans in accordance with the provisions of the Constitution.
7. Concluding agreements and treaties in accordance with the provisions of the Constitution.
8. Following up the enforcement of the laws, preserving the state's security, and safeguarding the rights of the citizens and the state's interest.
9. Issuing administrative and executive decisions in accordance with laws and regulations, and supervising their implementation.

#### **Article 129**

Prime Minister and the ministers discharge the duties mentioned in valid legislation, provided they are not in conflict with the powers given to other state authorities by this Constitution.

### **(3)Local Administration Councils**

#### **Article 130**

The Syrian Arab republic consists of administrative units. The number, boundaries, and domain of these units, as well as its financial and administrative Independence are determined in accordance with the provisions of the law.

#### **Article 131**

1. Forming the local administrative units shall be based on implementing the principles of decentralization of the power and responsibilities. The relationship of these units with the central government, as well as its domain of authority, income, judicial surveillance, the method of appointing and electing its Presidents, their powers, and the powers of heads of departments in these units are to be identified in accordance with the provisions of the law.
2. The local administration units will have councils elected in general, secret, direct and equal elections.

#### **Article 132**

The judicial authority is independent. The President of the Republic guarantees this independence with the assistance of the Higher Council of the Judiciary

#### **Article 133**

1. The President of the Republic presides over the Higher Council of the Judiciary. The law defines the method of its formulation, its powers, as well as its internal operating procedures.
2. The Higher Council of the Judiciary ensures the provision of the necessary guarantees to protect the independence of judiciary system.

#### **Article 134**

1. Judges are independent. They are subject to no authority except that of the law.
2. The honor, conscience, and impartiality of judges are guarantees of public rights and freedoms.

#### **Article 135**

The law organizes the judicial system along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction in the different courts.

#### **Article 136**

The law defines the terms of appointment, promotion, transfer, discipline, and removal of judges.

#### **Article 137**

The public prosecution is a single juridical institution headed by the Minister of Justice. The law organizes its functions and powers.

**Article 138**

1. Sentences are issued in the name of the Arab people of Syria.
2. Refraining from the implementation of judicial decisions, or disabling its implementation is a crime punishable under the provisions of the law.

**Article 139**

The Council of State exercises administrative jurisdiction. The law defines the terms of appointment, promotion, discipline, and removed of its judges.

## Chapter 4: The Supreme Constitutional Court

### Article 140

The Supreme Constitutional Court is an independent judicial body based in Damascus.

### Article 141

The Supreme Constitutional Court is composed of at least seven members, of whom one will be the President, and all of whom are appointed by the President of the Republic by decree.

### Article 142

It is not permissible to combine the membership of the Supreme Constitutional Court with a ministerial post or membership in the People's Assembly. The law defines other functions which cannot be combined with court membership.

### Article 143

The term of membership of the Supreme Constitutional Court is 4 years subject to renewal.

### Article 144

Members of the Supreme Constitutional Court cannot be dismissed from court membership except in accordance with the provisions of the law.

### Article 145

Before assuming their duty, the President and members of the Supreme Constitutional Court take the following oath before the President of the Republic and in the presence of the speaker of the People's Assembly:

"I swear by the Almighty to respect the country's Constitution and laws and to carry out my duty with impartiality and loyalty."

#### Article 146

The Supreme Constitutional Court specialize in the following:

1. Monitoring the constitutionality of laws, legislative decrees and regulations.
2. The Supreme Constitutional Court, at the request of the President of the Republic, gives its opinion on the constitutionality of bills and legislative decrees and the legality of draft decrees..
3. Supervising the election of the President of the Republic, and organizing its procedures.
4. Determining the validity of the special appeals regarding the election of the President of the republic and the members of the People's Assembly and deciding on them.
5. Prosecuting the President of the Republic in case of high treason.
6. Its other jurisdictions shall be determined in accordance with the provisions of the law.

#### Article 147

The Supreme Constitutional Court looks into and decides on the constitutionality of laws in accordance with the following:

1. Determining the constitutionality of a law in accordance with the following:
  - a. Should the President of the Republic or a quarter of the People's Assembly members challenge the constitutionality of a law before its promulgation, the promulgation of such law is suspended until the court makes a decision on it within 15 days from the date the appeal was filed with it. Should the law be of an urgent nature, the Supreme Constitutional Court must make a decision within 7 days.
  - b. Should a quarter of the People's Assembly members object to the constitutionality of a legislative decree within 15 days of the date of the People's Assembly session, the Supreme Constitutional Court must decide on it within 15 days from the date the objection was filed with it.
  - c. Should the Supreme Constitutional Court decide that a law or a decree is contrary to the Constitution, whatever is contrary to the text of the Constitution is considered null and void with retroactive effect and has no consequence.
2. Considering pleas of unconstitutionality of a law, and deciding on it, in accordance with the following:
  - a. If one of the parties pleas in the course of appealing sentences with the unconstitutionality of a legal text applied by the court whose sentence is being appealed, and the court viewing the appeal find the plea serious and important to rule on the appeal, it suspends the case and refers the plea to the Supreme Constitutional Court.
  - b. The Supreme Constitutional Court is to rule on the plea within 30 days from the date of its registration.



**Article 148**

The Supreme Constitutional Court has no right to look into laws which the President of the Republic submits to public referendum and are approved by the people.

**Article 149**

The law determines the procedure of hearing and adjudicating in matters coming under the jurisdiction of the Supreme Constitutional Court. It also defines the court staff, the qualifications of its members, and prescribes their salaries, immunities, privileges, and responsibilities.

## Chapter 5: Amending the Constitution

### Article 150

1. The President of the Republic as well as a two-thirds majority of the People's Assembly members have a right to propose amending the Constitution.
2. The amendment proposal includes the provisions to be amended and the reasons for it.
3. Upon receipt of the proposal, the People's Assembly sets up a special committee to investigate it.
4. The Assembly discusses the amendment proposal, and if approved by a four quarters majority of its members, the amendment is considered final, provided it is approved by the President of the Republic. It will then be included in the body of the Constitution.

## Chapter 6: General and Transitional Provisions.

### Article 151

The preamble of this Constitution is considered an integral part of it.

### Article 152

Anyone who carries another citizenship besides the Syrian Arab citizenship is not eligible Everyone for the posts of President of the republic, his deputy, Prime Minister, his deputies, the ministers, member of People's Assembly, or member of the Supreme Constitutional Court.

### Article 153

This Constitution may not be amended before the lapse of 18 months from the date it comes into effect.

### Article 154

Legislation in effect and issued before the proclamation of this Constitution remains in effect until it is amended so as to be compatible with its provisions.

### Article 155

The term of the incumbent President of the Republic expires after 7 calendar years from the date of taking the constitutional oath. The provisions of article /88/ of this constitution shall come to effect as of the next Presidential elections.

### Article 156

Elections for the first People's Assembly are held under the Constitution within 90 days from the date it is declared approved by a public referendum.

### Article 157

This constitution shall be published in the official gazette, and considered in effect from the date of its approval.

Damascus in / /1433 corresponding to / /2012

President of the Republic

Bashar Al Assad

His excellency, President of the Syrian Arab republic Bashar Al Assad, issued the Presidential decision No.33 dated 15/10/2011, decreeing the formation of a national committee to prepare a draft constitution for the Syrian Arab republic in preparation for its approval in accordance with the constitutional provisions. the committee shall accomplish its tasks within four months from the date of the issuance of the Presidential decision.

The committee held its meetings during the period set for its tasks, headed by lawyer Mr. Mazhar Al-Anbari, chief of the committee, and with the presence of the following members:

Abdul Karim Odai

Kamal Sharif

Moharram Tayara

Muhammad Adel Jamous

Momtaz Fawakhiri

Dr. Aziz Shukri

Dr. Abboud Al Sarraj

D. Fouad Deeb

Dr. Mishael Nakoul

Dr. Farouq Al-Basha

Ahmad Ido

Abdul Rahman Izkahi

Dr. Jasem Zakaria

Dr. Muhammad Kher Akkam

Dr. Kinda SHammat

Dr. Jamila Al-Sharbaji

Dr. Amal Yaziji

Ahmad Saleh Ibrahim

Omran Al Zoaby

Nabih Jalahej

Osmat Ghbari

Mahmoud Younes

Ahmad Al-Kuzbari (Head of the Committee)

