

# ASRICA ISLAMIC COUNTRIES UNION CONFEDERAL REPUBLIC CONSTITUTION (MODEL)

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## PREAMBLE

Affirming the eternal existence of the Islamic Countries existence and the indivisible unity of the Sublime Confederal Republic State, this Constitution, in line with the concept of ummah introduced by Qur'an and Our Prophet sunnas; Determining to attain the everlasting existence, prosperity, material and spiritual well-being of Islamic countries, and the standards of contemporary civilization as an honorable member with equal rights of the family of world nations.

The absolute supremacy of the will of the nation, the fact that sovereignty is vested fully and unconditionally in the Islamic Countries in line with the Qur'an and Our Prophet sunnas and that no individual or body empowered to exercise this sovereignty in the name of the nation shall deviate from the liberal democracy indicated in the Constitution and the legal system instituted according to its requirements, while moving common cause with Islamic Countries against the dangers, threats and assaults from other states and non-state organizations, taking the measures for ensuring prosperity of Islamic Countries economically, as well as moving in common cause with each other in the field of economics, constitutively.

There are **57 Islamic Countries** in the world based on the self-identification and their populations; for these countries,

- ﴿ **Twelve of them, Middle East Islamic Countries** (*Bahrain, United Arab Emirates, Palestine, Iraq, Qatar, Kuwait, Lebanon, Syria, Saudi Arabia, Oman, Jordan, Yemen*),
- ﴿ **Eight of them, Middle Asia Islamic Countries** (*Azerbaijan, Kazakhstan, Kyrgyzstan, Turkish Republic of Northern Cyprus, Uzbekistan, Tajikistan, Turkey, Turkmenistan*),
- ﴿ **Four of them, Near East Islamic Countries**, (*Afghanistan, Bangladesh, Iran, Pakistan*),
- ﴿ **Four of them, South East Asia Islamic Countries** (*Brunei, Indonesia, Maldives, Malaysia*),
- ﴿ **Six of them North Africa Islamic Countries**, (*Algeria, Chad, Morocco, Libya, Egypt, Tunisia*),
- ﴿ **Six of them, East Afrika (Red Sea Basin) Islamic Countries** (*Djibouti, Eritrea, Comoros, Mozambique, Somalia, Sudan*),
- ﴿ **Seven of them, North West Africa Islamic Countries** (*Gambia, Guinea, Guinea Bissau, Mali, Mauritania, Senegal, Sierra Leone*),
- ﴿ **Sixth of them, South West Africa (Ocean Basin) Islamic Countries** (*Benin, Burkina Faso, Ivory Coast, Cameroon, Niger, Nigeria*),
- ﴿ **Four of them, European Islamic Countries** (*Albania, Bosnia and Herzegovina, Kosovo, Macedonia*)

are categorized as above stated, and they are ratified to be included in the Unity of Islam provided they decide in free will and accept the unity terms & conditions.

## PART ONE

### General Principles

#### I. Name and Form of the State

**ARTICLE 1- Name of the State; “ASRICA (ASIA-AFRICA) Islamic Countries Union”. ASRICA Islamic Countries Union is a Confederal Republic. In ASRICA Islamic Countries Union, the principle of separation of power is executed, and it is governed with the presidential system.**

#### II. Principles and Characteristics of the Confederal Republic

**ARTICLE 2-** Comprising with the unity of Europe, Middle Asia, Middle East, Near East, South East Asia, North Africa, North West Africa (Ocean Basin), South West Africa (Ocean Basin), East Africa (Red Sea Basin) Regional Islamic State Federations, accepting to be included in the confederation within the geographical boundaries, with a public of Muslims, ASRICA Islamic Countries Union is confederation comprising of states, accepting to be managed centrally in the main fields of activities on Justice, Defense, Defense Industry, internal and foreign affairs.

**ARTICLE 3-** It shall be stipulated for the Muslim Countries to join ASRICA Islamic Countries Union that the decisions are to be taken by the chambers of deputies with 2/3 majority, or absolute majority of the voters voting in the referendum to be held. The decision for joining and seceding to/from the Union of States shall be decided with 4/5 majority of the members of ASRICA Islamic Countries Union Chamber of Deputies. Exceptional membership principles and procedures shall be regulated by law.

**ARTICLE 4-** Grounding on the boundaries of the national states in Islamic Countries Union, which have been designated with international treaties, the boundaries of Regional Islamic Countries Federations shall be determined with the decisions to be taken by ASRICA Islamic Countries Union Chamber of Deputies with 4/5 majority of votes.

**ARTICLE 5-** The duties and Powers of the Presidents & Assemblies of Regional Islamic Countries Federations as a member of Union of Muslim Countries, including the Presidents and Assemblies of National States, as the member of Regional Islamic Countries Federations shall be determined by the Chamber of Deputies of Islamic Countries Union.

#### III. Official language, flag and capital of the ASRICA Islamic Countries Union

**ARTICLE 6-** The official language of the ASRICA Islamic Countries Union, the color and shape of its Flag and the Government Center are determined by the Chamber of Deputies of the ASRICA Islamic Countries Union.

#### IV. Fundamental Aim of ASRICA Islamic Countries Union

**ARTICLE 7-** The fundamental aim of ASRICA Islamic Countries Union is to safeguard the independence and integrity of the Muslim Nations, the indivisibility of the National and Islamic States, to ensure the sovereignty of justice, supremacy of law, as well as establishing &

maintaining peace, fundamental rights and freedoms of people, while also ensuring the Islamic World to be seen on the scene of history again as a supreme power.

#### V. Sovereignty

**ARTICLE 8-** Sovereignty belongs to Islamic Law. It shall be exercised through the authorized organs, as prescribed by the principles set forth in the Constitution Sovereignty shall not be constituted without the Islamic Law provisions.

#### VI. Legislative Power;

**ARTICLE 9-** Legislative power that is in line with the provisions of Islamic Law. The duties and Powers of the Assemblies of Regional Islamic Countries Federations, including the Assemblies of National States, as the member of Regional Islamic Countries Federations shall be determined by the Chamber of Deputies of Islamic Countries Union.

#### VII. Executive Power;

**ARTICLE 10-** The executive power is utilized by the Presidents, elected by the public, in accordance with the Constitution.

The executive power is vested in the President of ASRICA Islamic Countries Union, elected by the public.

The Presidents of Regional Islamic Countries, Presidents of National States, as the member of Regional Islamic Countries Federation, shall not use their Powers apart from those specified in the Constitution of Islamic Countries Union.

#### VIII. Judicial Power;

**ARTICLE 11-** The Judicial power shall be exercised independent and impartial courts in accordance with the provisions of Islamic Law.

#### IX. Equality before the law;

##### **ARTICLE 12-**

Muslim and non-Muslim citizens of ASRICA Islamic Countries Union, Regional Federations and National States shall benefit from Islamic Law. Non-Muslim citizens shall exercise their religious activities and prays to the extent as permitted by the provisions of Islamic Law, while for their foods, clothes, marriage and divorce matters, the provisions of their own religions shall apply.

State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings

Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.

#### X. Supremacy and binding force of the Constitution;

**ARTICLE 13-** The provisions of the Constitution, stipulated in accordance with Provisions of Islamic Law, are fundamental legal rules binding upon legislative, executive and judicial organs, and administrative authorities and other institutions and individuals for ASRICA Islamic Countries Union, Regional Federations and National States. Laws shall not be contrary to the Provisions of Islamic Law and Constitution.

## PART TWO

### FUNDAMENTAL RIGHTS AND DUTIES

#### CHAPTER ONE

#### GENERAL PROVISIONS

##### I. Nature of fundamental rights and freedoms

**ARTICLE 14-** Everyone possesses inherent fundamental rights and freedoms, which are inviolable and inalienable.

The fundamental rights and freedoms also comprise the duties and responsibilities of the individual to the society, his/her family, and other individuals.

The individual rights and duties, social and economic rights and duties, political rights and duties shall be regulated by ASRICA Islamic Countries Union, Regional Federations and national states in accordance with Qur'an, Our Prophet's sunnas and universal codes of law. No regulation shall be applied as contrary to these rules.

##### II. Restriction of fundamental rights and freedoms

**ARTICLE 15-** Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence.

##### III. Prohibition of abuse of fundamental rights and freedoms;

**ARTICLE 16-** None of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the ASRICA Islamic Countries Union State with its territory and nation, and the provisions of Islamic Law.

No provision of this Constitution shall be interpreted in a manner that enables the State or individuals to destroy the fundamental rights and freedoms recognized by the Constitution or to stage an activity with the aim of restricting them more extensively than stated in the Constitution.

The sanctions to be applied against those who perpetrate activities contrary to these provisions shall be determined by law.

##### IV. Suspension of the exercise of fundamental rights and freedoms;

**ARTICLE 17-** In times of war, mobilization, martial law, or a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.

Even under the circumstances indicated in the first paragraph, the individual's right to life, the integrity of his/her corporeal and spiritual existence shall be inviolable except where death occurs through acts in conformity with law of war; no one shall be compelled to reveal his/her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties shall not be made retroactive; nor shall anyone be held guilty until so proven by a court ruling.

##### V. Status of aliens;

**ARTICLE 18-** The fundamental rights and freedoms in respect to aliens living or temporarily residing within the boundaries of ASRICA Islamic Countries Union may be restricted by law of Islamic Countries Union compatible with international law.

## CHAPTER TWO

### Rights and Duties of the Individual

#### I. Personal inviolability, corporeal and spiritual existence of the individual

**ARTICLE 19-** Everyone has the right to life and the right to protect and improve his/her corporeal and spiritual existence.

The corporeal integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his/her consent.

No one shall be subjected to torture or maltreatment; no one shall be subjected to penalties or treatment incompatible with human dignity.

The act of killing in case of self-defense and, when permitted by law as a compelling measure to use a weapon, during the execution of warrants of capture and arrest, the prevention of the escape of lawfully arrested or convicted persons, the quelling of riot or insurrection, or carrying out the orders of authorized bodies during martial law or state of emergency, do not fall within the scope of the provision of the first paragraph.

#### II. Prohibition of forced labor

**ARTICLE 20-** No one shall be forced to work. Forced labor is prohibited.

Work required of an individual while serving a sentence or under detention provided that the form and conditions of such labor are prescribed by law; services required from citizens during a state of emergency; and physical or intellectual work necessitated by the needs of the country as a civic obligation shall not be considered as forced labor.

#### III. Personal liberty and security

**ARTICLE 21-** Everyone has the right to personal liberty and security.

No one shall be deprived of his/her liberty except in the following cases where procedure and conditions are prescribed by law: Execution of sentences restricting liberty and the implementation of security measures decided by courts; arrest or detention of an individual in line with a court ruling or an obligation upon him designated by law; execution of an order for the purpose of the educational supervision of a minor, or for bringing him/her before the competent authority; execution of measures taken in conformity with the relevant provisions of law for the treatment, education or rehabilitation of a person of unsound mind, an alcoholic, drug addict, vagrant, or a person spreading contagious diseases to be carried out in institutions when such persons constitute a danger to the public; arrest or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition order has been issued.

Individuals against whom there is strong evidence of having committed an offence may be arrested by decision of a judge solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence, as well as in other circumstances prescribed by law and necessitating detention. Arrest of a person without a decision by a judge may be executed only when a person is caught in flagrante delicto or in cases where delay is likely to thwart the course of justice; the conditions for such acts shall be defined by law.

Individuals arrested or detained shall be promptly notified, in all cases in writing, or orally when the former is not possible, of the grounds for their arrest or detention and the charges against them; in cases of offences committed collectively this notification shall be made, at the latest, before the individual is brought before a judge.

The person arrested or detained shall be brought before a judge within at latest forty-eight hours and in case of offences committed collectively within at most four days, excluding the time required to send the individual to the court nearest to the place of arrest. No one can be deprived of his/her liberty without the decision of a judge after the expiry of the above specified periods. These periods may be extended during a state of emergency, martial law or in time of war. The next of kin shall be notified immediately when a person has been arrested or detained.

Persons under detention shall have the right to request trial within a reasonable time and to be released during investigation or prosecution. Release may be conditioned by a guarantee as to ensure the presence of the person at the trial proceedings or the execution of the court sentence.

Persons whose liberties are restricted for any reason are entitled to apply to the competent judicial authority for speedy conclusion of proceedings regarding their situation and for their immediate release if the restriction imposed upon them is not lawful.

Damage suffered by persons subjected to treatment other than these provisions shall be compensated by the State in accordance with the general principles of the compensation law.

#### **IV. Privacy and protection of private life**

##### **A. Privacy of private life**

**Article 22-** Everyone has the right to demand respect for his/her private and family life. Privacy of private or family life shall not be violated.

Unless there exists a decision duly given by a judge on one or several of the grounds of national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms of others, or unless there exists a written order of an agency authorized by law, in cases where delay is prejudicial, again on the above-mentioned grounds, neither the person, nor the private papers, nor belongings of an individual shall be searched nor shall they be seized. The decision of the competent authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his decision within forty-eight hours from the time of seizure; otherwise, seizure shall automatically be lifted.

Everyone has the right to request the protection of his/her personal data. This right includes being informed of, having access to and requesting the correction and deletion of his/her personal data, and to be informed whether these are used in consistency with envisaged objectives. Personal data can be processed only in cases envisaged by law or by the person's explicit consent. The principles and procedures regarding the protection of personal data shall be laid down in law.

##### **B. Inviolability of the domicile**

**ARTICLE 23-** Unless there exists a decision duly given by a judge on one or several of the grounds of national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms of others, or unless there exists a written order of an agency authorized by law in cases where delay is prejudicial, again on the above-mentioned grounds, communication shall not be impeded nor its privacy be violated. The decision of the competent authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his decision within forty-eight hours from the time of seizure; otherwise, seizure shall be automatically lifted.

##### **C. Freedom of Communication**

**Article 24-** Everyone has the freedom of communication. Privacy of communication is fundamental.

Unless there exists a decision duly given by a judge on one or several of the grounds of national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms of others, or unless there exists a written order



of an agency authorized by law in cases where delay is prejudicial, again on the above-mentioned grounds, communication shall not be impeded nor its privacy be violated. The decision of the competent authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his decision within forty-eight hours from the time of seizure; otherwise, seizure shall be automatically lifted.

Public institutions and agencies where exceptions may be applied are prescribed in law.

#### V. Freedom of residence and movement

**ARTICLE 25-** Everyone has the freedom of residence and movement.

Freedom of residence may be restricted by law for the purpose of preventing crimes, promoting social and economic development, achieving sound and orderly urbanization, and protecting public property;

Freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of crimes.

A citizen's freedom to leave the country may be restricted only by the decision of a judge based on a criminal investigation or prosecution.

Citizens shall not be deported or deprived of their right of entry into the homeland.

#### VI. Freedom of religion and conscience

**ARTICLE 26-** Everyone has the freedom of conscience, religious belief and conviction.

Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 16.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

#### VII. Freedom of thought and opinion

**ARTICLE 27-** Everyone has the freedom of thought and opinion.

No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions.

#### VIII. Freedom of expression and dissemination of thought

**ARTICLE 28-** Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, or similar means to a system of licensing.

The exercise of these freedoms may be restricted for the purposes of national security, public order, public safety, safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation or

rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.

Regulatory provisions concerning the use of means to disseminate information and thoughts shall not be deemed as the restriction of freedom of expression and dissemination of thoughts as long as the transmission of information and thoughts is not prevented.

The formalities, conditions and procedures to be applied in exercising the freedom of expression and dissemination of thought shall be prescribed by law.

#### **IX. Freedom of science and the arts**

**ARTICLE 29-** Everyone has the right to study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely.

The provision of this article shall not preclude regulation by law of the entry and distribution of foreign publications in the country.

#### **X. Provisions relating to the press and publication**

##### **A. Freedom of the press**

**Article 30-** The press is free and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee.

The State shall take the necessary measures to ensure freedom of the press and information.

In the limitation of freedom of the press, the provisions of articles 28 and 29 of the Constitution shall apply.

Anyone who writes any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified state secrets or has them printed, and anyone who prints or transmits such news or articles to others for the purposes above, shall be held responsible under the law relevant to these offences. Distribution may be prevented as a precautionary measure by the decision of a judge, or in case delay is deemed prejudicial, by the competent authority explicitly designated by law. The authority preventing the distribution shall notify a competent judge of its decision within twenty-four hours at the latest. The order preventing distribution shall become null and void unless upheld by a competent judge within forty-eight hours at the latest.

No ban shall be placed on the reporting of events, except by the decision of judge issued within the limits specified by law, to ensure proper functioning of the judiciary.

Periodical and non-periodical publications may be seized by a decision of a judge in cases of ongoing investigation or prosecution of crimes specified by law; or by order of the competent authority explicitly designated by law, in situations where delay may constitute a prejudice with respect to the protection of the indivisible integrity of the State with its territory and nation, national security, public order or public morals and for the prevention of crime. The competent authority issuing the order to seize shall notify a competent judge of its decision within twenty-four hours at the latest; the order to seize shall become null and void unless upheld by a judge within forty-eight hours at the latest.

General provisions shall apply when seizing and confiscating periodicals and non-periodicals for reasons of criminal investigation and prosecution.

Periodicals published may be temporarily suspended by court ruling if found to contain material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security and public morals. Any publication which clearly bears the characteristics of being a continuation of a suspended periodical is prohibited; and shall be seized by decision of a judge.



### **B. Right to publish periodicals and non-periodicals**

**ARTICLE 31-** Publication of periodicals or non-periodicals shall not be subject to prior authorization or the deposit of a financial guarantee.

Submission of the information and documents specified by law to the competent authority designated by law is sufficient to publish a periodical. If these information and documents are found to contravene the laws, the competent authority shall apply to the court for suspension of publication.

The principles regarding the publication, the conditions of publication and the financial resources of periodicals, and the profession of journalism shall be regulated by law. The law shall not impose any political, economic, financial, and technical conditions obstructing or making difficult the free dissemination of news, thoughts, or opinions.

Periodicals shall have equal access to the means and facilities of the State, other public corporate bodies, and their agencies.

### **C. Protection of printing facilities**

**ARTICLE 32-** A printing house and its annexes, duly established as a press enterprise under law, and press equipment shall not be seized, confiscated, or barred from operation on the grounds of having been used in a crime.

### **D. Right to use media other than the press owned by public corporations**

**ARTICLE 33-** Individuals and political parties have the right to use mass media and means of communication other than the press owned by public corporations. The conditions and procedures for such use shall be regulated by law.

The law information or accessing ideas and opinions through these media, or preventing public opinion from being freely formed, on the grounds other than national security, public order, or the protection of public morals and health.

### **E. Right of rectification and reply**

**ARTICLE 34-** The right of rectification and reply shall be accorded only in cases where personal reputation and honor is injured or in case of publications of unfounded allegation and shall be regulated by law.

If a rectification or reply is not published, the judge decides, within seven days of appeal by the individual involved, whether or not this publication is required.

## **XI. Rights and freedoms of assembly**

### **A. Freedom of association**

**ARTICLE 35-** Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.

No one shall be compelled to become or remain a member of an association.

Freedom of association may be restricted only by law on the grounds of national security, public order, prevention of commission of crime, public morals, public health and protecting the freedoms of other individuals.

The formalities, conditions, and procedures to be applied in the exercise of freedom of association shall be prescribed by law.

Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. However, where it is required for, and a delay constitutes a prejudice to, national security, public order, prevention of commission or continuation of a crime, or an arrest, an authority may be vested with power by law to suspend the association from activity. The decision of this authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his/her decision within forty-eight hours; otherwise, this administrative decision shall be annulled automatically.

Provisions of the first paragraph shall not prevent imposition of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require.

The provisions of this article shall also apply to foundations.

### **B. Right to hold meetings and demonstration marches**

**ARTICLE 36-** Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.

The right to hold meetings and demonstration marches shall be restricted only by law on the grounds of national security, public order, prevention of commission of crime, protection of public health and public morals or the rights and freedoms of others.

The formalities, conditions, and procedures to be applied in the exercise of the right to hold meetings and demonstration marches shall be prescribed by law.

## **XII. Right to property**

**ARTICLE 37-** Everyone has the right to own and inherit property.

These rights may be limited by law only in view of public interest.

The exercise of the right to property shall not contravene public interest.

## **XIII. Provisions on the protection of rights**

### **A. Freedom to claim rights**

**ARTICLE 38-** Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures.

No court shall refuse to hear a case within its jurisdiction.

### **B. Principle of natural judge**

**ARTICLE 39-** No one may be tried by any judicial authority other than the legally designated court.

Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court shall not be established.

### **C. Principles relating to offences and penalties**

**ARTICLE 40-** No one shall be punished for any act which does not constitute a criminal offence under the law in force at the time committed; no one shall be given a heavier penalty for an offence other than the penalty applicable at the time when the offence was committed.

The provisions of the above paragraph shall also apply to the statute of limitations on offences and penalties and on the results of conviction.

Penalties, and security measures in lieu of penalties, shall be prescribed only by law.

No one shall be considered guilty until proven guilty in a court of law.

No one shall be compelled to make a statement that would incriminate himself/herself or his/her legal next of kin, or to present such incriminating evidence.

Findings obtained through illegal methods shall not be considered evidence.

Criminal responsibility shall be personal.

No one shall be deprived of his/her liberty merely on the ground of inability to fulfil a contractual obligation.

The administration shall not impose any sanction resulting in restriction of personal liberty. Exceptions to this provision may be introduced by law regarding the internal order of the Armed Forces.

No citizen shall be extradited to a foreign country because of an offence, except under obligations resulting from being a party to the International Criminal Court.

#### XIV. Right to prove an allegation

**ARTICLE 41-** In libel and defamation suits involving allegations against persons in the public service in connection with their functions or services, the defendant has the right to prove the allegations. A plea for presenting proof shall not be granted in any other case, unless finding out whether the allegation is true or not would serve the public interest, or unless the plaintiff consents.

#### XV. Protection of fundamental rights and freedoms

**ARTICLE 42-** Everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities.

The State is obliged to indicate in its proceedings, the legal remedies and authorities the persons concerned should apply and time limits of the applications.

Damages incurred to any person through unlawful treatment by public officials shall be compensated for by the State as per the law. The state reserves the right of recourse to the official responsible.

## CHAPTER THREE

### Social and Economic Rights and Duties

#### I. Protection of the family, and children's rights

**ARTICLE 43-** Family is the foundation of the Islamic society and based on the equality between the spouses.

The State shall take the necessary measures and establish the necessary organization to protect peace and welfare of the family, especially mother and children, and to ensure the instruction of family planning and its practice.

Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests.

The State shall take measures for the protection of the children against all kinds of abuse and violence.

#### II. Right and duty of education

##### **ARTICLE 44- No one shall be deprived of the right of education**

The scope of the right to education shall be defined and regulated by law introduced by the National State Council.

Education shall be conducted along the lines of the principles science fields, based on contemporary scientific and educational principles, under the supervision and control of the State. Educational institutions contravening these principles shall not be established.

The freedom of education does not relieve the individual from loyalty to the Constitution.

Primary education is compulsory for all citizens of both sexes and is free of charge in state schools.

The principles governing the functioning of private primary and secondary schools shall be regulated by law in keeping with the standards set for the state schools.

The State shall provide scholarships and other means of assistance to enable students of merit lacking financial means to continue their education. The State shall take necessary measures to rehabilitate those in need of special education so as to render such people useful to society.

Training, education, research, and study are the only activities that shall be pursued at institutions of education. These activities shall not be obstructed in any way.

The native language shall be taught as a mother tongue to Confederal Republic citizens at any institution of education. Arabic shall be taught as the second language. Foreign languages to be taught in institutions of education and the rules to be followed by schools conducting education in a foreign language shall be determined by law.

The provisions of international treaties are reserved.

#### III. Public interest

##### **A. Utilization of the coasts**

**ARTICLE 45-** The coasts are under the authority and disposal of the State.

In the utilization of seacoasts, lake shores or riverbanks, and of the coastal strip along the sea and lakes, public interest shall be taken into consideration with priority.

The width of coasts and coastal strips according to the purpose of utilization and the conditions of utilization by individuals shall be determined by law.

## **B. Land ownership**

**ARTICLE 46-** The State shall take the necessary measures to maintain and develop efficient land cultivation, to prevent its loss through erosion, and to provide land to farmers with insufficient land of their own, or no land. For this purpose, the law may define the size of appropriate land units, according to different agricultural regions and types of farming. Provision of land to farmers with no or insufficient land shall not lead to a fall in production, or to the depletion of forests and other land and underground resources.

Lands distributed for this purpose shall neither be divided nor be transferred to others, except through inheritance, and shall be cultivated only by the farmers to whom the lands have been distributed, and their heirs. In the event of loss of these conditions, the principles relating to the recovery by the State of the land thus distributed shall be prescribed by law.

## **C. Protection of agriculture, animal husbandry, and persons engaged in these activities**

**ARTICLE 47-** The State facilitates farmers and livestock breeders in acquiring machinery, equipment and other inputs in order to prevent improper use and destruction of agricultural land, meadows and pastures and to increase crop and livestock production in accordance with the principles of agricultural planning.

The State shall take necessary measures for the utilization of crop and livestock products, and to enable producers to be paid the real value of their products.

## **D. Expropriation**

**ARTICLE 48-** The State and public corporations shall be entitled, where the public interest requires, to expropriate privately owned real estate wholly or in part and impose administrative servitude on it, in accordance with the principles and procedures prescribed by law, provided that the actual compensation is paid in advance.

The compensation for expropriation and the amount regarding its increase rendered by a final judgment shall be paid in cash and in advance. However, the procedure to be applied for compensation for expropriated land for the purposes of carrying out agriculture reform, major energy and irrigation projects, and housing and resettlement schemes, afforestation, and protecting the coasts, and tourism shall be regulated by law. In the cases where the law may allow payment in instalments, the payment period shall not exceed five years, whence payments shall be made in equal instalments.

Compensation for the land expropriated from the small farmer who cultivates his/her own land shall be paid in advance in all cases.

## **E. Nationalization and privatization**

**ARTICLE 49-** Private enterprises performing services of public nature may be nationalized in exigencies of public interest.

Nationalization shall be carried out on the basis of real value. The methods and procedures for calculating real value shall be prescribed by law.

Principles and rules concerning the privatization of enterprises and assets owned by the State, state economic enterprises, and other public corporate bodies shall be prescribed by law.

Those investments and services carried out by the State, state economic enterprises and other public corporate bodies, which could be performed by or delegated to persons or corporate bodies through private law contracts shall be determined by law.

## **IV. Freedom of work and contract**

**ARTICLE 50-** Everyone has the freedom to work and conclude contracts in the field of his/her choice. Establishment of private enterprises is free.

The State shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in security and stability.

## **V. Provisions relating to labor**

### **A. Right and duty to work**

**ARTICLE 51-** Everyone has the right and duty to work.

The State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labor, to promote labor, to create suitable economic conditions for prevention of unemployment and to secure labor peace.

### **B. Working conditions and right to rest and leisure**

**ARTICLE 52-** No one shall be required to perform work unsuited to his/her age, sex, and capacity.

Minors, women, and physically and mentally disabled persons, shall enjoy special protection with regard to working conditions.

All workers have the right to rest and leisure.

Rights and conditions relating to paid weekends and holidays, together with paid annual leave, shall be regulated by law.

### **C. Right to organize unions**

**ARTICLE 53-** Employees and employers have the right to form unions and higher organizations, without prior permission, and they also possess the right to become a member of a union and to freely withdraw from membership, in order to safeguard and develop their economic and social rights and the interests of their members in their labor relations. No one shall be forced to become a member of a union or to withdraw from membership.

The right to form a union shall be solely restricted by law on the grounds of national security, public order, prevention of commission of crime, public health, public morals and protecting the rights and freedoms of others.

The formalities, conditions and procedures to be applied in exercising the right to form union shall be prescribed by law.

The scope, exceptions and limits of the rights of civil servants who do not have a worker status are prescribed by law in line with the characteristics of their services.

The regulations, administration and functioning of unions and their higher bodies shall not be inconsistent with the fundamental characteristics of the Republic and principles of democracy.

## **VI. Collective labor agreement, right to strike, and lockout**

### **A. Rights of collective labor agreement and collective agreement**

**ARTICLE 54-** Workers and employers have the right to conclude collective labor agreements in order to regulate reciprocally their economic and social position and conditions of work.

The procedure to be followed in concluding collective labor agreements shall be regulated by law.

Public servants and other public employees have the right to conclude collective agreements.

The parties may apply to the Public Servants Arbitration Board if a disagreement arises during the process of collective agreement. The decisions of the Public Servants Arbitration Board shall be final and have the force of a collective agreement.

The scope of and the exceptions to the right of collective agreement, the persons to benefit from and the form, procedure and entry into force of collective agreement and the extension of the provisions of collective agreement to those retired, as well as the organization and operating procedures and principles of the Public Servants Arbitration Board and other matters shall be laid down in law.



## **B. Right to strike, and lockout**

**ARTICLE 55-** Workers have the right to strike during the collective bargaining process if a disagreement arises. The procedures and conditions governing the exercise of this right and the employer's recourse to a lockout, the scope of, and the exceptions to them shall be regulated by law.

The right to strike and lockout shall not be exercised in a manner contrary to the rules of goodwill, to the detriment of society, and in a manner damaging national wealth.

The circumstances and workplaces in which strikes and lockouts may be prohibited or postponed shall be regulated by law.

In cases where a strike or a lockout is prohibited or postponed, the dispute shall be settled by the Supreme Arbitration Board at the end of the period of postponement. The disputing parties may apply to the Supreme Arbitration Board by mutual agreement at any stage of the dispute. The decisions of the Supreme Arbitration Board shall be final and have the force of a collective labor agreement.

The organization and functions of the Supreme Arbitration Board shall be regulated by law.

Those who refuse to go on strike shall in no way be barred from working at their workplace by strikers.

## **VII. Provision of fair wage**

**ARTICLE 56-** Wages shall be paid in return for work.

The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits.

In determining the minimum wage, the living conditions of the workers and the economic situation of the country shall also be taken into account.

## **VIII. Health, the environment and housing**

### **A. Health services and protection of the environment**

**ARTICLE 57-** Everyone has the right to live in a healthy and balanced environment.

It is the duty of the State and citizens to improve the natural environment, to protect the environmental health and to prevent environmental pollution.

The State shall regulate central planning and functioning of the health services to ensure that everyone leads a healthy life physically and mentally, and provide cooperation by saving and increasing productivity in human and material resources.

The State shall fulfil this task by utilizing and supervising the health and social assistance institutions, in both the public and private sectors.

In order to establish widespread health services, general health insurance may be introduced by law.

### **B. Right to housing**

**ARTICLE 58-** The State shall take measures to meet the need for housing within the framework of a plan that takes into account the characteristics of cities and environmental conditions, also support community housing projects.

## **IX. Youth and sports**

### **A. Protection of the youth**

**ARTICLE 59-** The State shall take measures to ensure the education and development of the youth into whose keeping our independence and our Republic are entrusted, in the light of positive and spiritual sciences, in line with the principles and, and in opposition to ideas aiming at the destruction of the indivisible integrity of the State and Ummah with its territory and nation.

The State shall take necessary measures to protect youth from addiction to alcohol and drugs, crime, gambling, and similar vices, and ignorance.

### **B. Development of sports and arbitration**

**ARTICLE 60-** The State shall take measures to develop the physical and mental health of Confederal Republic citizens of all ages and encourage the spread of sports among the masses.

The state shall protect successful athletes.

The decisions of sport federations relating to administration and discipline of sportive activities may be challenged only through compulsory arbitration. The decisions of Board of Arbitration are final and shall not be appealed to any judicial authority.

## **X. Social security rights**

### **A. Right to social security**

**ARTICLE 61-** Everyone has the right to social security.

The State shall take the necessary measures and establish the organization for the provision of social security

### **B. Persons requiring special protection in the field of social security**

**ARTICLE 62-** The State shall protect the widows and orphans of martyrs of war and duty, together with invalid and war veterans, and ensure that they enjoy a decent standard of living.

The State shall take measures to protect the disabled and secure their integration into community life.

The aged shall be protected by the State. State assistance to, and other rights and benefits of the aged shall be regulated by law.

The State shall take all kinds of measures for social resettlement of children in need of protection.

To achieve these aims the State shall establish the necessary organizations or facilities or arrange for their establishment.

### **C. Confederal Republic citizens working abroad**

**ARTICLE 63-** The State shall take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Confederal Republic citizens working abroad, and to safeguard their ties with the home country and to help them on their return home.

## **XI. Protection of historical, cultural and natural assets**

**ARTICLE 64-** The State shall ensure the protection of the historical, cultural and natural assets and wealth, and shall take supportive and promotive measures towards that end. Any limitations to be imposed on such privately owned assets and wealth and the compensation and exemptions to be accorded to the owners of such, because of these limitations, shall be regulated by law.

## **XII. Protection of arts and artists**

**ARTICLE 65-** The State shall protect artistic activities and artists. The State shall take the necessary measures to protect, promote and support works of art and artists, and encourage the spread of appreciation for the arts.

**XIII. The extent of social and economic duties of the State**

**ARTICLE 66-** The State shall fulfil its duties as laid down in the Constitution in the social and economic fields within the capacity of its financial resources, taking into consideration the priorities appropriate with the aims of these duties.

## CHAPTER FOUR

### Political Rights and Duties

#### I. Confederal Republic citizenship

**ARTICLE 67-** Everyone bound to the National States through the bond of citizenship is a Confederal Republic citizen.

The child of a Confederal Republic citizen father or a Confederal Republic citizen mother is a Confederal Republic citizen.

Citizenship can be acquired under the conditions stipulated by law and shall be forfeited only in cases determined by law.

No Confederal Republic citizen shall be deprived of citizenship, unless he/she commits an act incompatible with loyalty to the motherland.

Recourse to the courts in appeal against the decisions and proceedings related to the deprivation of citizenship shall not be denied.

#### II. Right to vote, to be elected and to engage in political activity

**ARTICLE 68-** In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, to engage in political activities independently or in a political party, and to take part in a referendum.

Elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes. However, the law determines applicable measures for Confederal Republic citizens abroad to exercise their right to vote.

All Confederal Republic citizens over eighteen years of age shall have the right to vote in elections and to take part in referenda.

The exercise of these rights shall be regulated by law.

Privates and corporals at arms, cadets, and convicts in penal execution institutions excluding those convicted of negligent offences shall not vote. The necessary measures to be taken to ensure the safety of voting and the counting of the votes in penal execution institutions and prisons shall be determined by the Supreme Board of Election; such voting is held under the on-site direction and supervision of authorized judge.

The electoral laws shall be drawn up so as to reconcile the principles of fair representation and stability of government.

Amendments to the electoral laws shall not apply to the elections to be held within one year from the entry into force date of the amendments.

#### III. Provisions relating to political parties

##### A. Forming parties, membership and withdrawal from membership in a party

**ARTICLE 69-** Citizens have the right to form political parties and duly join and withdraw from them. One must be over eighteen years of age to become a member of a party

Political parties are indispensable elements of democratic political life.

Political parties shall be formed without prior permission and shall pursue their activities in accordance with the provisions set forth in the Constitution and laws.

The statutes and programs, as well as the activities of political parties shall not be contrary to the provisions of Islamic Law, independence of the State, indivisible integrity of the state and the ummah with its territory and nation, human rights, the principles of equality and rule of law, equality and Islamic country principles.

President and members of Religion Council, Judges and prosecutors, members of higher judicial organs including those of the Court of Accounts, civil servants in public institutions and organizations, other public servants who are not considered to be laborers by virtue of the

services they perform, members of the armed forces and students who are not yet in higher education, shall not become members of political parties.

The membership of the teaching staff at higher education to political parties is regulated by law. This law shall not allow those members to assume responsibilities outside the central organs of the political parties and it also sets forth the regulations which the teaching staff at higher education institutions shall observe as members of political parties in the higher education institutions.

The principles concerning the membership of students at higher education to political parties are regulated by law.

The State shall provide the political parties with adequate financial means in an equitable manner. The principles regarding aid to political parties, as well as collection of dues and donations are regulated by law.

## **B. Principles to be observed by political parties**

**ARTICLE 70-** The activities, internal regulations and operation of political parties shall be in line with democratic principles. The application of these principles is regulated by law.

Political parties shall not engage in commercial activities.

The income and expenditure of political parties shall be consistent with their objectives. The application of this rule is regulated by law. The auditing of acquisitions, revenue and expenditure of political parties by the Constitutional Court in terms of conformity to law as well as the methods of audit and sanctions to be applied in case of inconformity to law shall be indicated in law. The Constitutional Court shall be assisted by the Court of Accounts in performing its task of auditing. The judgments rendered by the Constitutional Court because of the auditing shall be final.

The dissolution of political parties shall be decided finally by the Constitutional Court after the filing of a suit by the office of the Chief Public Prosecutor of the High Court of Appeals. The permanent dissolution of a political party shall be decided when it is established that the statute and program of the political party violate the provisions of the fourth paragraph of Article 69.

The decision to dissolve a political party permanently owing to activities violating the provisions of the fourth paragraph of Article 69 may be rendered only when the Constitutional Court determines that the party in question has become a center for the execution of such activities. A political party shall be deemed to become the center of such actions only when such actions are carried out intensively by the members of that party or the situation is shared implicitly or explicitly by the grand congress, general chairpersonship or the central decision-making or administrative organs of that party or by the group's general meeting or group executive board at the Assemblies of Confederal, Regional Federal and National States or when these activities are carried out in determination by the abovementioned party organs directly.

Instead of dissolving it permanently in accordance with the above-mentioned paragraphs, the Constitutional Court may rule the concerned party to be deprived of state aid wholly or in part with respect to intensity of the actions brought before the court.

A party which has been dissolved permanently shall not be founded under another name. The members, including the founders of a political party whose acts or statements have caused the party to be dissolved permanently shall not be founders, members, directors or supervisors in any other party for a period of five years from the date of publication of the Constitutional Court's final decision with its justification for permanently dissolving the party in the Official Gazette.

Political parties that accept aid from foreign states, international institutions and persons and corporate bodies of non-Confederal Republic nationality shall be dissolved permanently.

The foundation and activities of political parties, their supervision and dissolution, or their deprivation of state aid wholly or in part as well as the election expenditures and procedures of the political parties and candidates, are regulated by law in accordance with the above-mentioned principles.

#### IV. Right to enter public service

##### A. Entry into public service

**ARTICLE 71-** Every Confederal Republic Citizen has the right to enter public service

No criteria other than the qualifications for the office concerned shall be taken into consideration for recruitment into public service.

##### B. Declaration of assets

**ARTICLE 72-** Declaration of assets by persons entering public service and the frequency of such declarations shall be determined by law. Those serving in the legislative and executive organs shall not be exempted from this requirement.

#### V. National service

**ARTICLE 73-** National service is the right and duty of every Confederal Republic citizen. The manner in which this service shall be performed, or considered as performed, either in the armed forces or in public service, shall be regulated by law.

#### VI. Duty to pay taxes

**ARTICLE 74-** Everyone is under obligation to pay taxes according to his financial resources, in order to meet public expenditure.

An equitable and balanced distribution of the tax burden is the social objective of fiscal policy.

Taxes, fees, duties, and other such financial obligations shall be imposed, amended, or revoked by law.

The Presidents of Confederal Republic, Regional Federal Republics and National States may be empowered to amend the percentages of exemption, exceptions and reductions in taxes, fees, duties and other such financial obligations, within the minimum and maximum limits prescribed by.

#### VII. Right of petition, right to information and appeal to the Ombudsperson

**ARTICLE 75-** Citizens and foreigners resident in Confederal Republic, with the condition of observing the principle of reciprocity, have the right to apply in writing to the competent authorities and to the Assemblies of Confederal, Regional Federal Republics and National States with regard to the requests and complaints concerning themselves or the public.

The result of the application concerning himself/herself shall be made known to the petitioner in writing without delay.

Everyone has the right to obtain information and appeal to the Ombudsperson.

Institution of the Ombudsperson established under the Confederal Assembly, Regional Federal Assemblies and Speaker's Office of National Assemblies examines complaints on the functioning of the administration.

The Chief Ombudsperson shall be elected by the Assembly for a term of four years by secret ballot. In the first two ballots, a two-thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members shall be required. If an absolute majority cannot be obtained in the third ballot, a fourth ballot shall be held between the two candidates who have received the greatest number of votes in the third ballot; the candidate who receives the greatest number of votes in the fourth ballot shall be elected.

The way of exercising these rights referred to in this article, the establishment, duties, functioning of the Ombudsperson Institution and its proceedings after the examination and the procedures and principles regarding the qualifications, elections and personnel rights of the Chief Ombudsperson and ombudspersons shall be laid down in law.



## **PART THREE**

### **Fundamental Organs of the Confederal Republic**

#### **CHAPTER ONE**

##### **Legislative Power**

###### **I. Legislative Bodies**

###### **A. Composition**

**ARTICLE 76-** The Confederal Assembly, Federal Assemblies and National Assemblies are vested with the power to legislate.

Confederal ASRICA Islamic Countries Union Assembly shall comprise of thousand deputies, elected with the general ballots of the member countries. The number of deputies of member countries shall be designated as per their population rates.

Federal Regional Islamic Countries' Assemblies shall comprise of seven hundred and fifty deputies elected with the general ballots of each member country to the respective Regional Federation. The number of deputies of member countries shall be designated as per their population rates.

National State Assemblies shall comprise of deputies elected with the general ballots of each country. The number of members of each national state shall be designated by the Confederal Assembly in proportion with the country population rate.

###### **B. Eligibility to be a deputy**

**ARTICLE 77-** Citizens of National States over eighteen years old shall be eligible to be elected for their own assembly of the state, while those over twenty five years old shall be eligible to be elected as a deputy of Federal Assembly and Confederal Assembly for the respective country.

Those, graduated from primary school shall be eligible for being elected as a Deputy in National Assemblies, while the graduation criteria shall be high school for Federal Assemblies and under-graduate degree for Confederal Assembly.

Persons who have been deprived of legal capacity, who have not performed compulsory military service, who are banned from public service, who have been sentenced to a prison term totaling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonorable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they have been granted amnesty.

Judges and prosecutors, members of the higher judicial organs, lecturers at institutions of higher education, members of the Council of Higher Education, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as laborers on account of the duties they perform, and members of the armed forces shall not stand for election or be eligible to be a deputy unless they resign from office.

### **C. Election term of Confederal, Federal and National Assemblies & State Presidents**

**ARTICLE 78-** Elections for the Confederal, Regional Federal and National Assemblies, including Confederal, Federal and National State Presidents shall be held every five years and on the same day.

In the event that the majority is not constituted on the first ballot, a second ballot shall be held as per the principles of Article 106 for the state presidents that are not elected.

The elections shall be renewed before five years with the decision of Confederal State President or Confederal, Regional Federal and National Assemblies, as well as the Confederal State President.

A deputy whose term of office expires is eligible for re-election.

In the event of a decision to hold new elections, the powers of the Assembly shall continue until the election of a new Assembly.

### **D. Deferment of elections and by-elections**

**ARTICLE 79-** If holding new elections is deemed impossible because of war, the President of Confederal Republic may decide to defer elections of State Presidents and Assemblies for a year, as subjected to 2/3 majority of votes in Confederal Assembly. If the grounds do not disappear, the deferment may be repeated in compliance with the procedure for deferment.

By-elections shall be held when vacancies arise in the membership of the Confederal, Regional Federal and National Assemblies. By-elections shall be held once in every election term and cannot be held unless thirty months elapse after the general election.

However, in cases where the number of vacant seats reaches five per cent of the total number of seats, by-elections decided to be held within three months.

By-elections shall not be held within one year before general elections.

### **E. General administration and supervision of elections**

**ARTICLE 80-** Elections shall be held under the general administration and supervision of the judicial organs. The Supreme Board of Election shall execute all the functions to ensure the fair and orderly conduct of elections from the beginning to the end, carry out investigations and take final decisions, during and after the elections, on all irregularities, complaints and objections concerning the electoral matters, and receive the electoral records of the members of the Confederal, Regional Federal and National Assemblies and Confederal, Federal and National State presidential election.

No appeal shall be made to any authority against the decisions of the Supreme Board of Election.

The functions and powers of the Supreme Board of Election and other electoral boards shall be determined by law.

The Supreme Board of Election shall be composed of forty-nine regular members and 8 substitutes. Forty two of the members shall be elected by the General Board of High Court of Appeals, and thirty five of the members shall be elected by the General Board of Council of State from amongst their own members, by the vote of the absolute majority of the total number of members through secret ballot. These members shall elect a chairperson and a vice-chairperson from amongst themselves, by absolute majority and secret ballot.

Amongst the members elected to the Supreme Board of Election by the High Court of Appeals and by the Council of State, fourteen members from each group shall be designated by lot as substitute members.

The Chairperson and Vice-Chairperson of the Supreme Board of Election shall not take part in this procedure.

The general conduct and supervision of a referendum on laws amending the Constitution shall be subject to the same provisions relating to the election of deputies.

## **F. Provisions relating to membership**

### **1. Representing the nation**

**ARTICLE 81-** Members of the Confederal Assembly shall not represent its own constituencies or constituents, but the nation as a whole; Members of the Federal Assemblies shall not represent their own constituencies or constituents, but the publics of Regional Federal States as a whole; and Members of the National Assemblies shall not represent their own constituencies or constituents, but the nations as a whole.

### **2. Oath-taking**

**ARTICLE 82-** State Presidents and Council Members, on assuming office, shall take the following oath:

“I swear upon my honor and integrity before the great Qur’an to safeguard the Islamic Unity, to remain loyal to Qur’an and Sunnas, to ensure divine justice and its continuation in Islamic Geography at the cost of my life, to remain loyal to State President and the respective law.”

### **3. Activities incompatible with membership**

**ARTICLE 83-** Members of the regional Federal and National State Assemblies shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises where there is direct or indirect participation of the State or public corporate bodies; in the enterprises and corporations where the State and other public corporate bodies take part directly or indirectly; in the executive and supervisory boards of public benefit associations whose private resources of revenues and privileges are provided by law; of the foundations receiving subsidies from the state and enjoying tax exemption; of the professional organizations having the characteristics of public institutions and trade unions; and in the executive and supervisory boards of aforementioned enterprises and corporations which they have a share and in their higher bodies, nor shall they be representatives, accept any contracted engagement of the boards stated above directly or indirectly, serve as a representative, or perform as an arbitrator therein.

Members of the Confederal, Regional Federal and National Assembly shall not be entrusted with any official or private duties involving proposal, recommendation, appointment, or approval by the executive organ. A deputy’s acceptance of a temporary assignment by Confederal, Federal and National State Presidents, not exceeding a period of six months, given by the Council of Ministers on a specific matter, is subject to the decision of the Assembly.

Other duties and activities incompatible with membership in the Confederal, Regional Federal and National Assembly shall be regulated by law.

### **4. Legislative immunity**

**ARTICLE 84-** Members of the Confederal, Regional Federal and National Assemblies shall not be liable for their votes and statements during senatorial proceedings, for the views they express before the Assembly, or, unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.

A deputy who is alleged to have committed an offence before or after election shall not be detained, interrogated, arrested or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in *flagrante delicto* requiring heavy penalty and in cases subject to Article 16 of the Constitution as long as an investigation has been initiated before the election. However, in such situations the competent authority must notify the respective Council of the case immediately and directly.

The execution of a criminal sentence imposed on a member of the Confederal, Regional Federal and National Assemblies either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership.

Investigation and prosecution of a re-elected deputy shall be subject to the Assembly's lifting the immunity anew.

Political party groups in the Confederal, Regional Federal and National Assemblies shall not hold debates or take decisions regarding legislative immunity.

## **5. Loss of membership**

**ARTICLE 85-** The loss of membership of a deputy who has resigned shall be decided upon by the Plenary Session after the Bureau of the Presidency Council attests to the validity of the resignation.

The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the Plenary has been notified of the final court decision on the matter.

The loss of membership of a deputy who insists on holding a position or carrying out a service incompatible with membership according to Article 83 shall be decided by the Plenary through secret voting, upon the submission of a report drawn up by the authorized committee setting out the factual situation.

Loss of membership of a deputy who fails to attend senatorial proceedings without excuse or leave of absence for five sessions, in a period of one month shall be decided upon by the Plenary with a majority of the total number of members after the Bureau of the Assembly determines the situation.

## **6. Application for annulment**

**ARTICLE 86-** If the legislative immunity of a deputy has been lifted or if the loss of membership has been decided according to the first, third or fourth paragraphs of Article 85, the deputy in question or another deputy may, within seven days from the date of the decision of the Plenary, appeal to the Constitutional Court, for the decision to be annulled on the grounds that it is contrary to the Constitution, law or the Rules of Procedure. The Constitutional Court shall make the final decision on the appeal within fifteen days.

## **7. Salaries and travel allowances**

**ARTICLE 87-** Salaries, travel allowances and retirement procedures of the members of the Confederal, Regional Federal and National Assemblies shall be regulated by law. The monthly amount of the salary shall not exceed the salary of the most senior civil servant; the travel allowance shall not surpass half of that salary. The members of the Assemblies and retired members are affiliated with the Pension Fund, and the affiliation of those whose membership have expired continue upon their request.

The salaries and allowances to be paid to the members of the Confederal, Regional Federal National Assemblies shall not necessitate the termination of pensions and similar payments entitled by the Pension Fund.

A maximum of three months' salaries and travel allowances may be paid in advance.

## **II. Duties and powers of the Assemblies**

### **A. Duties and Powers of ASRICA Islamic Countries Union Assembly – Confederal Assembly**

#### **1. General**

**ARTICLE 88-** The duties and powers of the ASRICA Islamic Countries Union are to enact, amend, and repeal laws in Justice, Defense, Defense Industry, Internal Affairs and Foreign Affairs, Islamic Unity; to scrutinize the Council of Ministers and the ministers; to authorize the Council of Ministers; to issue decrees having the force of law on certain matters; to debate and adopt the budget bills and final accounts bills; to decide to issue currency and declare war; to approve the ratification of international treaties, to enact, amend, and repeal laws in the unity of Europe, Middle Asia, Middle East, Near East, South East Asia, North Africa, North West Africa (Ocean Basin), South West Africa (Ocean Basin), East Africa (Red Sea Basin) Regional Islamic State Federations in order to fill the legal gaps with regards to the main fields of activities, to decide for enacting or repealing laws in areas where Federal and National State Assemblies are not authorized, to decide with the majority of three-fifths of the Assembly to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution.

#### **2. Introduction and deliberation of bills**

**ARTICLE 89-** The Deputies are empowered to introduce bills

The procedure and principles regarding the deliberation of government bills and private members' bills in the Confederal Council shall be regulated by the Rules of Procedure.

#### **3. Promulgation of laws by the State President**

**ARTICLE 90-** The President of the ASRICA Islamic Countries Union – Confederal Republic President shall promulgate the laws adopted by the Confederal Republic Assembly within fifteen days.

The President shall send the laws that he deems, in whole or in part, unsuitable for promulgation, along with the justification, back to the Confederal Assembly for reconsideration in the same period.

In case of being partially deemed unsuitable by the President of the Confederal Republic, the Confederal Assembly may discuss only those articles. Budget laws shall not be subject to this provision.

If the Confederal Assembly adopts the law sent back for reconsideration without any amendment, the law shall be promulgated by the President of the Confederal Republic; if the Assembly makes a new amendment to the law, the President of the Confederal Republic may send the amended law back for reconsideration.

Provisions relating to constitutional amendments are reserved.

#### **4. Ratification of international treaties**

**ARTICLE 91-** The ratification of treaties concluded with foreign states and international organizations on behalf of the Confederal Republic shall be subject to adoption by the Confederal Assembly by a law approving the ratification.

Agreements regulating economic, commercial or technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they

do not entail any financial commitment by the State, and provided they do not interfere with the status of individuals or with the property rights of Confederal Republic citizens abroad. In such cases, these agreements shall be brought to the knowledge of the Confederal Assembly within two months of their promulgation.

Implementation agreements based on an international treaty, and economic, commercial, technical, or administrative agreements, which are concluded depending on the authorization as stated in the law, shall not require approval of the Confederal Assembly. However, economic, commercial agreements or agreements relating to the rights of individuals concluded under the provision of this paragraph shall not be put into effect unless promulgated. Agreements resulting in amendments to Confederal Republic laws shall be subject to the provisions of the first paragraph.

International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

## **5. Declaration of state of war and authorization to deploy the armed forces**

**ARTICLE 92-** The power to authorize the declaration of a state of war in cases deemed legitimate by international law and except where required by international treaties to which Confederal Republic is a party or by the rules of international courtesy to send the Confederal Republic Armed Forces to foreign countries and to allow foreign armed forces to be stationed in Confederal Republic, is vested in the Confederal Assembly.

If the country is subjected to sudden armed aggression, while the Confederal Assembly is adjourned or in recess, and it thus becomes imperative to decide immediately on the use of the armed forces, the President of the Confederal Republic can decide on the use of the Confederal Republic Armed Forces.

## **B. The Duties and Powers of Regional Islamic Countries Federations – Regional Federal Republics**

### **1. General**

**ARTICLE 93-** The duties and Powers of the Regional Federal Assemblies are to enact, amend and appeal laws in the main fields of activities of Islamic Union with regards to Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism, to discuss and accept the bills of final account laws and Regional Federal Republic budget, to enact, amend and appeal laws for filling the legal gaps in the main liability areas of National States in the Regional Federal Republics, to appeal and amend the laws introduced in the fields where National State Assemblies are not vested with the respective power, and to utilize and fulfill the Powers stipulated in the other articles of the Constitution.

### **2. Introduction and deliberation of laws**

#### **ARTICLE 94-**

The Deputies of Regional Federal Assembly are empowered to introduce bills. The procedure and principles regarding the deliberation of government bills and private members' bills in the Regional Federal Assembly shall be regulated by the Rules of Procedure.

### **3. Promulgation of laws by the State President**

**ARTICLE 95-** The President of the ASRICA Islamic Countries Union – Regional Federal Republic President shall promulgate the laws adopted by the Regional Federal Republic Assembly within fifteen days.

The President shall send the laws that he deems, in whole or in part, unsuitable for promulgation, along with the justification, back to the Regional Federal Assembly for reconsideration in the same period.



In case of being partially deemed unsuitable by the President of the Regional Federal Republic, the Regional Federal Assembly may discuss only those articles. Budget laws shall not be subject to this provision

If the Regional Federal Assembly adopts the law sent back for reconsideration without any amendment, the law shall be promulgated by the President of the Regional Federal Republic; if the Assembly makes a new amendment to the law, the President of the Regional Federal Republic may send the amended law back for reconsideration.

Provisions relating to constitutional amendments are reserved.

### **C. Duties and Powers of National Islamic Countries' Assemblies**

#### **1. General**

**ARTICLE 96-** The duties and powers of National State Assemblies are to enact, amend and appeal laws for the respective country in the areas of Education, Finance, Healthcare, Energy and Natural Resources, Food, Agriculture and Live Stock, Youth and Sports, Forestry and Water Affairs, Labor and Social Security, Family and Social Policies, Environment and Urbanization, to discuss and accept the bills of final account laws and Regional Federal Republic budget, to enact, amend and appeal laws for filling the legal gaps in the main liability areas of Confederal and Regional Federal Republics, and to utilize and fulfill the Powers stipulated in the other articles of the Constitution.

#### **2. Introduction and deliberation of laws**

##### **ARTICLE 97-**

The Deputies of National States Assembly are empowered to introduce bills. The procedure and principles regarding the deliberation of government bills and private members' bills in the National State Assembly shall be regulated by the Rules of Procedure.

#### **3. Promulgation of laws by the State President**

**ARTICLE 98-** The President of the National State Presidents shall promulgate the laws adopted by the National State Assemblies within fifteen days.

The President shall send the laws that he deems, in whole or in part, unsuitable for promulgation, along with the justification, back to the National State Assembly for reconsideration in the same period.

In case of being partially deemed unsuitable by the President of the National State Republic, the National State Assembly may discuss only those articles. Budget laws shall not be subject to this provision.

If the National State Assembly adopts the law sent back for reconsideration without any amendment, the law shall be promulgated by the President of the National State; if the Assembly makes a new amendment to the law, the President of the National State Republic may send the amended law back for reconsideration.

Provisions relating to constitutional amendments are reserved.

### **III. Provisions relating to the activities of the Confederal, Regional Federal and National Assemblies**

#### **A. Convening and recess**

**ARTICLE 99-** The Assemblies shall convene of its own accord on the first day of October each year.

The Assemblies may be in recess for a maximum of three months in a legislative year; during adjournment or recess it may be summoned by the Presidents of the Confederal Republic, Regional Federal Republic or National State or on their own initiative.

The Speakers of the Assemblies may also summon the Assemblies either on their own initiative or at the written request of one fifth of the members.

The Assemblies convened during an adjournment or recess shall not adjourn or go into recess again before having given priority consideration to the matter requiring the summons.

### **B. Bureau of the Assembly**

**ARTICLE 100-** The Bureau of the Assemblies shall be composed of the Speaker, vice speakers, secretaries, and quaestors elected from among members of the Assembly

The Bureau of the Assemblies shall be so composed as to ensure proportionate representation to the number of members of each political party group in the Assembly. Political party groups shall not nominate candidates for the Office of the Speaker.

Two elections to the Bureau of the Assemblies of the councils shall be held in one legislative term. The term of office of those elected in the first round is two years and the term of office of those elected in the second round shall continue until the end of that legislative term.

The candidates from among the members of the Assembly for the Office of the Speaker of the Assemblies shall be announced, within five days of the convening of the Assembly, to the Bureau of the Assembly. Election of the Speaker shall be held by secret ballot. In the first two ballots, a two-thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members is required. If an absolute majority cannot be obtained in the third ballot, a fourth ballot shall be held between the two candidates who have received the highest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected as Speaker. The election of the Speaker shall be completed within five days after the expiry of the period for the nomination of candidates.

The quorum required for election, the number of ballots and its procedure, the number of vice-speakers, secretaries and quaestors, shall be determined by the Rules of Procedure of the Assemblies.

The Speaker and vice-speakers of the Assemblies cannot participate, within or outside the Assembly, in the activities of the political party or party group in which they are a member; nor in senatorial debates, except in cases required by their functions; the Speaker and the vice-speaker who is presiding over the session shall not vote.

### **C. Rules of Procedure, political party groups and security affairs**

**ARTICLE 101-** The Assemblies shall carry out their activities in accordance with the provisions of the Rules of Procedure drawn up by themselves.

The provisions of the Rules of Procedure shall be drawn up in such a way as to ensure the participation of each political party group in all the activities of the Assembly in proportion to its number of members. Political party groups shall be constituted only if they have at least twenty members.

All security and administrative services of the Assemblies regarding all buildings, installations, annexes and lands shall be organized and directed by the Office of the Speakers of the Assembly. Sufficient forces to ensure security and other such services shall be allocated to the Office of the Speakers of the Assembly by the relevant authorities.

### **D. Quorums and majority for decisions**

**ARTICLE 102-** The Assemblies shall convene with at least one-third of the total number of members for all their affairs, including elections they hold. Unless otherwise stipulated in the Constitution, the Assemblies shall take decisions by an absolute majority of those present; however, the majority for decision can, under no circumstances, be less than one plus a quarter of the total number of members.

#### **E. Publicity and publication of debates**

**ARTICLE 103-** Debates held in the Plenary of the Assemblies shall be public and shall be published verbatim in the Journal of Minutes.

The Assemblies may hold closed sittings in accordance with the provisions of the Rules of Procedure; the publication of debates of such sittings shall be subject to the decision of the Assemblies.

Public debates in the Assemblies may be freely published through all means, unless a decision to the contrary is adopted by the Assemblies upon a proposal of the Bureau.

#### **IV. Ways of obtaining information and supervision by the Confederal, Regional Federal and National Assemblies**

**ARTICLE 104-** The Assemblies shall exercise their supervisory power by means of question, parliamentary inquiry, general debate, censure and parliamentary investigations.

A parliamentary inquiry is an examination conducted to obtain information on a specific subject.

A general debate is the consideration of a specific subject relating to the community and the activities of the State at the Plenary of the Assemblies.

Parliamentary investigation consists of the investigation on Confederal, Regional Federal and National State Vice-Presidents and Ministries in accordance with the respective provisions of the Constitution.

The written question comprises of the written questions asked to the Confederal, Regional Federal and National State Vice Presidents and Ministers by the deputies in order to be answered within fifteen days at most.

The form of presentation, content, and scope of the motions concerning question, parliamentary inquiry and general debate, and the procedures for answering, debating and inquiring them, shall be regulated by the Rules of Procedure of the Assemblies.

## CHAPTER TWO

### Council of Religious Affairs

#### I. General

**ARTICLE 105-** The Confederal Republic shall establish a “Council of Religious Affairs in Religious Federal Republics and National States”, each.

#### II. Formation

**ARTICLE 106-** In the Confederal Republic, the Confederal Republic High Council of Religious Affairs shall comprise of one president, eight Vice-President and 48 members; while the Council of Religious Affairs shall comprise of one president, five vice-presidents and twenty five members in each Regional Federal Republic, and the Council of Religious Affairs shall comprise of one president, four vice presidents and twenty members for each National State.

#### III. Election

**ARTICLE 107-** For the Confederal Republic High Council of Religious Affairs, twenty nine of fifty members shall be elected by the Confederal Assembly, while twenty eight of them shall be elected by Confederal Republic President; sixteen of thirty one members of Council of Religious Affairs in each Regional Federal Republic shall be elected by Regional Federal Assembly, while fifteen of them shall be elected by the Regional Federal Republic President; thirteen of twenty five members of High Council of Religious Affairs in National States shall be elected by the National Assemblies, while twelve of them shall be elected by the Presidents of National States.

The Presidents and Vice-Presidents of High Council of Religious Affairs and Council of Religious Affairs shall be elected and assigned by the General Assemblies of High Council of Religious Affairs and Council of Religious Affairs.

#### IV. Duties and Powers of Council of Religious Affairs

**ARTICLE 108-** The members of High Council of Religious Affairs and Council of Religious Affairs shall be impartial and independent.

For their duties and responsibilities, Qur'an, Sunna, Comparative Islamic Scribe, Ummah Gathering shall be the basis.

High Council of Religious Affairs and Council of Religious Affairs shall assess the conformity of bills of laws, the laws introduced by the Plenary of Assembly, the decisions of Republic and State Presidents with the principles of Islamic Law Evidences, and shall notify the Republic and State Presidencies, Speakership with regards to their assessments.

The operational principles and procedures of High Council of Religious Affairs and Council of Religious Affairs, including the duties and Powers, establishment, functionality, processes to be executed following the assessment, qualifications, election and personal rights of the Members shall be regulated by law.

## **CHAPTER THREE**

### **The Executive Power**

#### **I. Presidents**

##### **A. Confederal Republic President – Confederal President**

##### **1. Candidateship and Election**

**ARTICLE 109-** The President of the Confederal Republic shall be elected directly by the public from among the members of the Confederal Assembly who are over forty years of age and have completed higher education, or from among Confederal Republic citizens who fulfil these requirements and are eligible to be deputies.

The Confederal Republic President's term of office shall be five years. A person may be elected as President of the Republic for two terms at most.

Nomination of a candidate for the Confederal Presidency shall require a written proposal of twenty deputies. Furthermore, political parties with more than five percent of the valid votes in sum in the latest legislative elections either solely or jointly, and at least one million of voters may nominate a joint candidate.

The membership of the Confederal Republic President shall cease his/her membership in Confederal, Regional Federal and National Assembly or National State Presidency.

The election of the President of the Confederal Republic shall be concluded within sixty days before the term of office of the incumbent President of the Confederal Republic expires; or within sixty days after the presidency falls vacant for any reason.

In presidential elections conducted by universal suffrage, the candidate who receives the absolute majority of the valid votes shall be elected President of the Confederal Republic. If this majority cannot be obtained in the first ballot, the second ballot shall be held on the second Sunday following this ballot. The two candidates who receive the greatest number of votes in first ballot run for the second ballot, and the candidate who receives majority of valid votes shall be elected President of the Confederal Republic.

If one of the candidates who gains the right to run for the second ballot dies or loses his/her eligibility, the second ballot shall be conducted by substituting the vacant candidacy in conformity with the ranking in the first ballot. If only one candidate remains for the second ballot, this ballot shall be conducted as a referendum. If the candidate receives the majority of the valid votes, he/she shall be elected President of the Confederal Republic. Where the candidate does not receive the majority of votes, it shall only be the Confederal Republic Presidential election to be renewed.

The term of office of the incumbent President of the Confederal Republic shall continue until the President-elect takes the office.

The procedures and principles concerning Confederal presidential elections shall be regulated by law.

##### **2. Oath-taking**

**ARTICLE 110-** On assuming office, the President of the Confederal Republic shall take the following oath before the Confederal Assembly:

"I swear upon my honor and integrity before the great Qur'an to safeguard the Islamic Unity, to remain loyal to Qur'an and Sunnas, to ensure divine justice and its continuation in Islamic Geography at the cost of my life, to remain loyal to State President and the respective law, to abide by the Constitution, the rule of law with loyalty, not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under

conditions of national peace and prosperity of ummah and in a spirit of national solidarity and justice, and do my utmost to preserve and exalt the glory and honor of the Confederal Republic and perform without bias the functions that I have assumed.”

### **3. Duties and powers**

**ARTICLE 111-** The President of the Confederal Republic is the head of the ASRICA Islamic Countries Union. The executive power is granted to the President of Confederal Republic.

In this capacity, the President of Confederal Republic shall represent the unity of Islamic Ummah; he/she shall ensure the implementation of the Islamic provisions, Constitution, and the regular and harmonious functioning of the organs of the State. The respective duties and powers are as follows:

To deliver, if he/she deems it necessary, the opening speech of the Confederal Assembly on the first day of the legislative year.

To deliver messages on internal and foreign policies of Confederal Republic.

To introduce the laws as deemed suitable by the High Council of Religious Affairs.

To send laws back to the Confederal Assembly to be reconsidered.

To appeal to the Constitutional Court for the annulment part of whole or certain provisions of laws, decrees having the force of law and the Rules of Procedure of the Confederal Assembly on the grounds that they are unconstitutional in form or in content, or authorize the Supreme Council of Religion for the respective matter.

To appoint the Confederal Republic Vice Presidents and Ministers and to accept their resignation.

To preside over the Confederal Republic Council of Security and General Assembly of State Presidents to call the Council of Ministers to meet under his/her chairpersonship.

To appoint, discharge higher level public administrators that are members of the Ministries of Justice, Internal Affairs, Defense and Foreign Affairs, as well as regulating the respective principles and procedures for appointment process in accordance with the decree of Presidency.

To accredit representatives of the Confederal Republic State to foreign states and to receive the representatives of foreign states appointed to the Confederal Republic.

He/she shall ratify and promulgate international treaties.

To hold a referendum, where it is deemed required, for constitutional amendments.

He/she shall designate the national security policies and take the required measures.

To represent the Office of Commander-in-Chief of the Confederal Republic Armed Forces on behalf of the Confederal Assembly.

He/she shall decide on the use of the Confederal Republic Armed Forces.

He/she shall remit or commute the sentences imposed on certain individuals, on grounds of chronic illness, disability or old age.

To introduce Confederal Republic decree on the main activities of Justice, Internal Affairs, Defense and Foreign Affairs with the authority to execution.

Despite not being authorized for execution of Confederal Republic Presidency, to introduce decrees of Confederal Republic Presidency in order to fill the legal gaps in legislation, as well as ensuring the national interstate coordination and cooperation.

The Confederal Republic Decree shall be applied in case of differences between the provisions of Confederal Republic Presidency Decree and Regional Federal Republic Presidency & National State Presidencies.

The fundamental rights and duties in the second part of the first and second sections of Constitution, including the political rights and duties on the fourth part shall not be regulated by the decree of Confederal Republic Presidency.



No decree of Confederal Republic Presidency shall be introduced on the matters that are stipulated to be regulated solely by law in the Constitution.

No decree of Confederal Republic Presidency shall be introduced for the matters that are clearly regulated by law.

The provisions of law shall prevail in case of differences between the provisions of Confederal Republic Presidency Decree and the applicable laws.

In the event that the Confederal Republic Assembly introduced laws on the same matter, the decree of Confederal Republic Presidency shall become inoperative.

The Confederal Republic President may introduce regulation for enforcing the laws, provided these regulations do not violate the respective laws.

The decrees and regulations shall enter into force on the day they are published on Official Gazette unless it is post-dated.

The Confederal Republic President shall exercise the election & appointment duties granted with the Constitution and Laws, including other respective duties and Powers.

#### **4. Criminal Liabilities of Confederal Republic President**

**ARTICLE 112-** An investigation may be requested against the Confederal Republic President through a motion tabled by majority of members of the Confederal Republic Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the Confederal Republic Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency and be deliberated with the General Office of the Speaker within ten days. The Confederal Republic Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The Confederal Republic President, decided to be indicted, shall not decisions to hold election.

The term of Office of the Confederal Republic President, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease.

The provisions of this article shall be applied even after the term of Office of the Confederal Republic President, for the crime alleged to be committed during the term of Office.

#### **5. Confederal Republic Vice Presidents, Procuration for Confederal Republic President and Ministers**

**ARTICLE 113-** After being elected, the Confederal Republic President may appoint four or more Vice Presidents. The order and ranks shall be designated for the Vice Presidents by the Confederal Republic President following the appointment.

In the event that the Office of Presidency falls vacant for any reason, the presidential election shall be held within forty-five days. The First Vice President shall be the acting Confederal Republic President until the new President is elected, thus having the Powers of the

President. In the event that the general election is planned to be held within one year or less, the Confederal Republic Assembly shall be renewed with the Confederal Republic President. Where the general election is planned to be held after one year or more, the elected President shall hold the Office until the election date of Confederal Republic Assembly. This period shall not be recognized in the term of Office for the Confederal Republic President, doing his/her time.

In the event that the Confederal Republic President temporarily resigns the Office based on reasons like health problems, going abroad, etc., the First Vice-President shall be the acting President, thus utilizing the Powers of the President.

The Vice Presidents and ministers shall be appointed and discharged by Confederal Republic President among those having the qualifications to become a deputy. The Vice Presidents and Ministers shall take the oath as written in Article 107 before the Confederal Republic Assembly. The members of Confederal Republic Assembly shall cease to become a member if they are appointed as a Confederal Republic Vice-President or a Minister.

Confederal Republic Vice Presidents and ministers are accountable against the Confederal Republic President. An investigation may be requested against the Confederal Republic Vice-Presidents and ministers through a motion tabled by majority of members of the Confederal Republic Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the Confederal Republic Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency, and be deliberated with the General Office of the Speaker within ten days. The Confederal Republic Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The provisions of fifth, sixth and seventh paragraph shall be applied even after the term of Office of these authorities, for the crime alleged to be committed during the term of Office.

The term of Office of the Confederal Republic Vice-President or minister, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease. The Confederal Republic Vice-Presidents and ministers shall be subjected to the provisions of legislative immunity for crimes that are not related to their duties.

Establishing and appealing the presidencies, including the respective duties and Powers, organizational structure, establishing central and provincial organizations shall be regulated with the decree of Confederal Republic President.

## **6. State Supervisory Council**

**ARTICLE 114-** The State Supervisory Council which shall be attached to the Office of the Presidency of the Confederal Republic, with the purpose of ensuring the lawfulness, regular and efficient functioning and improvement of administration, conduct all inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional

organizations, employers' associations and labor unions at all levels, and public welfare associations and foundations, upon the request of the President of the Confederal Republic.

The High Council of Religious Affairs and judicial organs are outside the jurisdiction of the State Supervisory Council.

The functioning of the State Supervisory Council, the term of office of its members, and other personnel matters relating to their status shall be regulated by decrees of Confederal Republic Presidency.

## **7. Renewal of Elections of Confederal Republic Assembly and Confederal Republic President**

**ARTICLE 115-** The Confederal Republic Assembly may decide on renewal of election with 3/5 majority of the full number of members. In this situation, the Confederal Republic Assembly general election and Confederal Republic Presidential election shall be held within the same period.

In the event that the Confederal Republic President decides to renew the elections, the Confederal Republic Assembly general election and Confederal Republic Presidential election shall be held within the same period.

If the Assembly decides to renew the elections on the second period of the Confederal Republic President, the Confederal Republic President may become a candidate one more time.

The Powers and duties of Assembly and Confederal Republic President, for which the renewal of elections is decided, shall continue until the new Assembly and President hold the Office.

The term of Office for the Assembly and President, elected as above stated, shall be five years.

## **8. National Defense**

### **a. Offices of Commander-in-Chief and Chief of the General Staff**

**ARTICLE 116-** The Office of Commander-in-Chief is inseparable from the spiritual existence of the Confederal Republic Assembly and is represented by the President of the Confederal Republic.

The President of Confederal Republic shall be responsible to Confederal Republic Assembly for national security and for the preparation of the armed forces for the defense of the country.

The Ministry of National Defense is the commander of the armed forces, the Chief of General Staff, assigned by the President of Confederal Republic, Land, Naval and Air Forces Commands, Joint Force Commands shall exercise its duties as affiliated to the Minister of National Defense. In time of war, the Minister of National Defense exercises the duties of Commander-in-Chief on behalf of the President of the Republic.

The establishment, formation, deployment, duties, Powers and responsibilities, personnel procurement and personal rights of Confederal Republic Armed Forces shall be regulated by law.

### **b. Confederal Republic Security Council and General Assembly of State Presidents D) Confederal Republic Security Council**

**ARTICLE 117-** The Confederal Republic National Security Council shall be composed of the Confederal Republic Vice President, Regional Federal Republic Ministers, ministers of Justice, National Defense, Internal Affairs, and Foreign Affairs, the commanders of the Land, Naval and Air Forces and the Joint Force Commanders, under the chairpersonship of the President of the Confederal Republic.

Depending on the particulars of the agenda, ministers, National State Presidents and other persons concerned may be invited to meetings of the Council and their views heard.

The Confederal Republic National Security Council shall submit to the President of Confederal Republic the advisory decisions taken with regard to the formulation, determination, and implementation of the Confederal Republic national security policy and its views on ensuring the necessary coordination. The President of Confederal Republic shall evaluate decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

The agenda of the Confederal Republic National Security Council shall be drawn up by the President of the Confederal Republic taking into account the proposals of the Confederal Republic Vice President and the Minister of National Defense. In the absence of the President of the Confederal Republic, the Confederal Republic National Security Council shall convene under the chairpersonship of the first Confederal Republic Vice President

The organization and duties of the General Secretariat of the National Security Council shall be regulated by Presidency Decree of Confederal Republic.

## **II) General Assembly of State Presidents**

**ARTICLE 118-** The General Assembly of Confederal Republic State Presidents shall be composed of the Confederal Republic Vice-Presidents, Regional Federal Republic Presidents, National State Presidents of Justice, National Defense, Internal Affairs, and Foreign Affairs, the commanders of the Land, Naval and Air Forces and the General Commander of the Gendarmerie, under the chairpersonship of the President of the Confederal Republic.

Depending on the particulars of the agenda, ministers and other persons concerned may be invited to meetings of the Council and their views heard.

The General Assembly of Confederal Republic State Presidents shall submit to the Confederal Republic President the advisory decisions taken with regard to the formulation, determination, and implementation of the national security policy of the State and its views on ensuring the necessary coordination. The Confederal Republic President shall evaluate decisions of the General Assembly concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

The agenda of the General Assembly of State Presidents shall be drawn up by the President of the Confederal Republic taking into account the proposals of the Ministers of National Defense and Internal Affairs, Confederal Republic Vice Presidents.

The Assembly shall gather under the chairpersonship of National Security Board Senior Vice President, in the absence of Confederal Republic President.

The organization and duties of the General Secretariat of the General Assembly of Confederal Republic State Presidents shall be regulated by decree of Confederal Republic President.

## **B. Presidencies of Regional Federal Republic**

### **1. Candidatship and Election**

**ARTICLE 119-** The Presidents of the Federal Republic shall be elected directly by the public from among the members of the Regional Federal Assembly, National State presidents of each Federal Republic, National Assembly members who are over forty years of age and have completed higher education, or from among Regional Federal Republic citizens who fulfil these requirements and are eligible to be deputies.

The Regional Federal President's term of office shall be five years. A person may be elected as President of Federal Republic for two terms at most.

Nomination of a candidate for the Regional Federal Presidency shall require a written proposal of twenty deputies. Furthermore, political parties with more than five percent of the valid votes in sum in the latest legislative elections either solely or jointly, and at least one hundred thousand of voters may nominate a joint candidate.

The membership of the Regional Federal President shall cease his/her membership in Regional Federal and National Assembly or National State Presidency.

The election of the President of the Regional Federal Republic shall be concluded within sixty days before the term of office of the incumbent President of the Federal Republic expires; or within sixty days after the presidency falls vacant for any reason.

In presidential elections conducted by universal suffrage, the candidate who receives the absolute majority of the valid votes shall be elected President of the Regional Federal Republic. If this majority cannot be obtained in the first ballot, the second ballot shall be held on the second Sunday following this ballot. The two candidates who receive the greatest number of votes in first ballot run for the second ballot, and the candidate who receives majority of valid votes shall be elected President of the Regional Federal Republic.

If one of the candidates who gains the right to run for the second ballot dies or loses his/her eligibility, the second ballot shall be conducted by substituting the vacant candidacy in conformity with the ranking in the first ballot. If only one candidate remains for the second ballot, this ballot shall be conducted as a referendum. If the candidate receives the majority of the valid votes, he/she shall be elected President of the Regional Federal Republic. Where the candidate does not receive the majority of votes, it shall only be the Confederal Republic Presidential election to be renewed.

The term of office of the incumbent President of the Regional Federal Republic shall continue until the President-elect takes the Office.

The procedures and principles concerning Regional Federal presidential elections shall be regulated by law.

## **2. Oath-taking**

**ARTICLE 120-** On assuming office, the President of the Regional Federal Republic shall take the following oath before the Federal Assembly:

“I swear upon my honor and integrity before the great Qur’an to safeguard the Islamic Unity, to remain loyal to Qur’an and Sunnas, to ensure divine justice and its continuation in Islamic Geography at the cost of my life, to remain loyal to State President and the respective law, to abide by the Constitution, the rule of law with loyalty, not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under conditions of national peace and prosperity of ummah and in a spirit of national solidarity and justice, and do my utmost to preserve and exalt the glory and honor of the Confederal Republic and perform without bias the functions that I have assumed.”

## **3. Duties and Powers**

**ARTICLE 121-** The President of the Regional Federal Republic is the head of the elected Regional Islamic Republic. The executive power is granted to the President of Regional Federal Republic.

In this capacity, the President of Regional Federal Republic shall represent the unity of Islamic Ummah with the title State President and Federal Republic member National States; he/she shall ensure the implementation of the Islamic provisions, Constitution, and the regular and harmonious functioning of the organs of the State. The respective duties and powers are as follows:

To deliver, if he/she deems it necessary, the opening speech of the Regional Federal Assembly on the first day of the legislative year.

To deliver messages on Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism policies of Regional Federal Republic.

To introduce the laws as deemed suitable by the Council of Religious Affairs.

To send laws back to the Federal Assembly to be reconsidered.

To appeal to the Constitutional Court for the annulment part of whole or certain provisions of laws, decrees having the force of law and the Rules of Procedure of the Federal Assembly on the grounds that they are unconstitutional in form or in content, or authorize the Supreme Council of Religion for the respective matter.

To appoint the Regional Federal Republic Vice Presidents and Ministers and to accept their resignation.

To preside over the Regional Federal Republic Council of Security and General Assembly of State Presidents to call the Council of Ministers to meet under his/her chairpersonship.

To appoint, discharge higher level public administrators that are members of the Ministries of Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism, as well as regulating the respective principles and procedures for appointment process in accordance with the decree of Presidency.

To remit or commute the sentences imposed on certain individuals, on grounds of chronic illness, disability or old age.

To introduce decree of Regional Federal Republic Presidency on the fields, on which it is empowered, including the main activities of Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism.

Despite not being authorized for execution of Regional Federal Republic Presidency, to introduce decrees of Confederal Republic Presidency in order to fill the legal gaps in legislation, as well as ensuring the national interstate coordination and cooperation, under the liability Confederal Republic Presidency and National States.

The Regional Federal Republic Decree shall be applied in case of differences between the provisions of Regional Federal Republic Presidency Decree and National State Presidencies.

The Confederal Republic Decrees shall be applied in case of differences between the provisions of Confederal Republic Presidency Decree and Regional Federal Assemblies and National State Assemblies.

The fundamental rights and duties in the second part of the first and second sections of Constitution, including the political rights and duties on the fourth part shall not be regulated by the decree of Regional Federal Republic Presidency.

No decree of Regional Federal Republic Presidency shall be introduced on the matters that are stipulated to be regulated solely by law in the Constitution.

No decree of Regional Federal Republic Presidency shall be introduced for the matters that are clearly regulated by law.

The provisions of law shall prevail in case of differences between the provisions of Regional Federal Republic Presidency Decree and the applicable laws.

In the event that the Regional Federal Republic Assembly introduced laws on the same matter, the decree of Regional Federal Republic Presidency shall become inoperative.

The Regional Federal Republic President may introduce regulation for enforcing the laws, provided these regulations do not violate the respective laws.

The decrees and regulations shall enter into force on the day they are published on Official Gazette unless it is post-dated.

The Regional Federal Republic President shall exercise the election & appointment duties granted with the Constitution and Laws, including other respective duties and Powers.

#### **4. Criminal Liabilities of Regional Federal Republic President**

**ARTICLE 122-** An investigation may be requested against the Regional Federal Republic President through a motion tabled by majority of members of the Regional Federal Republic Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the Regional Federal Republic Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency, and be deliberated with the General Office of the Speaker within ten days. The Regional Federal Republic Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The Regional Federal Republic President, decided to be indicted, shall not decisions to hold election.

The term of Office of the Regional Federal Republic President, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease.

The provisions of this article shall be applied even after the term of Office of the Regional Federal Republic President, for the crime alleged to be committed during the term of Office.

#### **5. Regional Federal Republic Vice Presidents, Procuration for Regional Federal Republic Minister and Ministers**

**ARTICLE 123-** After being elected, the Confederal Republic President may appoint four or more Vice Presidents. The order and ranks shall be designated for the Vice Presidents by the Confederal Republic President following the appointment.

In the event that the Office of Presidency falls vacant for any reason, the presidential election shall be held within forty-five days. The First Vice President shall be the acting Regional Federal Republic President until the new President is elected, thus having the Powers of the President. In the event that the general election is planned to be held within one year or less, the Regional Federal Republic Assembly shall be renewed with the Regional Federal Republic President. Where the general election is planned to be held after one year or more, the elected President shall hold the Office until the election date of Regional Federal Republic Assembly. This period shall not be recognized in the term of Office for the Regional Federal Republic President, doing his/her time.

In the event that the Regional Federal Republic President temporarily resigns the Office based on reasons like health problems, going abroad, etc., the First Vice-President shall be the acting President, thus utilizing the Powers of the President.



The Vice Presidents and ministers shall be appointed and discharged by Regional Federal Republic President among those having the qualifications to become a deputy. The Vice Presidents and Ministers shall take the oath as written in Article 107 before the Regional Federal Republic Assembly. The members of Regional Federal Republic Assembly shall cease to become a member if they are appointed as a Regional Federal Republic Vice-President or a Minister.

Regional Federal Republic Vice Presidents and ministers are accountable against the Regional Federal Republic President. An investigation may be requested against the Regional Federal Republic Vice-Presidents and ministers through a motion tabled by majority of members of the Regional Federal Republic Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the Regional Federal Republic Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency, and be deliberated with the General Office of the Speaker within ten days. The Regional Federal Republic Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The provisions of fifth, sixth and seventh paragraph shall be applied even after the term of Office of these authorities, for the crime alleged to be committed during the term of Office.

The term of Office of the Regional Federal Republic Vice-President or minister, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease. The Regional Federal Republic Vice-Presidents and ministers shall be subjected to the provisions of legislative immunity for crimes that are not related to their duties.

Establishing and appealing the presidencies, including the respective duties and Powers, organizational structure, establishing central and provincial organizations shall be regulated with the decree of Regional Federal Republic President.

## **6. State Supervisory Council**

**ARTICLE 124-** The State Supervisory Council which shall be attached to the Presidency of Regional Federal Republic, with the purpose of ensuring the lawfulness, regular and efficient functioning and improvement of administration, conduct all inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organizations, employers' associations and labor unions at all levels, and public welfare associations and foundations, under the jurisdiction and upon the request of the President of the Regional Federal Republic.

The Council of Religious Affairs and judicial organs are outside the jurisdiction of the State Supervisory Council.

The members and the Chairperson from among the members of the State Supervisory Council shall be appointed by the President of the Regional Federal Republic.

The functioning of the State Supervisory Council, the term of office of its members, and other personnel matters relating to their status shall be regulated by decree of Federal Republic Presidency.

## **7. Renewal of Elections of Regional Federal Republic Assembly and Regional Federal Republic President**

**ARTICLE 125-** The Regional Federal Republic Assembly may decide on renewal of election with 3/5 majority of the full number of members. In this situation, the Regional Federal Republic Assembly general election and Regional Federal Republic Presidential election shall be held within the same period.

In the event that the Regional Federal Republic President decides to renew the elections, the Regional Federal Republic Assembly general election and Regional Federal Republic Presidential election shall be held within the same period.

If the Assembly decides to renew the elections on the second period of the Regional Federal Republic President, the Regional Federal Republic President may become a candidate one more time.

The Powers and duties of Assembly and Regional Federal Republic President, for which the renewal of elections is decided, shall continue until the new Assembly and President hold the Office.

The term of Office for the Assembly and President, elected as above stated, shall be five year.

## **8. General Assembly of Presidents of Regional Federal Republic**

**ARTICLE 126-** The General Assembly of Regional Federal Republic State Presidents shall be composed of the Regional Federal Republic Vice-Presidents, Regional Federal Republic Presidents, Ministers of Customs and Trade, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism, under the chairpersonship of the President of the Regional Federal Republic.

Depending on the particulars of the agenda, ministers and other persons concerned may be invited to meetings of the Council and their views heard.

The General Assembly of Regional Federal Republic State Presidents shall submit to the Regional Federal Republic President the advisory decisions taken with regard to the formulation, determination, and implementation of the national security policy of the State and its views on ensuring the necessary coordination for Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture and Tourism. The Regional Federal Republic President shall evaluate decisions of the General Assembly concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

The agenda of the General Assembly of State Presidents shall be drawn up by the President of the Regional Federal Republic taking into account the proposals of the Ministers of National Defense and Internal Affairs, Regional Federal Republic Vice Presidents.

The Assembly shall gather under the chairpersonship of National Security Board Senior Vice President, in the absence of Regional Federal Republic President.

The organization and duties of the General Secretariat of the General Assembly of Regional Federal Republic State Presidents shall be regulated by decree of Regional Federal Republic President.

## **C. National State Presidencies**

### **1. Candidateship and Election**

**ARTICLE 127-** The Presidents of the National States shall be elected directly by the public from among the members of the National State Assembly, National State citizens who are over forty years of age and have completed higher education, or from among National States citizens who fulfil these requirements and are eligible to be deputies.

The National State President's term of office shall be five years. A person may be elected as President of National States for two terms at most.

Nomination of a candidate for the National States Presidency shall require a written proposal of twenty deputies. Furthermore, political parties with more than five percent of the valid votes in sum in the latest legislative elections either solely or jointly, and at least one hundred thousand of voters may nominate a joint candidate.

The membership of the National States President shall cease.

The election of the President of the National States shall be concluded within sixty days before the term of office of the incumbent President of the National States expires; or within sixty days after the presidency falls vacant for any reason.

In presidential elections conducted by universal suffrage, the candidate who receives the absolute majority of the valid votes shall be elected President of the National States. If this majority cannot be obtained in the first ballot, the second ballot shall be held on the second Sunday following this ballot. The two candidates who receive the greatest number of votes in first ballot run for the second ballot, and the candidate who receives majority of valid votes shall be elected President of the National States.

If one of the candidates who gains the right to run for the second ballot dies or loses his/her eligibility, the second ballot shall be conducted by substituting the vacant candidacy in conformity with the ranking in the first ballot. If only one candidate remains for the second ballot, this ballot shall be conducted as a referendum. If the candidate receives the majority of the valid votes, he/she shall be elected President of the National States. Where the candidate does not receive the majority of votes, it shall only be the National States Presidential election to be renewed.

The term of office of the incumbent President of the National States shall continue until the President-elect takes the Office.

The procedures and principles concerning National States presidential elections shall be regulated by law.

### **2. Oath-taking**

**ARTICLE 128-** On assuming office, the President of the National States shall take the following oath before the Federal Assembly:

"I swear upon my honor and integrity before the great Qur'an to safeguard the Islamic Unity, to remain loyal to Qur'an and Sunnas, to ensure divine justice and its continuation in Islamic Geography at the cost of my life, to remain loyal to State President and the respective law, to abide by the Constitution, the rule of law with loyalty, not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under conditions of national peace and prosperity of ummah and in a spirit of national solidarity and justice, and do my utmost to preserve and exalt the glory and honor of the Confederal Republic and perform without bias the functions that I have assumed."

### **3. Duties and Powers**

**ARTICLE 129-** The President of the National States is the head of the elected Regional Islamic Republic. The executive power is granted to the President of National State.

In this capacity, the President of National States shall represent the unity of Islamic Ummah; he/she shall ensure the implementation of the Islamic provisions, Constitution, and the regular and harmonious functioning of the organs of the State. The respective duties and powers are as follows:

To deliver, if he/she deems it necessary, the opening speech of the National States Assembly on the first day of the legislative year.

To deliver messages to the Assembly on Education, Finance, Healthcare, Energy and Natural Resources, Food, Agriculture and Livestock, Youth and Sports, Forestry and Water Affairs, Labor and Social Security, Family and Social Policies, Environment and Urbanization policies of National States.

To introduce the laws as deemed suitable by the Council of Religious Affairs.

To send laws back to the National Assembly to be reconsidered.

To appeal to the Constitutional Court for the annulment part of whole or certain provisions of laws, decrees having the force of law and the Rules of Procedure of the National Assembly on the grounds that they are unconstitutional in form or in content or authorize the Supreme Council of Religion for the respective matter.

To appoint the National States Vice Presidents and Ministers and to accept their resignation.

To appoint, discharge higher level public administrators that are members of the Ministries of Education, Finance, Healthcare, Energy and Natural Resources, Food, Agriculture and Live Stock, Youth and Sports, Forestry and Water Affairs, Labor and Social Security, Family and Social Policies, Environment and Urbanization, as well as regulating the respective principles and procedures for appointment process in accordance with the decree of Presidency.

To introduce decree of National States Presidency on the fields, on which it is empowered, including the main activities of Education, Finance, Healthcare, Energy and Natural Resources, Food, Agriculture and Livestock, Youth and Sports, Forestry and Water Affairs, Labor and Social Security, Family and Social Policies, Environment and Urbanization.

Despite not being authorized for execution of National States Presidency, to introduce decrees of Confederal Republic Presidency and Regional Federal Republic Presidency in order to fill the legal gaps in legislation, as well as ensuring the national interstate coordination and cooperation, under the liability Confederal Republic Presidency and National States.

The Regional Federal Republic Presidency Decrees shall be applied in case of differences between the provisions of the decrees introduced by National States Presidency and Regional Federal Republic Presidency.

The Confederal Republic Presidency Decrees shall be applied in case of differences between the provisions of the decrees introduced by National States Assemblies, Confederal Republic Assembly and Regional Federal Assemblies.

The fundamental rights and duties in the second part of the first and second sections of Constitution, including the political rights and duties on the fourth part shall not be regulated by the decree of National States Presidency.

No decree of National States Presidency shall be introduced on the matters that are stipulated to be regulated solely by law in the Constitution.

No decree of National States Presidency shall be introduced for the matters that are clearly regulated by law.

The provisions of law shall prevail in case of differences between the provisions of National States Presidency Decree and the applicable laws.

In the event that the National States Assembly introduced laws on the same matter, the decree of National States Presidency shall become inoperative.

The National States President may introduce regulation for enforcing the laws, provided these regulations do not violate the respective laws.

The decrees and regulations shall enter into force on the day they are published on Official Gazette unless it is post-dated.

The National States President shall exercise the election & appointment duties granted with the Constitution and Laws, including other respective duties and Powers.

#### **4. Criminal Liabilities of National States President**

**ARTICLE 130-** An investigation may be requested against the National States President through a motion tabled by majority of members of the National States Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the National States Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency, and be deliberated with the General Office of the Speaker within ten days. The National States Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The National States President, decided to be indicted, shall not decisions to hold election.

The term of Office of the National States President, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease.

The provisions of this article shall be applied even after the term of Office of the National States President, for the crime alleged to be committed during the term of Office.

#### **5. National States Vice Presidents, Procuration for National States President and Ministers**

**ARTICLE 131-** After being elected, the National States President may appoint four or more Vice Presidents. The order and ranks shall be designated for the Vice Presidents by the National States President following the appointment.

In the event that the Office of Presidency falls vacant for any reason, the presidential election shall be held within forty-five days. The First Vice President shall be the acting National States President until the new President is elected, thus having the Powers of the President. In the event that the general election is planned to be held within one year or less, the National States Assembly shall be renewed with the National States President. Where the general election is planned to be held after one year or more, the elected President shall hold the Office until the election date of National States Assembly. This period shall not be recognized in the term of Office for the National States President, doing his/her time. Both elections shall be held on the same date.

In the event that the National States President temporarily resigns the Office based on reasons like health problems, going abroad, etc., the First Vice-President shall be the acting President, thus utilizing the Powers of the President.

The Vice Presidents and ministers shall be appointed and discharged by National States President among those having the qualifications to become a deputy. The Vice Presidents and Ministers shall take the oath as written in Article 107 before the National States Assembly. The members of National States Assembly shall cease to become a member if they are appointed as a National States Vice-President or a Minister.

National States Vice Presidents and ministers are accountable against the National States President. An investigation may be requested against the National States Vice-Presidents and ministers through a motion tabled by majority of members of the National States Assembly. The Assembly shall debate and decide on this request through secret ballot within one month at the latest as subjected to 3/5 of the ballot.

If a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their strength. The committee shall submit its report on the result of the investigation to the Assembly within two months. At the end of this period, the report shall be submitted to the Office of the Speaker of the National States Assembly. If the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

The report shall be distributed within ten days after being submitted to the Presidency, and be deliberated with the General Office of the Speaker within ten days. The National States Assembly may take the decision to bring the person involved before the Supreme Court with the 2/3 secret ballot of the full number of the members. The Supreme Court trial shall be completed within three months; if it is not completed within this period, it shall be granted a further and final period of three months. The trial shall be completed for definite within this period.

The provisions of fifth, sixth and seventh paragraph shall be applied even after the term of Office of these authorities, for the crime alleged to be committed during the term of Office.

The term of Office of the National States Vice-President or minister, sentenced with a crime, which prevents him/her to be elected on the Supreme Court shall cease.

The National States Vice-Presidents and ministers shall be subjected to the provisions of legislative immunity for crimes that are not related to their duties.

Establishing and appealing the presidencies, including the respective duties and Powers, organizational structure, establishing central and provincial organizations shall be regulated with the decree of National States President.

## **6. National States Supervisory Council**

**ARTICLE 132-** The State Supervisory Council which shall be attached to the Presidency of National States, with the purpose of ensuring the lawfulness, regular and efficient functioning and improvement of administration, conduct all inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organizations, employers' associations and labor unions at all levels, and public welfare associations and foundations, under the jurisdiction and upon the request of the President of the National States.

The Council of Religious Affairs and judicial organs are outside the jurisdiction of the State Supervisory Council.

The members and the Chairperson from among the members of the State Supervisory Council shall be appointed by the President of the National States.

The functioning of the State Supervisory Council, the term of office of its members, and other personnel matters relating to their status shall be regulated by decree of National States Presidency.

## **7. Renewal of Elections of National States Assembly and National States President**

**ARTICLE 133-** The National States Assembly may decide on renewal of election with 3/5 majority of the full number of members. In this situation, the National States Assembly general election and National States Presidential election shall be held within the same period.

In the event that the National States President decides to renew the elections, the National States Assembly general election and National States Presidential election shall be held within the same period.

If the Assembly decides to renew the elections on the second period of the National States President, the National States President may become a candidate one more time.

The Powers and duties of Assembly and National States President, for which the renewal of elections is decided, shall continue until the new Assembly and President hold the Office.

The term of Office for the Assembly and President, elected as above stated, shall be five years.

## **II. Extraordinary Administration Procedures**

**ARTICLE 134-** In the event of war, situations forming the basis for a war, mobilization, a strong attempt by the deed against Confederal Republic or the Motherland, proliferation of severe movements endangering the unity of the country and ummah as domestic or foreign based, natural disaster, dangerous epidemic diseases or a serious economic crisis, the Confederal Republic President, with meeting under his chairpersonship may declare a state of emergency in one or more regions or throughout the Confederal Republic, Regional Federal Republics or National States for a period not exceeding six months.

In the event of a declaration of a state of emergency, this decision shall be published in the Official Gazette and shall be submitted to the Confederal Republic Assembly for approval on the same day.

If the Confederal Republic Assembly is in recess, it shall be immediately assembled. The Assembly may alter the duration of the state of emergency, may extend the period for a maximum of four months each time at the request of the Council of Ministers, or may lift the state of emergency.

The Confederal Republic Assembly may alter the duration of the state of emergency, may extend the period for a maximum of four months each time at the request of the Confederal Republic President, or may lift the state of emergency. The requirement with regards to the four-months of period shall not be applied in case of war.

The financial, material and labor obligations which are to be imposed on citizens in the event of the declaration of state of emergency under Articles 15, 16 and 17 and the manner how fundamental rights and freedoms shall be restricted or suspended in line with the principles of Article 15, how and by what means the measures necessitated by the situation shall be taken, shall be regulated by the Act on State of Emergency.

During the state of emergency, the Confederal Republic President may issue decrees having the force of law on matters necessitated by the state of emergency without being subjected to limitations stated in Article 22, second paragraph. These decrees shall be published in the Official Gazette, and shall be submitted to the Assembly on the same day for approval.



The decrees of Confederal Presidency shall be deliberated and finalized within three months, introduced during the state of emergency, excluding the scenario where the Confederal Republic Assembly cannot gather due to war or force majeure. Otherwise, the decree introduced by the Confederal Republic Presidency shall be automatically revoked, as introduced during the state of emergency.

### **III. Administration**

#### **A. Fundamentals of the administration**

##### **1. Integrity of the administration and public legal personality**

**ARTICLE 135-** The administration forms a whole, with regard to its constitution and functions, and shall be regulated by law.

The organization and functions of the administration are based on the principles of centralization and decentralization by the Confederal Republic on Justice, Internal Affairs, Defense, Defense Industry, Foreign Affairs and Islamic Union; by Regional Federal Republics on Customs and Commerce, Transportation and Maritime, Economy, Science, Industry and Technology, Development, Culture, Tourism and Islamic Union; and by the National States on Education, Finance, Healthcare, Energy and Natural Resources, Food, Agriculture and Live Stock, Youth and Sports, Forestry and Water Affairs, Labor and Social Security, Family and Social Policies, Environment and Urbanization.

Public legal personalities shall be established by laws introduced by Confederal, Regional Federal and National Assemblies, or the decrees by Confederal Republic President, Presidents of Regional Federal Republics and National State Presidents.

##### **2. By-laws**

**ARTICLE 136-** The Confederal Republic President, Presidents of Regional Federal Republic, National State Presidents and public legal personalities may issue by-laws in order to ensure the implementation of laws and regulations introduced by Confederal Republic President relating to their jurisdiction, as long as they are not contrary to these laws and regulations.

The law shall designate which by-laws are to be published in the Official Gazette.

#### **B. Judicial review**

**ARTICLE 137-** Recourse to judicial review shall be available against all actions and acts of administration. In concession, conditions and contracts concerning public services and national or international arbitration may be suggested to settle the disputes arising from them. Only those disputes involving an element of foreignness may be submitted to international arbitration.

Time limit to file a lawsuit against an administrative act begins from the date of written notification of the act.

Judicial power is limited to the review of the legality of administrative actions and acts, and in no case may it be used as a review of expediency. No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law, which has the quality of an administrative action and act, or which removes discretionary Powers.

A justified decision regarding the suspension of execution of an administrative act may be issued, should its implementation result in damages which are difficult or impossible to compensate for and, at the same time, the act would be clearly unlawful.

The law may restrict the issuing of an order on suspension of execution of an administrative act in cases of state of emergency, martial law, mobilization and state of war, or on the grounds of national security, public order and public health.

The administration shall be liable to compensate for damages resulting from its actions and acts.

## **C. Establishment of the administration**

### **1. Central administration**

**ARTICLE 138-** In terms of central administrative structure, the Confederal Republic is divided into Regional Federal Republics, which are divided into National States as affiliated to them, which are divided into the provinces on the basis of geographical situation, economic conditions, and public service requirements; provinces are further divided into lower levels of administrative districts.

Central administrative organizations comprising several provinces may be established to ensure efficiency and coordination of public services in National States. The functions and powers of these organizations shall be regulated by laws introduced by Confederal Assembly.

### **2. Local administrations**

**ARTICLE 139-** Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, within National States, whose principles of constitution and decision-making organs elected by the electorate are determined by laws of Confederal Republic.

The formation, duties and powers of the local administrations shall be regulated by laws of Confederal Republic in accordance with the principle of local administration.

The elections for local administrations shall be held every five years in accordance with the principles set forth in Article 68.

Loss of status and objections regarding the acquisition of the status of elected organs of local administrations shall be decided by judiciary. However, as a provisional measure until the final court judgment, the Confederal Republic President may remove from office those organs of local administration or their members against whom an investigation or prosecution has been initiated on grounds of offences related to their duties.

The central administration has the power of administrative tutelage over the local administrations in the framework of principles and procedures set forth by laws of Confederal Republic with the objective of ensuring the functioning of local services in conformity with the principle of the integrity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs properly.

The formation of local administrative bodies into a union with the permission of the Confederal Republic President for the purpose of performing specific public services; and the functions, powers, financial and security arrangements of these unions, and their reciprocal ties and relations with the central administration, shall be regulated by law. These administrative bodies shall be allocated financial resources in proportion to their functions.

## **D. Provisions relating to public servants**

### **1. General principles**

**ARTICLE 140-** The fundamental and permanent functions required by the public services that the State, state economic enterprises and other public corporate bodies assigned to perform in accordance with principles of general administration, shall be carried out by public servants and other public employees.

The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances of public servants and other public officials, and other matters related to their status shall be regulated by laws of Confederal Republic, Regional Federal Republic and/or National State, with the authority power of appointment. However, provisions on collective agreement concerning financial and social rights are reserved.

The procedure and principles governing the training of high rank administrators shall be specially regulated by laws of Confederal Republic.

### **2. Duties and responsibilities, and guarantees in disciplinary proceedings**

**ARTICLE 141-** Public servants and other public officials are obliged to carry out their duties with loyalty to the Constitution and the laws.

Public servants, other public officials and members of public professional organizations or their higher bodies shall not be subjected to disciplinary penalties without being granted the right of defense.

Disciplinary decisions shall not be exempt from judicial review.

Provisions concerning the members of the Religious Affairs Council, armed forces, judges and prosecutors are reserved.

Compensation suits concerning damages arising from faults committed by public servants and other public officials in the exercise of their duties shall be filed only against the administration in accordance with the procedure and conditions prescribed by law, as long as the compensation is recourse to them.

Prosecution of public servants and other public officials for alleged offences shall be subject, except in cases prescribed by law, to the permission of the administrative authority designated by law.

## **E. Institutions of higher education and their higher bodies**

### **1. Institutions of higher education**

**ARTICLE 142-** For the purpose of training manpower to meet the needs of the ummah and Islamic unity under a system of contemporary education principles, universities comprising several units and having scientific autonomy and public legal personality shall be established by the National States and by law, to educate at different levels based on secondary education, to conduct research, to issue publications, to act as consultants, and to serve the country and humanity.

Institutions of higher education may be established, under the supervision and control of the State, by foundations in accordance with the procedures and principles set forth in the law as long as they do not pursue profit.

The law shall provide for a balanced geographical distribution of universities throughout the country.

Universities, members of the teaching staff and their assistants may freely engage in all kinds of scientific research and publication. However, this shall not include the liberty to engage in activities against the existence and independence of the Confederal Republic, and against the integrity and indivisibility of the Ummah and Islamic Country.

Universities and units attached to them are under the supervision and inspection of the State and their security is ensured by the National States.

University presidents shall be elected and appointed by the Presidents of the National States, and faculty deans by the Council of Higher Education, in accordance with the procedures and provisions of the law.

The administrative and supervisory organs of the universities and the teaching staff may not for any reason whatsoever be removed from their office by authorities other than those of the competent organs of the universities or by the Council of Higher Education.

The budgets drawn up by universities, after being examined and approved by the Council of Higher Education shall be submitted to the Ministry of National Education of National States, and shall be put into effect and supervised in conformity with the principles applied to central government budget.

The establishment of institutions of higher education, their organs, their functioning and elections, their duties, authorities and responsibilities, the procedures to be followed by the state in the exercise of the right to supervise and inspect the universities, the duties of the teaching staff, their titles, appointments, promotions and retirement, the training of the teaching staff, the relations of the universities and the teaching staff with public institutions and other organizations, the level and duration of education, admission of students into institutions of higher education, attendance requirements and fees, principles relating to assistance to be provided by the State, disciplinary and penalty matters, financial affairs, personnel rights, rules to be abided by the teaching staff, the assignment of the teaching staff in accordance with inter-university requirements, the pursuance of training and education in freedom and under guarantee and in accordance with the requirements of contemporary science and technology,

and the use of financial resources provided by the State to the Council of Higher Education and the universities, shall be regulated by laws introduced by National States.

Institutions of higher education established by foundations shall be subject to the provisions set forth in the Constitution for institutions of higher education established by the State, as regards the academic activities, recruitment of teaching staff and security, except for financial and administrative matters.

## **2. Superior bodies of higher education**

**ARTICLE 143-** The Council of Higher Education shall be established to plan, organize, administer, and supervise education provided by institutions of higher education, to orient teaching activities, education and scientific research, to ensure the establishment and development of these institutions in conformity with the objectives and principles set forth by law, to ensure the effective use of the resources allotted to the universities, and to plan for the training of the teaching staff within National States.

The Council of Higher Education is composed of members appointed from among candidates who are nominated by the Council of Ministers and universities, and in accordance with the numbers, qualifications and election procedures prescribed by law, priority being given to those who have served successfully as faculty members or university presidents, and of members directly appointed by the President of National States.

The organization, functions, authority, responsibilities and operating principles of the National States' Councils shall be regulated by law.

## **3. Institutions of higher education subject to special provisions**

**ARTICLE 144-** Institutions of higher education attached to the Confederal Republic Armed Forces and to the national police organization are subject to the provisions of their respective special laws.

## **F. Radio and Television Supreme Council, institutions of radio and television, and public affiliated news agencies**

**ARTICLE 145-** Radio and television stations shall be established and operated freely in conformity with rules to be determined by laws of National States.

The Radio and Television Supreme Council, established for the purpose of regulation and supervision of radio and television activities, is composed of nine members. The members are elected, on the basis of number of members allocated to each political party group, by the Plenary of the National State Assembly from among the candidates, twice the number of which is nominated by political party groups in proportion to their number of members. The formation, duties and powers of the Radio and Television Supreme Council, and qualifications, election procedures and term of office of its members shall be regulated by law introduced by National State Assemblies.

The unique radio and television institution established by the Confederal, Regional Federal Republics and National States, as a public corporate body and the news agencies which receive aid from public corporate bodies shall be autonomous and their broadcasts shall be impartial.

The Radio and Television Coordination Councils shall be constituted by Confederal and Regional Federal Republics. The Powers, responsibilities and organizational principles of these councils shall be regulated by law.

## **G. Professional organizations having the characteristics of public institutions**

**ARTICLE 146-** Professional organizations having the characteristics of public institutions and their higher bodies are public corporate bodies established by laws of Regional Federal Republic and National States, with the objectives of meeting the common needs of the members of a given profession, to facilitate their professional activities, to ensure the development of the profession in keeping with common interests, to safeguard professional discipline and ethics in order to ensure integrity and trust in relations among its members and with the public; their organs shall be elected by secret ballot by their members in accordance with the procedure set forth in the law, and under judicial supervision.

Persons employed in principal and permanent positions in public institutions, or in state economic enterprises shall not be required to become members of public professional organizations.

These professional organizations shall not engage in activities outside the aims for which they are established.

Political parties shall not nominate candidates in elections for the organs and higher bodies of these professional organizations.

The rules concerning the administrative and financial supervision of these professional organizations by the State shall be prescribed by laws of Regional Federal Republic and National States.

The responsible organs of professional organizations which engage in activities beyond their objectives shall be dissolved by court decision at the request of the authority designated by law or the prosecutors of Regional Republic and National State, and new organs shall be elected in their place.

However, where it is required for and delay constitutes a prejudice to national security, public order, prevention of commission or continuation of a crime, or an arrest, an Governorships may be vested with power by laws of Confederal Republic to suspend the professional organizations and their higher bodies from activity. The decision of this authority shall be submitted for the approval of the judge having jurisdiction within twenty-four hours. The judge shall announce his/her decision within forty-eight hours; otherwise, this administrative decision shall be annulled automatically.

#### **H. Unlawful order**

**ARTICLE 147-** If a person employed in any position or status in public services within Confederal Republic, Regional Federal Republics and National States finds an order given by his/her superior to be contrary to the provisions of by-laws, regulations, laws of Confederal Republic President, Regional Federal Republic President and Presidents of National States, or the Constitution, he/she shall not carry it out, and shall inform the person giving the order of this inconsistency. However, if his/her superior insists on the order and renews it in writing, his/her order shall be executed; in this case the person executing the order shall not be held responsible.

An order which in itself constitutes an offence shall under no circumstances be executed; the person who executes such an order shall not evade responsibility.

Exceptions designated by law relating to the execution of military duties and the protection of public order or public security in urgent situations are reserved.

## **CHAPTER FOUR**

### **Judicial Power**

#### **I. General Provisions**

##### **A. Independence of the courts**

**ARTICLE 148-** Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming with the law.

No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions.

No questions shall be asked, debates held, or statements made in the Legislative Assemblies of Confederal Republic, Regional Federal Republics and National States relating to the exercise of judicial power concerning a case under trial.

Legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.

##### **B. Security of tenure of judges and public prosecutors**

**ARTICLE 149-** Judges and public prosecutors shall not be dismissed, or unless they request, shall not be retired before the age prescribed by the Constitution, the decrees by Confederal and Regional Republic Presidencies, National State Presidencies; nor shall they be deprived of their salaries, allowances or other rights relating to their status, even as a result of the abolition of a court or a post. However, if his/her superior insists on the order and renews the order in written form, the order shall be fulfilled; under this situation, the person, fulfilling the order, shall not be held responsible.

The criminal orders shall not be fulfilled under any circumstance; the person, fulfilling the order, shall be held liable.

The exceptions introduced with law for ensuring the public order and safety shall be saved for under military services and emergencies.

##### **C. Judges and public prosecutors**

**ARTICLE 150-** Judges and public prosecutors shall serve as judges and public prosecutors of civil and administrative judiciary. These duties shall be carried out by professional judges and public prosecutors.

Judges shall discharge their duties in accordance with the principles of the independence of the courts and the security of the tenure of judges.

The qualifications, appointment, rights and duties, salaries and allowances of judges and public prosecutors, their promotion, temporary or permanent change in their posts or place of duties, the initiation of disciplinary proceedings against them and the imposition of disciplinary penalties, the conduct of investigation concerning them and the subsequent decision to prosecute them on account of offences committed in connection with, or in the course of, their duties, the conviction for offences or instances of incompetence requiring their dismissal from the profession, their in-service training, and other matters relating to their personnel status shall be regulated by laws of Confederal Republic in accordance with the principles of the independence of the courts and the security of tenure of judges.

Judges and public prosecutors shall serve until they are over the age of sixty-five.

Judges and public prosecutors shall not assume any official or private occupation other than those prescribed by law.

Judges and public prosecutors shall be attached to the Confederal Republic Ministry of Justice with respect to their administrative functions.

Those judges and public prosecutors working in administrative posts of judicial services shall be subject to the same provisions as other judges and public prosecutors. Their categories and grades shall be determined according to the principles applying to judges and public prosecutors, and they shall enjoy all the rights accorded to judges and public prosecutors.

#### **D. Publicity of hearings and the necessity of justification for verdicts**

**ARTICLE 151-** Court hearings shall be open to the public. It may be decided to conduct all or a part of a hearing in a closed session, but only in cases where absolutely necessitated by public morals or public security.

Special provisions regarding the trial of minors shall be laid down in the law.

The decisions of all courts shall be written with a justification.

It is the duty of the judiciary to conclude trials as quickly as possible and at minimum cost.

#### **E. Formation of courts**

**ARTICLE 152-** The formation, duties and powers, functioning and trial procedures of the courts shall be regulated by laws of Confederal Republic.

The Confederal Republic Ministry of Justice shall be empowered and liable on behalf of the Confederal President with regards to the ordinary and administrative justice courts to be established, allocated, as well as providing the respective services in the Confederal Republic Geography.

The military courts shall be limited to disciplinary courts. However, military courts may be established to be held liable for proceeding the criminal cases of the military personnel concerning their duties at war.

The Military and Public Bureaucracy Disciplinary Courts, establishment, assignment, authorization of military courts, including the respective matters with regards to military crimes and punishments shall be regulated by Confederal Republic laws.

#### **F. Supervision of judicial services**

**ARTICLE 153 –**Supervision of judicial services and public prosecutors with regard to their administrative duties shall be carried out by the Confederal Republic Ministry of Justice through judiciary inspectors and internal auditors who are from the profession of judge and public prosecutor, and inquiry, inspection and investigation proceedings through judiciary inspectors. Relating procedures and principles shall be regulated by laws of Confederal Republic.

### **II. Higher courts**

#### **A. Constitutional Court**

##### **1. Formation**

**ARTICLE 154-** The Constitutional Court shall be established in Confederal Republic, as well as in each Regional Federal Republic and National State by the Confederal Republic.

The Constitutional Courts shall be composed of fifteen members, each.

The Assemblies of Confederal, Regional Federal Republics and National States shall elect, by secret ballot, two members from among three candidates to be nominated by and from among the president and members of the Court of Accounts, for each vacant position, and one member from among three candidates nominated by the heads of the bar associations from among self-employed lawyers. In this election to be held in the Assemblies, for each vacant position, two thirds majority of the total number of members shall be required for the first ballot, and absolute majority of total number of members shall be required for the second ballot. If an absolute majority cannot be obtained in the second ballot, a third ballot shall be held between the two candidates who have received the greatest number of votes in the second ballot; the member who receives the greatest number of votes in the third ballot shall be elected.

The Presidents of Confederal and Regional Federal Republics, National States shall appoint three members from High Court of Appeals, two members from Council of State, one member from the High Military Court of Appeals, and one member from the High Military Administrative Court from among three candidates to be nominated, for each vacant position, by their respective general assemblies, from among their presidents and members; three members, at least two of whom being law graduates, from among three candidates to be nominated for each vacant position by the Council of Higher Education from among members of the teaching staff who are not members of the Council, in the fields of law, economics and political sciences; four members from among high level executives, self-employed lawyers, first category judges and public prosecutors or rapporteurs of the Constitutional Court from among twelve members.

In the elections to be held in the respective general assemblies of the High Court of Appeals, Council of State, High Military Court of Appeals, High Military Administrative Court, the Court of Accounts and the Council of Higher Education on each level for nominating candidates for membership of the Constitutional Court, three persons obtaining the greatest number of votes shall be considered to be nominated for each vacant position. In the elections to be held for the three candidates nominated by the heads of bar associations from among self-employed lawyers, three persons obtaining the greatest number of votes shall be considered to be nominated.

To qualify for appointments as members of the Constitutional Court, members of the teaching staff shall be required to possess the title of professor or associate professor; lawyers shall be required to have practiced as a lawyer for at least twenty years; high level executives shall be required to have completed higher education and to have worked for at least twenty years in public service, and first category judges and public prosecutors with at least twenty years of work experience including their period of candidacy, provided that they all shall be over the age of forty five.

The Constitutional Court shall elect a president and two deputy presidents from among its members for a term of four years by secret ballot and by an absolute majority of the total number of its members. Those whose term of office ends may be re-elected.

The members of the Constitutional Court shall not assume other official and private duties, apart from their fundamental duties.

## **2. Term of office of the members and termination of membership**

**ARTICLE 155-** The members of the Constitutional Court shall be elected for a term of twelve years. A member shall not be re-elected. The members of the Constitutional Court shall retire when they are over the age of sixty-five. The appointment of the members to another office whose term of office expires prior to their mandatory age of retirement and matters regarding their personnel status shall be laid down in law.

Membership in the Constitutional Court shall terminate automatically if a member is convicted of an offence requiring his/her dismissal from the judicial profession, and by a decision of an absolute majority of the total number of members of the Constitutional Court if it is definitely established that he/she is unable to perform his/her duties on account of ill-health.

## **3. Functions and powers**

**ARTICLE 156-** The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, decrees of Confederal and Regional Federal Republic, National State Presidencies having the force of law and the Rules of Procedure of the Assemblies, and decide on individual applications. Constitutional amendments shall be examined and verified only with regard to their form. However, decrees of Confederal, Regional Federal and National State Presidencies having the force of law issued during a state of emergency, martial law or in time of war shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance.

The verification of laws as to form shall be restricted to consideration of whether the requisite majority was obtained in the last ballot; the verification of constitutional amendments



shall be restricted to consideration of whether the requisite majorities were obtained for the proposal and in the ballot, and whether the prohibition on debates under expedited procedure was observed. Verification as to form may be requested by the Presidents of the Confederal and Regional Federal Republics and National States or by one-fifth of the members of the Assemblies of Confederal and Regional Federal Republic, National States. Applications for annulment on the grounds of defect in form shall not be made after ten days have elapsed from the date of promulgation of the law; and it shall not be appealed by other courts to the Constitutional Court on the grounds of defect in form.

Everyone may apply to the Constitutional Courts of National States, Regional Federal Republics and Confederal Republics on the grounds that one of the fundamental rights and freedoms which are guaranteed by the Constitution has been violated by public authorities. In order to make an application, ordinary legal remedies must be exhausted.

In the individual application, judicial review shall not be made on matters required to be taken into account during the process of legal remedies.

Procedures and principles concerning the individual application shall be regulated by laws of Confederal Republic.

(The Constitutional Court in its capacity as the Supreme Court shall try, for offences relating to their functions, the Presidents, Vice-Presidents of the Confederal Republic, Regional Federal Republics and National States, , members of the Council of Ministers; presidents and members of the Constitutional Court, Chief of the General Staff, Commanders in Chief, Justice Council, Court of Human Rights, High Council and Council of State presidents and members, Attorney Generals, Deputy Public Prosecutor, Board of Judges and Prosecutors Chamber of Accounts President and members, with regards to the crimes committed on their duties.)

The Chief Public Prosecutor of the High Court of Appeals or Deputy Chief Public Prosecutor of the High Court of Appeals shall act as prosecutor in the Supreme Court.

Application for judicial review may be made against the decisions of the Supreme Court. Decisions taken by the General Assembly regarding the application shall be final.

Confederal Republic Constitutional Court is the highest degree judicial body of the Confederal Republic as the Supreme Court.

The Constitutional Court shall also perform the other duties given to it by the Constitution.

#### **4. Procedure of functioning and trial**

**ARTICLE 157-** The Constitutional Court consists of two sections and the General Assembly. The sections convene under the chairpersonship of the deputy president with the participation of four members. The General Assembly shall convene with the participation of at least ten members under the chairpersonship of the President of the Constitutional Court or a deputy president designated by the President. The sections and the General Assembly shall take decisions by absolute majority. Committees may be established to examine the admissibility of the individual applications.

The General Assembly shall hear the cases and applications concerning political parties, actions for annulment and objection, and trials where the Constitutional Court acts as the Supreme Court; the sections shall take the decision on individual applications.

Annulment of constitutional amendments, dissolution of political parties, or their deprivation from state aid, shall be decided with a two-thirds majority of members attending the meeting.

Applications for annulment on the grounds of defect in form shall be examined and decided with priority by the Constitutional Court.

The formation of the Constitutional Court, trial procedures of the General Assembly and the sections, disciplinary matters of the President, the deputy presidents, and members shall be regulated by laws of Confederal, Regional Federal and National States; principles of functioning of the Court, formation of the sections and committees, and the division of labor shall be set out by the internal regulations to be drawn up by the Court.

The Constitutional Court shall examine cases without holding a hearing, except where it acts as the Supreme Court. Nonetheless, it may be decided to hold a hearing for individual

applications. When it deems necessary, the Court may also call on those concerned and those having knowledge relevant to the case, to hear their oral explanations, and in lawsuits on dissolution of a political party, the Court shall hear the defense of the chairperson of the political party or of a proxy appointed by the chairperson, after hearing the Chief Public Prosecutor of the High Court of Appeals.

## **5. Annulment action**

**ARTICLE 158-** The Presidents and Assembly members of the Confederal Republic, Regional Federal Republic, National States, two political party groups of the ruling party or parties and of the main opposition party, and a minimum of one-fifth of the total number of members shall have the right to apply for annulment action directly to the Constitutional Court, based on the assertion of the unconstitutionality, in form and in substance, of laws, of decrees having the force of law, of Rules of Procedure of the Confederal and Regional Federal Republics and National States or of certain articles or provisions, thereof.

## **6. Time limit for annulment action**

**ARTICLE 159-** The right to apply for annulment directly to the Confederal, Regional Federal Republics and National States Constitutional Courts shall lapse sixty days after publication in the Official Gazette of the contested law, the decree having the force of law, or the Rules of Procedure of Confederal, Regional Federal and National State Presidents.

## **7. Claim of unconstitutionality before other courts**

**ARTICLE 160-** If a court hearing a case finds that the law or the decrees by Confederal, Regional Federal or National State Presidencies having the force of law to be applied is unconstitutional, or if convinced of the seriousness of a claim of unconstitutionality submitted by one of the parties, it shall postpone the consideration of the case until the Constitutional Court decides on the issue.

If the trial court is not convinced of the seriousness of the claim of unconstitutionality, such a claim, together with the court judgment, shall be decided upon by the competent authority of appeal.

The Constitutional Court shall decide on the matter and declare its judgment within five months of receiving the contention. If no decision is reached within this period, the trial court shall conclude the case under legal provisions in force. However, if the trial court receives the decision of the Constitutional Court until the judgment on the merits of the case is final, the trial court is obliged to comply with it.

No claim of unconstitutionality shall be made with regard to the same legal provision until ten years elapse after publication in the Official Gazette of the decision of the Constitutional Court dismissing the application on its merits.

## **8. Decisions of the Constitutional Court**

**ARTICLE 161-** The decisions of the Constitutional Court are final. Decisions of annulment shall not be made public without a written justification.

In the course of annulling the whole, or a provision, of laws or decrees by Confederal, Regional Federal and National State Presidencies having the force of law, the Constitutional Court shall not act as a lawmaker and pass judgment leading to new implementation.

Laws, decrees of Confederal, Regional Federal and National State Presidents having the force of law, or the Rules of Procedure of the Confederal, Regional Federal and National State Assemblies, or provisions thereof, shall cease to have effect from the date of publication in the Official Gazette of the annulment decision. Where necessary, the Constitutional Court may also decide on the date on which the annulment decision shall come into effect. That duration shall not be more than one year from the date of publication of the decision in the Official Gazette.

In the event of the postponement of the date on which an annulment decision is to come into effect, The Confederal, Regional Federal and National State Assembly shall debate and

decide with priority on the government bill or private members' bill, designed to fill the legal void arising from the annulment decision.

Annulment decisions cannot be applied retroactively.

Decisions of the Constitutional Court shall be published immediately in the Official Gazette, and shall be binding on the legislative, executive, and judicial organs, on the administrative authorities, and on persons and corporate bodies.

### **B. Islamic Union Court of Justice**

**ARTICLE 162-** The "Islamic Union Court of Justice" shall be established within Confederal Republic.

The Court of Justice shall ensure loyalty to the legal affairs within the interpretation and implementation of the Islamic Union Law, regulation of legal relations between the Confederal Republic and National States, as well as legal auditing, interpretation, settlement of disputes, legislation and filling the legal gaps.

The Court of Justice is the last instance for reviewing decisions and judgments given by Court of Appeals within National States. It shall also be the first and last instance court for dealing with specific cases prescribed by law.

Members of the Court of Justice shall be appointed by the High Council of Judges and Prosecutors of Confederal Republic from among first category judges and public prosecutors of the civil judiciary of Confederal Republic, or those considered members of this profession, by secret ballot and by an absolute majority of the total number of members.

The First President, first deputy presidents and heads of departments shall be elected by the General Assembly from among its own members, for a term of four years, by secret ballot and by an absolute majority of the total number of members; they may be re-elected at the end of their term of Office.

The Chief Public Prosecutor and the Deputy Chief Public Prosecutor of the Court of Justice shall be appointed by the President of the Confederal Republic for a term of four years from among five candidates nominated for each office by the General Assembly of the Court of Justice from among its own members by secret ballot. They may be re-elected at the end of their term of Office.

The organization and the functioning of the Court of Justice, the qualifications and procedures of the election of its president, deputy presidents, heads of departments, members, Chief Public Prosecutor and Deputy Chief Public Prosecutor shall be regulated by law by Confederal Republic Assembly in accordance with the principles of the independence of courts and the security of tenure of judges.

### **C. Islamic Union Court of Human Rights**

**ARTICLE 163-** The "Islamic Union Court of Human Rights" shall be established within Confederal Republic.

The Court of Human Rights is the final investigation authority for the judgments taken by the Council of National States. It shall also try certain administrative cases as specified with the laws of Confederal Republic as the courts of first and last instance.

The Court of Human Rights shall be liable for trying the settled cases in Councils of State, stating its opinion with regards to privileges, agreements and contracts on public services within two months, settle administrative disputes, including other duties as specified by law.

3/4 of the members of Court of Human Rights shall be elected from the first category judges and public prosecutors, including those eligible to be recognized under this profession, by the Council of Judges and Prosecutors, while 1/4 of them shall be elected from among those, of which qualifications are prescribed by law, by the Confederal Republic President.

The Chief Judge of Court of Human Rights, Chief Prosecutor, vice chairpersons and heads of departments shall be elected by the General Assembly from among its own members,

for a term of four years, by secret ballot and by an absolute majority of the total number of members; they may be re-elected at the end of their term of Office.

The organization and the functioning of the Court of Human Rights, the qualifications and procedures of the election of its president, deputy presidents, heads of departments, members, Chief Public Prosecutor and Deputy Chief Public Prosecutor shall be regulated by law by Confederal Republic Assembly in accordance with the principles of the independence of courts and the security of tenure of judges.

#### **D. Islamic Union Court of Appeals**

**ARTICLE 164-** The Courts of Appeals shall be established for each state for the final investigation body of civil tribunals in National States, by Confederal Republic.

The Court of Appeals is the final investigation authority for the decisions and judgments taken by the Civil Tribunals, not by another judicial authority, under its area of jurisdiction. It shall also try certain administrative cases as specified with the laws as the courts of first and last instance.

The members of Court of Appeals shall be elected by the Council of Judges and Public Prosecutors of Confederal Republic from among its own members, for a term of four years, by secret ballot and by an absolute majority of the total number of members.

Members of the Court of Appeals shall be appointed by the High Council of Judges and Prosecutors from among first category judges and public prosecutors of the civil judiciary, by secret ballot and by an absolute majority of the total number of members.

The Chief Public Prosecutor and his/her deputy of Confederal Republic shall be elected by the General Assembly of Court of Appeals from among its own members, for a term of four years, by secret ballot and by an absolute majority of the total number of members, ; they may be re-elected at the end of their term of Office.

The organization and the functioning of the Court of Appeals, the qualifications and procedures of the election of its president, deputy presidents, heads of departments, members, Chief Public Prosecutor and Deputy Chief Public Prosecutor of Confederal Republic shall be regulated by law by Confederal Republic Assembly in accordance with the principles of the independence of courts and the security of tenure of judges.

#### **E. Council of State**

**ARTICLE 165-** The Council of State shall be established for each national state as the final investigation body of civil tribunals in National States, by Confederal Republic.

The Council of State is the final investigation authority for the decisions and judgments taken by the Civil Tribunals, not by another judicial authority, under its area of jurisdiction. It shall also try certain administrative cases as specified with the laws as the courts of first and last instance.

The Council of State shall be liable for trying the settled cases in Councils of State, stating its opinion with regards to privileges, agreements and contracts on public services within two months, settle administrative disputes, including other duties as specified by law.

3/4 of the members of Council of State shall be elected from the first category judges and public prosecutors, including those eligible to be recognized under this profession, by the Council of Judges and Prosecutors, while 1/4 of them shall elected from among those, of which qualifications are prescribed by law, by the Confederal Republic President.

The President of Council of State, Chief Prosecutor, vice chairman and heads of departments shall be elected by the General Assembly from among its own members, for a term of four years, by secret ballot and by an absolute majority of the total number of members; they may be re-elected at the end of their term of Office.

The organization and the functioning of the Council of State, the qualifications and procedures of the election of its president, deputy presidents, heads of departments, members, Chief Public Prosecutor and Deputy Chief Public Prosecutor shall be regulated by laws of

Confederal Republic in accordance with the principles of the independence of courts and the security of tenure of judges.

#### **F. Court of Jurisdictional Disputes**

**ARTICLE 166-** The Court of Jurisdictional Disputes shall be established for each national state in order to settle the disputes arising between the judicial courts and administrative justice courts.

The Court of Jurisdictional Disputes shall be empowered to deliver final judgments in disputes between civil, administrative, and military courts concerning their jurisdiction and judgments.

The organization of the Court of Jurisdictional Disputes, the qualifications and electoral procedure of its members, and its functioning shall be regulated by laws of Confederal Republic. The office of president of this Court shall be held by a member delegated by the Constitutional Court from among its own members.

Decisions of the Constitutional Court shall take precedence in jurisdictional disputes between the Constitutional Court and other courts.

#### **III. High Council of Judges and Prosecutors**

**ARTICLE 167-** The High Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges.

The High Council of Judges and Prosecutors shall be composed of Presiding Council, including nine departments affiliated to this council, while each department shall be composed of boards in the number that is equal to the number of National States within Regional Federal Republic, while each board shall be composed comprise three committees, with one president and four members.

The Confederal Republic Minister of Justice is the President of the Council of Judges and Public Prosecutors the Undersecretary to the Ministry of Justice shall be an ex-officio member of the Council. Six of each Board, as the sub-board of the departments in the Council shall be in the first category, and the president shall be elected by the Confederal Republic President by three candidates, suggested by the Presidents of National States from among the administrative justice judges and public prosecutors not losing the qualification, which would cause not being recognized in the first category; while being elected by Confederal Republic Assembly from among seven members of each Board, as the sub-board of the departments in the council, members of Court of Appeals and Council of State, academicians working in the department of law in the higher education institutions, of which qualifications are stated, lawyers, including 3 candidates to be suggested by the Assemblies of National States. It shall be a must for at least one of the members elected from among the academicians and lawyers, to be academician, while one of them shall be a lawyer. The proposals by National State Presidencies concerning the memberships to be elected by Confederal Republic President for each Board, as the sub-board of the departments in the Council shall be submitted to the Confederal Republic Ministry of Justice.

The proposals by National State Assemblies concerning the memberships to be elected by Confederal Republic Assembly for each Board, as the sub-board of the departments in the Council shall be submitted to the Confederal Republic Speaker's Office of the Assembly. Confederal Republic Speaker's Office of the Assembly shall send the applications to the Mixed Commission comprising of the members of Constitution and Justice Commissions. The commission shall designate three members for each membership, with two-third majority of the total member number. In the event that the candidates are not determined on the first ballot,

three-fifth majority of the total member number shall be deemed required. Where the candidate cannot be determined on this ballot, the candidate nomination process shall be completed by lot with regards to two candidates with the most votes for the membership. Confederal Republic Assembly shall hold election with secret ballot method for each member, from among the candidates designated by the Commission. Two-third majority of the total member number shall be required on the first ballot; in the event that the member is not elected in this process, three-fifth majority of the total member number shall be required on the second ballot. Where the member cannot be determined on this ballot, the member election process shall be completed by lot with regards to two candidates with the most votes for the membership.

The members shall be elected for five years. The members, whose terms of Office expired, may be re-elected.

Election of members of the Board, as the sub-board of the departments in the Council shall be held within thirty days before the expiry of the term of office of the members. In case of vacancies for members appointed to the prior to the expiry of the term of office, new members shall be appointed within thirty days following the vacancy.

The regular members of the Council, other than the Minister of Justice and the Undersecretary to the Ministry of Justice of Confederal Republic, shall not assume any duties other than those prescribed by law or be appointed or elected to another office by the Council during their term of office.

The administration and the representation of the Council are carried out by the President of the Council. The President of the Council shall not participate in the work of the chambers. The Council shall elect the heads of chambers from among its members and one Deputy President from among the heads of chambers. The President may delegate some of his/her powers to the Deputy President, to the heads of departments.

The Council shall make the proceedings regarding the admission of judges and public prosecutors of civil and administrative courts into the profession, appointment, transfer to other posts, the delegation of temporary powers, promotion, and promotion to the first category, decision concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office; it shall take final decisions on proposals by the Ministry of Justice concerning the abolition of a court, or changes in the territorial jurisdiction of a court; it shall also exercise the other functions given to it by the Constitution and laws.

Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws, regulations, by-laws and circulars (administrative circulars, in the case of judges); investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behavior and conduct are in conformity with requirement of their status and duties and if necessary, inquiries and investigations concerning them shall be carried out by the Council's inspectors, upon the proposal of the related chambers and with the permission of the President of the High Council of Judges and Prosecutors. The inquiries and investigations may also be carried out by a judge or public prosecutor who is senior to the judge or public prosecutor to be investigated.

The decisions of the Council, other than dismissal from the profession, shall not be subject to judicial review.

A Secretariat General shall be established under the Council. The Secretary General shall be appointed by the Confederal Republic Minister of Justice from among three candidates proposed by the Council from among first category judges and public prosecutors. The Council is empowered to appoint, with their consent, the Council's inspectors, judges, and public prosecutors to temporary or permanent functions in the Council.

The Confederal Republic Minister of Justice is empowered to appoint judges, public prosecutors, judiciary inspectors, and internal auditors from the profession of judge and public prosecutor, with their consent, to temporary or permanent functions in the central, affiliated, or relevant institutions of the Confederal Republic Ministry of Justice.

The election of the members of the Council, formation of the chambers and the division of labor between chambers, the duties of the Council and its chambers, quorum for meetings and decisions, operating procedures and principles, objections to be made against the decisions and proceedings of the chambers and the examination procedure for these objections, and the establishment and the duties of the Secretariat General shall be laid down in laws of Confederal Republic.

#### **IV. Court of Accounts**

**ARTICLE 168-** Court of Accounts shall be established within Confederal and Regional Federal Republics, and also in each National State.

The Court of Accounts shall be charged with auditing, on behalf of the Assemblies of Confederal, Regional Federal Republics and National States, revenues, expenditures, and assets of the public administrations financed by central government budget and social security institutions, with taking final decisions on the accounts and acts of the responsible officials, and with exercising the functions prescribed in laws in matters of inquiry, auditing and judgment. Those concerned may file, only for once, a request for reconsideration of a final decision of the Court of Accounts within fifteen days of the date of written notification of the decision. No applications for judicial review of such decisions shall be filed in administrative courts.

In case of conflict between the decisions of the Council of State and the Court of Accounts, regarding taxes, similar financial obligations and duties, the decision of Council of State shall prevail.

Auditing and final decision on the accounts and acts of local administrations shall be conducted by the Court of Accounts.

The establishment, functioning, auditing procedures, qualifications, appointments, duties and powers, rights and obligations and other personnel matters of the members and guarantees of the President and the members of the Court shall be regulated by laws of Confederal Republic.

## **PART FOUR**

### **Financial and Economic Provisions**

#### **CHAPTER ONE**

##### **Financial Provisions**

##### **I. Budget**

##### **A. Preparation and implementation of the budget**

**ARTICLE 169-** The expenditure of the State and of public corporations, other than state economic enterprises, shall be determined by annual budgets.

The beginning of the fiscal year and the preparation, implementation, and control of the central government budget of Confederal, Regional Federal Republics and National States shall be defined by law. The law may prescribe special periods and procedures for investments relating to development plans, or for business and services expected to last more than one year. No provisions other than those pertaining to the budget shall be included in the Budget Act.

The Presidents of Confederal, Federal Republics and National States shall submit central government budget bill and the report indicating the national budgetary estimates to the Assemblies of Confederal, Regional Federal Republics and National States at least before seventy-five days from the beginning of the fiscal year. The budget bill adopted by the Committee on Budget within fifty-five days shall thereafter be debated and adopted by the Plenary before the beginning of the fiscal year).

In the event that the budget law does not enter into force in the specified period of time, a provisional budget law shall be introduced. Where the provisional budget law cannot be introduced, the previous year's budget shall be utilized as per the re-valuation ratio, until the new budget law is introduced.

During debates in the Plenary on the budget bill, members of the Assemblies of Confederal, Regional Federal Republics and National States shall not make proposals that entail an increase in expenditure or a decrease in revenue.

Members of the Confederal, Federal Republics and National States shall express their opinions, in the Plenary, on public administrations' budgets during the debates on the entirety of each budget; the various chapters and motions for amendments shall be read out and voted without debate.

The appropriation granted by the central government budget of Confederal and Regional Federal Republics, National States shall indicate the limit of expenditure allowed. No provision shall be included in the budget to the effect that the limit of expenditure may be exceeded by a decision of the Presidencies of Confederal, Regional Federal Republics and National States.)

In motions of amendment entailing an increase in appropriations under the budget of the current fiscal year, and, in government bills and private members' bills entailing financial burden in the budgets of the current or following fiscal year, the financial resources to meet the stated expenditure shall be indicated.

Final accounts bills shall be submitted by the Presidents of Confederal, Regional Federal Republics and National States to their Assemblies within six months of the end of the relevant fiscal year. The Court of Accounts shall submit its statement of general conformity to the Assemblies within seventy-five days of the submission of the final accounts bill to which it is related.

The submission of the final accounts bills and the statement of general conformity to the Assemblies of Confederal, Regional Federal Republics and National States shall not preclude the auditing and trial of the accounts for the relevant fiscal year that have not been concluded by the Court of Accounts, and shall not mean that a final decision has been taken on these accounts.



The final accounts bill shall be placed on the agenda of the Committee on Budget together with the budget bill of the new fiscal year.

## **II. Scrutiny of state economic enterprises**

**ARTICLE 170-** The principles governing the scrutiny of the accounts of public institutions and partnerships where more than half of the capital directly or indirectly belongs to the State, by the Assemblies of Confederal and Regional Federal Republics, National States, shall be regulated by law.

## **CHAPTER TWO**

### **Economic Provisions**

#### **I. Planning; Economic and Social Council**

**ARTICLE 171-** Planning the economic, social and cultural development, in particular the rapid, balanced and harmonious development of industry and agriculture throughout the country and the efficient use of national resources by taking inventory of and evaluating them, and the establishment of the necessary organization for this purpose are the duties of the Regional Federal Republics and National States.

Measures to increase national savings and production, to ensure stability in prices and balance in external payments, to promote investment and employment shall be included in the plan; in investments, public interests and necessities shall be taken into account and the efficient use of resources shall be proposed. Development activities shall be realized according to this plan.

The procedure and principles governing the preparation of development plans, their approval by the Assemblies of Regional Federal Republic and National States, their implementation and revision, and the prevention of amendments disrupting the unity of the plan shall be regulated by laws of Regional Republics and National States.

The Economic and Social Council shall be established to provide the Presidents of Regional Federal Republic and National States with consultative opinions in the formulation of economic and social policies in Regional Federal Republics and National States. The establishment and functioning of the Economic and Social Council shall be laid down in laws of Regional Federal Republics and National States.

#### **II. Supervision of markets and regulation of foreign trade**

**ARTICLE 172-** The Confederal Republics and National States shall take measures to ensure and promote the sound and orderly functioning of the markets for money, credit, capital, goods and services; and shall prevent the formation of monopolies and cartels in the markets, emerged in practice or by agreement.

In order to regulate foreign trade for the benefit of the economy of the country, the Presidents of Regional Federal Republics and National States may be empowered by laws of Regional Federal Republics and National States to introduce additional financial impositions on imports, exports and other foreign trade transactions, except taxes and similar impositions, or to lift them.

#### **III. Exploration and exploitation of natural resources**

**ARTICLE 173-** Natural wealth and resources shall be under the authority and at the disposal of the Regional Federal Republics and National States. The right to explore and exploit these belongs to the Regional Federal Republics and National States. The State may delegate this right to persons or corporate bodies for a certain period. Of the natural wealth and resources, those to be explored and exploited by the state in partnership with persons or corporate bodies, and those to be directly explored and exploited by persons or corporate bodies shall be subject to the explicit permission of the laws of Regional Federal Republics and National States. The conditions to be observed in such cases by persons and corporate bodies, the procedure and principles governing supervision and control by the State, and the sanctions to be applied shall be prescribed by laws of Regional Federal Republics and National States.

#### **IV. Forests and the forest villagers**

##### **A. Protection and development of forests**

**ARTICLE 174-** The National States shall enact the necessary legislation and take the measures required for the protection and extension of forests. Burnt forest areas shall be reafforested; other agricultural and stockbreeding activities shall not be allowed in such areas. All forests shall be under the care and supervision of the National States.

The ownership of state forests shall not be transferred. State forests shall be managed and exploited by the State in accordance with the law. Ownership of these forests shall not be acquired by prescription, nor shall servitude other than that in the public interest be imposed in respect of such forests.

Acts and actions that might damage forests shall not be permitted. No political propaganda that might lead to the destruction of forests shall be made; no amnesties or pardons specifically for offences against forests shall be granted. Offences committed with the intention of burning or destroying forests or reducing forest areas shall not be included within the scope of amnesties or pardons.

The reducing of forest areas shall be prohibited, except in respect of areas whose preservation as forests is considered scientifically and technically useless but conversion into agricultural land has been found to be definitely advantageous, and in respect of fields, vineyards, orchards, olive groves or similar areas which technically and scientifically ceased to be forest and whose use for agricultural or stockbreeding purposes has been found advantageous, and in respect of built-up areas in the vicinity of cities, towns or villages.

## **B. Protection of forest villagers**

**ARTICLE 175-** Measures shall be introduced by law to secure cooperation between the National States and the inhabitants of villages located in or near forests in the supervision and exploitation of forests for the purpose of ensuring conservation of forests and their integrity, and improving the living conditions of these inhabitants; the law shall also regulate the exploitation of areas which technically and scientifically ceased to be forests; the identification of areas whose preservation as forest is considered scientifically and technically useless, their exclusion from forest boundaries and their improvement by the National States for the purpose of settling all or some of the inhabitants of forest villages in them, and their allocation to these villages.

The National States shall take measures to facilitate the acquisition of equipment and other inputs by these inhabitants.

The land owned by villagers resettled outside a forest shall immediately be reafforested as a State forest.

## **V. Developing cooperativism**

**ARTICLE 176-** The Regional Federal States shall take measures, in keeping with national economic interests, to ensure the development of cooperativism, which shall be primarily aiming at increase in production and protection of consumers.

## **VI. Protection of consumers, tradespeople and artisans**

### **A. Protection of consumers**

**ARTICLE 177-** The National State shall take measures to protect and inform consumers; shall encourage their initiatives to protect themselves.

### **B. Protection of tradespeople and artisans**

**ARTICLE 178-** The National States shall take measures to protect and support tradespeople and artisans.

## **PART FIVE**

### **Final Provisions**

#### **I. Amending the Constitution, participation in elections and referenda**

**ARTICLE 179-** Amendment to the Constitution shall be proposed in writing by at least one-third of the total number of members of the Confederal Republic Assembly. Bills to amend the Constitution shall be debated twice in the Plenary. The adoption of a bill for an amendment shall require a three-fifths majority of the total number of members of the Assembly by secret ballot.

The consideration and adoption of bills for the amendments to the Constitution shall be subject to the provisions governing the consideration and adoption of laws, with the exception of the conditions set forth in this Article.

The President of the Confederal Republic may send back the laws on the amendments to the Constitution to the Confederal Republic Assembly for reconsideration. If the Assembly readopts, by a two-thirds majority of the total number of members, the law sent back by the President of the Confederal Republic without any amendment, the President of the Confederal Republic may submit the law to referendum.

If a law on the amendment to the Constitution is adopted by a three-fifths or less than two-thirds majority of the total number of members of the Assembly and is not sent back by the President of the Confederal Republic to the Assembly for reconsideration, it shall be published in the Official Gazette and be submitted to referendum.

A law on the Constitutional amendment adopted by a two-thirds majority of the total number of members of the Confederal Republic Assembly directly or upon the sending back of the law by the Confederal Republic President or its articles deemed necessary may be submitted to a referendum by the President of the Confederal Republic. A law on the amendment to the Constitution or the related articles that are not submitted to referendum shall be published in the Official Gazette.

Entry into force of the laws on the amendment to the Constitution submitted to referendum shall require the affirmative vote of more than half of the valid votes.

The Confederal Republic Assembly, in adopting the law on the Constitutional amendment shall also decide on which provisions shall be submitted to referendum together and which shall be submitted individually, in case the law is submitted to referendum.

Every measure including fines shall be taken by law to secure participation in referenda, general elections, by-elections and local elections.

#### **II. Preamble and headings of articles**

**ARTICLE 180-** The headings of articles merely indicate the subject matter of the articles, their order, and the connections between them. These headings shall not be regarded as a part of the text of the Constitution.

#### **III. Entry into force of the Constitution**

**ARTICLE 181-** This Constitution shall be presented to the Assemblies of the respective Countries, with 3/4 majority of Plenary of Confederal Republic Assembly. The Confederal Republic Constitution shall be accepted with 3/4 majority of the thirty-one Plenaries in sixty-one Islamic Countries, or those not achieving the majority, with the absolute majority in the referendum. It shall enter into force after being published in the Official Gazette.

The Confederal and Regional Federal Republic organs shall be constituted within 90 days, after the Confederal Republic Constitution of ASRICA Islamic Countries Union enters into force.

## PART SIX

### Temporary Provisions

#### I. General

**ARTICLE 182- Constituting the Islamic Union is an imperative in our ear. The first requirement is that this necessity is clearly understood by Islamic Ummah. For this;**

**The international principles and practices ensuring the practices of Islamic History, Islamic Jurisprudence, just state government methods of our era, mutual practices of various civilizations, legal systems and basic human rights & freedoms must come to the fore in the Ummah agenda by being analyzed and researched within scientific disciplinary, then the respective organizations required for gathering Islamic Countries under a single will, and the legislation required for these organizations to be operated in harmony, must be stipulated.**

**First of all;**

**“Assembly of Islamic Countries”,** where the mutual will of 61 Islamic Countries must be indissolubly constituted, where the powers, capacities, authorities, structure shall be identified with constitution, laws and regulations. The Constitutions of ASRICA Islamic Countries Union Confederal Republic Constitution must be regulated by the Assembly of Islamic Country.

**“Federation of Islamic Countries”** must be constituted.

After the regulated Constitution is accepted by  $\frac{3}{4}$  majority of Plenary of Islamic Countries’ Assembly, it must be presented to the Assemblies of National States. Following that the Constitution is accepted by thirty one out of sixty one Plenary of the Assembly of Islamic Countries, or where the majority is not constituted, with the absolute majority in the referendum to be held, “ASRICA Islamic Countries Union Confederal Republic” must be proclaimed.

**Then;**

While carrying out the studies for determining the plans, principles and procedures on justice, interior security, defense, defense industry and common foreign policy, as the main responsibilities of the states with regards to the Confederation of Islamic Countries, “Regional Confederal Islamic Republics”, on the other hand, must be formed, where the mutual wills of Islamic Countries that are close to each other geographically, as well as resembling ethnically, under 8 different geography (*Middle East [12States]* , *Middle Asia [8States]*, *Near East [4States]*, *South East Asia [3States]*, *North Africa [6States]*, *East Africa [6States]*, *North West Africa [10]*, *South West Africa [8 States]* *Europe [4States]*):

**After then;**

The central governments of “Regional Confederal Islamic Republics” must be impowered, thus being transformed into Federations, and each must be affiliated to “ASRICA Islamic Countries Union Confederal Republic” as a Confederated Union.

**Lastly;**

Central common will must be represented in “**Chamber of Deputies of Islamic Countries Confederation**”, while the common wills of regional formations being represented in “**Federation Chamber of Deputies of Regional Islamic Countries**”.

The “**executive organs**” as affiliated to these chambers of deputies must be constituted.

The respective governance organization must be constituted for ensuring “**Public Order and Safety**”, while constituting the “**industrial cooperation for production in defense**”, thus organizing the “**defense alliance**”.

The respective organization and “**Economical alliance**” must be constituted for determining and implementing “**Mutual foreign policies**”.

“**Court of Human Rights**” and “**Court of Justice**” must be constituted within the Confederation of Islamic Countries, as well as constituting the “**judicial system**” which comprise of independent courts in national states.

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