

Free Republic of Liberland Constitution draft

Last changed: Thu Apr 23 2015 12:55:22 GMT+0200 (CEST)

Notice: this is NOT a final version of Constitution, it is just a draft!

We, the Citizens of the Free Republic of Liberland, in order to establish justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to ourselves and future generations, do ordain and establish the Constitution of the Free Republic of Liberland, hereinafter “the Constitution”, as its supreme law, deriving its just authority from the law of nature and the consent of the governed. Hereby, the Free Republic of Liberland shall be governed by the Public Administration exercising the legislative, executive and judicial power restricted by the Bill of Rights.

Article I: The Legislative Power

- **§1.** All legislative powers of the Free Republic of Liberland shall be vested in the Citizens of the Free Republic of Liberland, hereinafter “the Citizens”, and the Assembly of the Free Republic of Liberland, hereinafter “the Assembly” which shall exercise it on behalf of the Citizens.
- **§2.** The Assembly shall consist of twenty Assembly Representatives elected by the Citizens in the General Election held every four years.
- **§3.** No Assembly Representative shall hold the office for more than eight years.
- **§4.** The Assembly shall elect the Chancellor of the Free Republic of Liberland, hereinafter, “the Chancellor”, who shall form the Cabinet of the Free Republic of Liberland, hereinafter “the Cabinet”, with the majority of no fewer than eleven votes.
- **§5.** The Assembly shall have the power to withdraw confidence from the Chancellor along with his Cabinet by passing the constructive motion of no confidence with the majority of no fewer than eleven votes, only if there is a majority for a prospective successor; confidence from a single Member of the Cabinet can be withdrawn by passing the ordinary motion of no confidence with the majority of no fewer than eleven votes.
- **§6.** If no Chancellor is elected in accordance with the procedure provided in §4 for more than ninety days, the General Election must be held.
- **§7.** The power to initiate a legislative procedure shall lie with the Cabinet only.
- **§8.** An ordinary Bill shall be passed into law with the majority of no fewer than seventeen votes of the Assembly Representatives subject to the power of general veto by the Citizens as provided in §13 and §14.
- **§9.** A Constitutional Bill proposing an Amendment to this Constitution shall be passed only with the unanimous vote and shall be subject to the power of general veto by the Citizens as provided in §13 and §14.
- **§10.** The Financial Bill containing the provisions of the Annual Budget, the only source of financial provisions for the Free Republic of Liberland, shall be passed with the majority of no fewer than eleven votes.
 - **§10(1)** No provision of the Annual Budget shall provide for more spending than revenue; the budget shall not be with deficit;
 - **§10(2)** No provision of the Annual Budget shall provide for any investment that would be designed mainly to boost the economy and/or create employment and/or maintain employment; nor for acquiring any property by any branch of the Public Authority for purposes other than recognised by this Constitution.
 - **§10(3)** No provision of the Annual Budget shall provide for any form of direct and/or indirect bail out of any legal and/or natural person;
 - **§10(4)** No provision of the Annual Budget shall provide for funding or partial funding of any political party;

- **§10(5)** No provision of the Annual Budget shall provide for funding or partial funding of any form of healthcare services and/or pension schemes.
- **§11.** The Assembly shall regulate its own affairs, determine its own rules of procedure, and choose its own officers, including the Assembly Speaker who shall preside over the business of the Assembly, with the majority of no fewer than eleven votes.
- **§12.** The powers of the Assembly shall be restricted to the following only:
 - **§12(1)** to protect the rights of the people to their persons and property;
 - **§12(2)** to conduct the financial affairs of the Public Administration;
 - **§12(3)** to lay and collect taxes other than personal income tax and/or corporate income tax, subject to the requirement of the mandatory referendum as provided in §15, for one or more of the following purposes only:
 - * **§12(3)(a)** providing for the common defense;
 - * **§12(3)(b)** covering the expenses of the Public Administration;
 - * **§12(3)(c)** maintaining the internal security;
 - * **§12(3)(d)** providing for the Administration of Justice;
 - * **§12(3)(e)** securing and promoting the interests of the Free Republic of Liberia worldwide.
 - **§12(4)** to declare war in defense only of the Free Republic of Liberia, and to make peace, and to raise and support a military force to that end only;
 - **§12(5)** to establish a militia to maintain the internal security;
 - **§12(6)** to vest the appointment of such officers whose appointments are not herein otherwise provided for;
 - **§12(7)** to maintain the system of the Administration of Justice;
 - **§12(8)** to make such laws as shall be necessary for carrying into execution the powers vested by this Constitution in the Assembly provided that no law imposes greater restrictions on the people than absolutely necessary for the attainment of the end;
 - **§12(9)** to assent to the incorporation of any new territories to the Free Republic of Liberia.
- **§13.** Any Bill passed by the Assembly under this Constitution, except for the Financial Bill, shall be subject to the general right of veto by the Citizens as expressed in the referendum.
- **§14.** The referendum provided for in §13 shall be triggered by the request of no less than 3% of the overall number of Citizens, if submitted within ninety days after the Bill was passed by the Assembly, and shall be deemed to veto the legislative proposal if the majority of the Citizens taking part the in that referendum vote ‘No’.
- **§15.** Any Bill proposing taxation and/or taxation-like burdens shall be subject to the mandatory referendum to take place within ninety days after the Bill was passed by the Assembly, and shall be deemed to be vetoed if the majority of the Citizens taking part the in that referendum vote ‘No’.
- **§16.** Any referendum in the Free Republic of Liberia shall be conducted online via the Internet.
- **§17.** Any Bill vetoed by the Citizens in the referendum shall be considered void and shall not be revived.
- **§18.** A Bill shall become the law of the Free Republic of Liberia, and shall be known as “Act”, once it is passed by the Assembly in accordance with the provisions of this Article, and either 90 days have passed and no referendum was conducted in accordance with §13 and §14, or on the day the Bill obtained the assent of the Citizens in referendum.
- **§19.** The law of the Free Republic of Liberia shall enter into force on the day it is signed by the Assembly Speaker, or if unable by another senior officer of the Assembly, which must take place within three working days after a Bill became Act, unless stated otherwise in the Act itself.

Article II: The Executive Power

- **§1.** The executive power of the Free Republic of Liberia shall be vested in the Cabinet.
- **§2.** The Cabinet shall be formed and presided over by the Chancellor, who is the Head of State.

- **§3.** The Chancellor, on behalf of the Cabinet, shall once a year publicly give to the Assembly information on the State of the Republic, and recommend to their consideration such measures as the Cabinet shall judge necessary and expedient thereby initiating a legislative procedure in accordance with the provisions of Article I.
- **§4.** The powers of the Chancellor and the Cabinet shall be restricted to the following only:
 - **§4(1)** to run day-to-day state affairs;
 - **§4(2)** to initiate a legislative procedure including the preparation of the Financial Bill containing the Annual Budget without a budget deficit;
 - **§4(3)** to be Commander in Chief of the military, once the state of war is declared by the Assembly;
 - **§4(5)** to protect and promote the interests of the Free Republic of Liberland worldwide;
 - **§4(6)** to make treaties with the consent of no fewer than nineteen votes of the Assembly Representatives;
 - **§4(7)** to execute in good faith the laws passed by the Assembly;
 - **§4(8)** to produce byelaws in a form of Delegated Instruments under the powers expressly granted to it by Acts of the Assembly.
- **§5.** The Cabinet shall consist of the following Departments only:
 - **§5(1)** Department of Justice
 - **§5(2)** Department of Internal Affairs
 - **§5(3)** Department of Security
 - **§5(4)** Department of Foreign Affairs
 - **§5(5)** Department of Treasury
- **§6.** Each Department shall be headed by the Secretary for the respective Department who shall answer to the Chancellor and the Assembly.
- **§7.** It shall be the duty of the Cabinet to refuse to execute any laws passed by the Assembly in conflict with the Constitution.

Article III: The Judicial Power

- **§1.** The judicial power of the Free Republic of Liberland shall be vested in the Courts of the Free Republic of Liberland.
- **§2** The Courts of the Free Republic of Liberland shall consist of the Civil Court, Criminal Court and the Supreme Court of the Free Republic of Liberland, hereinafter “the Supreme Court”.
- **§3.** The judges of the Courts of the Free Republic of Liberland shall be independent and shall not be removable by any member of the other branches of the Public Administration; and shall regulate their own affairs within a non-departmental body.
- **§4.** The Supreme Court shall be presided over by the Chief Justice of the Supreme Court, and shall be composed of him or her and four others judges called the Justices of the Supreme Court, appointed by the Chancellor for life, and shall reach its decisions by a majority of votes.
- **§5.** The Supreme Court shall hear appeals from the Civil Court and the Criminal Court on the point of law where such appeal was permitted by the Supreme Court.
- **§6.** The criminal offenses shall be prosecuted by the Office of the Public Prosecutor of the Free Republic of Liberland, headed by the Chief Public Prosecutor, on behalf of the Citizens.
- **§7.** The criminal offenses shall be tried in the Criminal Court before a panel of three judges with the panel of Jury to give a verdict of ‘Guilty’ or ‘Not guilty’.
- **§8.** The civil wrongs and the administrative disputes shall be adjudicated in the Civil Court by a panel of three judges.
- **§9.** It shall be the duty of the Judiciary to strike down as void and unlawful any laws in conflict with the Constitution.

Bill of Rights

The Bill of Rights shall constitute the integral part of the Constitution and shall be binding upon all branches of the Public Administration. The following rights shall apply equally to all persons regardless of their citizenship, gender, ethnicity, opinions, religion, national origin, or peaceful lifestyle.

PART I: GENERAL PROVISIONS

- **§1.** The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the Citizens and other residents of the Free Republic of Liberland.
- **§2.** The powers not conferred upon the Public Administration by this Constitution, shall not be exercised by it.
- **§3.** Where illegally obtained evidence is judged to be admissible in court, those who obtained it remain subject to criminal prosecution.

PART II: LEGISLATIVE RESTRICTIONS

- **§4.** No ex post facto law shall be passed.
- **§5.** No Bill of Attainder shall be passed.
- **§6.** No law shall abridge the right of each person to do as he or she chooses with his or her own person and property, so long as he or she does not interfere, by force or fraud, or the threat thereof, with the equal right of others to do as they choose with their own persons and property.
- **§7.** No law shall abridge the right of persons to the control of their own bodies, nor interfere with voluntary consensual or contractual relations among adult persons, or the right to form cooperative ventures of any kind.
- **§8.** No law shall invade the privacy of peaceful persons by unreasonable searches, seizures, storage of personal information without consent of their rightful owners, including but not limited only to the use of digital means, freeze of assets of any natural and/or legal person, otherwise than in pursuit of a Warrant, and only to an extent which is necessary to attain the end; no Warrants shall be issued, but upon probable cause, supported by appropriate order, and particularly describing the place to be searched, and the persons or things to be seized or put under surveillance.
- **§9.** No law shall allow for the private property be fully or partially taken for the public use without the consent of, and mutually agreeable compensation to, the owner.
- **§10.** No law shall create victimless and/or consensual crimes.
- **§11.** No law shall abridge the right of freedom of association; any person may associate or transact with any other person or refuse to associate or transact with any other person for any reason, and the proprietor or lawful possessor of any movable or immovable property may exclude or refuse admission to any other person.
- **§12.** No law shall abridge the freedom of thought and feeling, or their peaceful expression or dissemination, as in speech, press and other media, artistic depiction, or religious practice; nor shall any law promote or hinder any religion, artistic culture, scientific research, gender, specific community.
- **§13.** No law shall abridge the right to assemble peacefully.
- **§14.** No law shall establish the institution of slavery, conscription, indenture, or any other form of involuntary servitude other than the Jury duty, within the Free Republic of Liberland, or in any place subject to its jurisdiction.
- **§15.** No law shall restrict or hamper the free and peaceful movement of persons, goods, or capital within or across the borders of the Free Republic of Liberland.
- **§16.** No law shall abridge the right of any person to use or issue any commodity or item as currency; nor shall the Public Administration of the Free Republic of Liberland engage in any form of monetary regulation or issue.

- **§17.** No law shall abridge the right of self-defense against initiators of aggression, including the agents of the Public Administration where acting unlawfully, including the right, to own, manufacture, sell, and bear arms.
- **§18.** No law shall propose, consent to, or request the incorporation of the Free Republic of Liberia, or any part thereof, to any other jurisdiction.
- **§19.** No law shall regulate the use of any chemical substance so long as the use is not designed to intentionally harm any person without his or her consent.
- **§20.** No law shall impose any obligations as to pursuing and/or obtaining any stage of education by any person; nor shall any law regulate the content of any curriculum used by any school or University at any stage of education.
- **§21.** No law shall establish and/or regulate the institution of marriage.
- **§22.** No law shall oblige any person to acquire any form of insurance and/or pension scheme, nor shall it provide any financial incentive in that respect.

PART III: INDIVIDUAL RIGHTS

- **§23.** The Citizens of the Free Republic of Liberia shall have the access to information which relates to any aspect of the functioning of any body of any branch of the Public Administration which is not classified, and no information shall be classified unless it is absolutely necessary for the purposes of national security.
- **§24.** No excessive bail shall be required, nor excessive fines imposed.
- **§25.** No torture and/or other cruel, unusual, or degrading treatment shall be inflicted by any member of any branch of the Public Administration or with consent and/or knowledge thereof; no person shall be subjected to experiments of any sort without his or her consent.
- **§26.** Convicted criminals shall not have their liberty restricted except so far as is necessary for the protection of others, nor their property seized except so far as it is necessary to make restitution to the victim and/or to pay the costs of the criminal's capture and trial.
- **§27.** No person shall be convicted of an illegal disclosure of classified information if that piece of information proves or could be reasonably believed to be proving that any member of any branch of the Public Administration has breached, remains in breach or intends to breach the law.
- **§28.** No Citizen shall be deprived of the citizenship under any circumstances, nor shall he or she be extradited to another jurisdiction against his or her will.
- **§29.** No Assembly Representative shall be precluded from taking part in any Assembly vote by virtue of being detained prior to his or her trial; no judge of any Court of the Free Republic of Liberia shall be detained on suspicion of any criminal offence unless with an express consent of the Chief Justice of the Supreme Court, or if unable to reach or incapacitated, any other Justice of the Supreme Court.
- **§30.** In criminal cases, the defendant shall have the right to the following:
 - **§30(1)** to a speedy and public trial;
 - **§30(2)** to trial by an impartial jury composed of twelve Citizens;
 - **§30(3)** to be informed of criminal charges;
 - **§30(4)** to confront witnesses and to compel witnesses to appear in court;
 - **§30(5)** to the assistance of legal counsel free of charge where appropriate;
 - **§30(6)** to be presumed innocent until proven guilty;
 - **§30(7)** not to be compelled to be a witness against himself or herself.
- **§31.** No person shall be convicted, sentenced, or imprisoned without due process of law.
- **§32.** A person who has been arrested, detained, imprisoned, tried, or sentenced either illegally or in error shall receive fair restitution.
- **§33.** No person shall be detained without trial for more than twenty-four hours otherwise than in pursuit of a Warrant and no Warrants shall be issued, but upon probable cause, supported by appropriate order and unless it is absolutely necessary for the protection of others, and no detention in pursuit of such a Warrant shall be longer than it is absolutely necessary to bring an accused to trial.

- **§34.** No person shall either before or after trial be held incommunicado.
- **§35.** An accused who does not speak the language in which the criminal proceedings are conducted shall be provided without expense with the services of an interpreter.
- **§36.** No person shall be subject for the same offense to be twice put in jeopardy of a penalty.