

LAW No. 2008/001 OF 14 AVR 2008

**TO AMEND AND SUPPLEMENT SOME PROVISIONS OF
LAW No. 96/6 OF 18 JANUARY 1996 TO AMEND THE
CONSTITUTION OF 2 JUNE 1972**



The National Assembly deliberated and adopted,
the President of the Republic hereby enacts the law
set out below:

SECTION 1 - The provisions of Articles 6 (2) and (4), 14 (3) (a), 15 (1), 53 and 67 (6) of Law No. 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972 are amended and supplemented as follows :

"ARTICLE 6"

(2) (new) The President of the Republic shall be elected for a term of office of 7(seven) years. He shall be eligible for re-election.

(4) (new) Where the office of President of the Republic becomes vacant as a result of death, resignation or permanent incapacity duly ascertained by the Constitutional Council, the polls for the election of the new President of the Republic must be held not less than 20 (twenty) days and not more than 120 (one hundred and twenty) days after the office becomes vacant.

- (a) The President of the Senate shall as of right act as interim President of the Republic until the new President of the Republic is elected. Where the President of the Senate is unable to exercise these powers, they shall be exercised by his Vice, following the order of precedence.
- (b) The interim President of the Republic - the President of the Senate or his Vice - may neither amend the Constitution nor the composition of the Government. He may not organize a referendum or run for the office of President of the Republic.
- (c) However, where the organization of the presidential election so requires, the interim President of the Republic may, after consultation with the Constitutional Council, amend the composition of the Government.

ARTICLE 14

(3) Both houses of Parliament shall meet on the same dates :

(a) (new) in ordinary session during the months of March, June and November each year, when convened by the Bureaux of the National Assembly and the Senate, after consultation with the President of the Republic ;

ARTICLE 15

(4) (new) : In case of serious crisis or where circumstances so warrant, the President of the Republic may, after consultation with the President of the Constitutional Council and Bureaux of the National Assembly and the Senate, request the National Assembly to decide, by law, to extend or abridge its term of office. In this case, the election of a new Assembly shall take place not less than 40 (forty) days and not more than 120 (one hundred and twenty) days following the expiry of the extension or abridgement period.

ARTICLE 51

(1) (new) : The Constitutional Council shall comprise 11 (eleven) members designated for an eventually renewable term of office of 6 (six) years.

These members shall be chosen from among personalities of established professional renown.

They must be of high moral integrity and proven competence.

PART VII – THE COURT OF IMPEACHMENT

ARTICLE 53 (new)

(1) The Court of impeachment shall have jurisdiction, in respect of acts committed in the exercise of their functions to try :

- the President of the Republic for high treason;
- the Prime Minister, members of Government and persons ranking as such and senior government officials to whom powers have been delegated in pursuance of Articles 10 and 12 above, for conspiracy against the security of the State.

(2) The President of the Republic shall be indicted only by the National Assembly and the Senate deciding through an identical vote by open ballot and by a four-fifth majority of their members.

(3) Acts committed by the President of the Republic in pursuance of Articles 5, 8, 9 and 10 above shall be covered by immunity and he shall not be accountable for them after the exercise of his functions.

(4) The organization, composition and the conditions under which matters shall be referred to as well as the procedure applicable before the Court of Impeachment shall be laid down by law.

PART XIII – TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 67

(6) (new): Where the Senate is put in place before the Regions, the electoral college for the election of Senate shall comprise exclusively Municipal Councillors.

SECTION 2. This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French. /-

