

#### Draft Constitution for the New Syria 2024

#### Introduction by the Syrian Center for Legal Studies and Research:

The law emerged with the formation of the state as an essential element, organizing its affairs, including the relationships among people, their rights, and duties, both as individuals and groups. The development of the state, including the rights leading to citizenship, has resulted from the evolution of laws, with the Constitution being the most important among them. The Constitution establishes the rule of law over the ruler and the state, not just over the governed as before. Since its inception, the Constitution has defined and guaranteed rights, enabling it to evolve continuously, responding to the development and progress within the state, protecting its societies, and serving as a broad framework for social principles regarding equality, rights, and culture. This evolution has occurred through a cumulative process over a long historical journey.

Despite the twentieth century witnessing broad enlightenment in human rights globally, the success of transforming these rights into constitutions that protect them has varied between states. This has led to waves of movements demanding the bridging of gaps between states and societies through the call for the universalization of democratic constitutions and their supremacy over governments and society to achieve the rule of law specific to each state. As law in our era, characterized by institutions, law, and international agreements, becomes intertwined with the global human rights movement and as a product of civilization, it has become linked with the humanistic, enlightened culture, valuing equality, justice, and democracy. This impact is evident in the culture of people everywhere on a global scale, as demonstrated by the recurring waves of democratic struggles to adopt these values in countries where their governments have either disrespected them or persistently violated them. This has shown that free laws and their culture can bring about changes in the culture of societies, even in those that, until recently, were dominated

by backward conditions resisting development, equality, justice, human rights, and democracy.

The Constitution, as it has evolved, is not meant to be a social contract agreed upon by the majority while disregarding or marginalizing the rights of minorities. Instead, it is a set of legal principles crafted by experienced and impartial constitutional experts, ensuring that all citizens, regardless of their background, have equal political rights and participation without discrimination based on gender, religion, sect, ethnicity, or political stance. This means that the Constitution should be designed to protect the rights of all without distinction, guaranteeing that the parliamentary majority, which emerges from a democratic vote, can pursue its agenda while safeguarding the rights of the parliamentary minority. This includes preventing any new laws or actions by the majority that would contradict the Constitution or infringe upon the rights of the minority, thereby closing the paths for the minority to eventually become a majority in future elections.

The Constitution, along with the laws derived from it, also ensures the protection of religious, ethnic, and sectarian minorities from the domination of the majority and combats discrimination. This implies that in our society, every citizen's right to run for office and to vote should be guaranteed without discrimination, which is a critical safeguard for the unity of the Syrian community in a post-conflict democratic context. It also ensures that everyone can live freely and equally. Therefore, a democratic constitution enables everyone to enjoy their rights regardless of race, gender, religion, sect, or political stance, allowing them to live in a free space and preventing their confinement to frameworks that lack citizenship while protecting their rights to belief and cultural practice.

The Constitutional Court is responsible for protecting these rights and ensuring the Constitution itself is upheld. Its application is carried out through an elected parliament that legislates and establishes governance based on the highest levels of constitutional development, international law, and human rights charters. At the Syrian Center for Legal Studies and Research, we believe that Syrians are on the verge of creating one of the most modern constitutions in the world. We must draw from the constitutional experiences of Arab, Western, and Eastern countries, learning from their challenges and mistakes while also benefiting from successful experiences that have led to strong, civilized, and advanced states to produce a Syrian Constitution that ranks among the best globally.

To this end, we have organized ten workshops on constitutional culture, attended by approximately two hundred Syrians from various ages, regions, religions, sects, and ethnicities. Based on the discussions and ideas exchanged in these workshops, we have concluded a draft Constitution, which we present to the Syrian people to build the Syria that they called for when they first cried out: "Freedom, Freedom," with the aim of laying the foundations and mechanisms to protect our future from repeating past mistakes and as a means to revive the national spirit and begin halting the current deterioration. Therefore, we hope that the discussion of this project is not based on what we are experiencing today, with its accompanying pain, bitterness, and frustration, but rather on what we aspire for our children and grandchildren: to live in a homeland they are proud of and that guarantees all their rights.

We also hope that this project, through the invitation to participate in its discussion, revision, and maturation, will serve as a beacon and a shelter for all forces committed to freedom and democracy, and as a document for uniting their efforts in building a unified vision for the future.

#### Lawyer Anwar Al-Bunni

President of the Syrian Center for Legal Studies and Research

#### The Constitution of the Syrian Republic 2024

#### **Introduction (Preamble)**

Throughout Syria's history, since its declaration as a state after World War I under the name of the Kingdom of Syria, there have been numerous constitutions. Unfortunately, none of these constitutions have succeeded in establishing a democratic state with functioning institutions. The French mandate nullified the 1928 Constitution, and subsequent governments after independence imposed various constitutions that reflected their respective agendas. However, for both subjective and objective reasons, these attempts failed to create a democratic society and institutions to protect democracy, despite some efforts in that direction.

The union with Egypt in 1959 led to the establishment of a security state, further entrenched by successive coups, particularly the Ba'ath Party's coup in 1963 and Hafez al-Assad's coup in 1970. This resulted in decades of autocracy in Syria, during which the people were deprived of their freedoms, silenced, and forced into exile. The situation worsened when Hafez al-Assad enshrined in his 1972 Constitution the dominance of the security apparatus, through constitutional provisions that explicitly legitimized his personal dictatorship.

Since the outbreak of the Syrian revolution against autocracy in 2011, with demands for freedom and dignity as basic human rights, the Syrian people have paid a heavy price. The regime's brutal repression has led to the detention of nearly a million Syrians, the killing of many under torture, and the displacement of more than half of the Syrian population through systematic criminal acts, including indiscriminate bombings and the use of weapons of mass destruction, including chemical weapons. The regime also destroyed a third of the country's infrastructure and facilitated the rise of extremist groups, shifting the conflict from a political and rights-based struggle to one driven by sectarian ideologies.

As we attempt to outline the fundamental principles for Syria's future and that of coming generations, we are in dire need of promoting a legal culture that adheres to new values aimed at rebuilding Syrian society and setting it on the path of development so that it may regain its rightful place in the building of human civilization. Most importantly, this effort is crucial to eliminating the destructive

effects of the past decades by addressing and healing the wounds and traumas inflicted on society.

Our goal is to draft a constitution that serves as a unifying framework under which all Syrians who believe in democracy can come together to establish mechanisms that will halt the ongoing deterioration and embark on the path of democratic change. In drafting this Constitution, we have drawn inspiration from the latest achievements of humanity in terms of laws and regulations that seek to protect human rights, dignity, and life, including the Universal Declaration of Human Rights and international human rights treaties.

We believe that no state can truly exist without free citizens, and its goal should be to ensure the well-being of its citizens rather than sacrificing them for the sake of retaining power. We have also taken into account the rich ethnic, religious, and sectarian diversity in Syria, spread across its entire territory. We found that the establishment of a senate representing all ethnicities, religions, and sects in Syria on an equal basis is essential for ensuring security, participation, and decision-making for all.

We have also adopted federalism as a form of geographical administration that strengthens the country, enhances the citizens' sense of belonging, fosters cohesion, and allows for effective participation in governance. Federalism serves as a safeguard against the centralization of power and the re-emergence of dictatorship.

Our aim is to build a new Constitution that embodies the fundamental values of respecting human rights and dignity, re-establishes democracy in Syria, and breaks with the autocratic past. It should also contribute to rebuilding trust among Syrians and address the deep divisions and damage caused by the violence and backward ideologies of recent years. This Constitution will provide a platform for all Syrians to exercise their rights, participate in rebuilding their country, and secure a future that they deserve.

In this context, we have relied on the highly consensual values agreed upon by Syrians—political parties and individuals—during the Cairo 2012 meeting as a foundational document that reflects the principles upon which the Constitution should be based.

In line with these principles, our vision for the Constitution reflects the aspirations we have for Syria in the future, rather than the bleak reality we currently live in. We have laid down the fundamental principles that govern the state and protect human beings, leaving ample space for future political movements to engage with and develop this project. In other words, we are committed to ensuring that the draft Constitution does not reflect the current state of decline and fragmentation but rather embodies the hopes we have for our children, grandchildren, and future generations—a framework for their complete freedom in choosing their lives, leading their future, and developing their country.

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#### Syrian Constitution Part One Chapter One Fundamental Rights

- Article 1: Human dignity is inviolable, and all state authorities are obligated to respect and protect it.
- Article 2: The Syrian people believe that human rights are inalienable and cannot be violated or surrendered. These rights are a fundamental basis for human coexistence in all societies as well as for peace and justice in the world.
- Article 3: The legislative, executive, and judicial authorities are bound by the fundamental rights mentioned in the following articles, which are considered binding laws.
- Article 4: Every individual has the right to freely develop his or her personality as long as this does not infringe upon the freedoms or rights of others, violate the Constitution, or contravene public morals.
- Article 5: Every person has the right to life and personal and bodily integrity. No person's freedom may be violated or interfered with except by judicial decision.

Article 6: All people are equal before the law.

- Article 7: Men and women are equal before the law, and any discrimination between them is prohibited. The state shall work to eliminate any shortcomings in this regard.
- Article 8: No one shall be discriminated against or harmed because of their gender, lineage, race, origin, or religious and political beliefs. No one shall be harmed because they are disabled or have special needs.
- Article 9: Freedom of belief and conscience is inviolable.
- Article 10: The state guarantees the safe practice of religious rituals.

- Article 11: Every person has the right to express and publish their opinions through speech, writing, or imagery and to access information from publicly available sources without obstruction.
- Article 12: Freedom of the press and media coverage through print, audio, and visual means is guaranteed, and censorship may only be imposed by judicial order. These rights are subject to the restrictions of laws protecting minors, public security, and personal rights.
- Article 13: The freedom of arts, sciences, research, and education is guaranteed, provided it does not contravene the Constitution.
- Article 14: No one shall be tried except before the regular judiciary, and trials must meet the conditions of fair trials. Extraordinary courts are prohibited.
- Article 15: Every Syrian man and woman has the right to hold public office with no preference given to anyone except based on academic qualifications, experience, or competence. The law shall define the method of assuming public positions.
- Article 16: Torture and degrading treatment in all its forms are prohibited, and the law shall punish those who commit such acts.
- Article 17: The right to property is protected by the Constitution, and confiscation is not allowed. Expropriation is only permissible for public benefit with fair compensation and under judicial oversight.
- Article 18: The state is responsible for education, which is guaranteed and free until the completion of basic education. Private schools may be established for levels beyond elementary education, provided they obtain prior approval and meet the standards of public education in terms of teaching staff, the economic and professional level of the school, and the environment. Discrimination based on the financial status of parents is prohibited.
- Article 19: Peaceful, unarmed assembly is allowed without the need for notification or a permit. If the assembly takes place in public areas, notification and approval are required to protect the assembly and prevent harm to the rights or freedoms of others.

Article 20: All Syrians have the right to form associations, unions, and syndicates.

- Article 21: Associations, unions, and syndicates are prohibited if their objectives or activities violate criminal laws, oppose the Constitution and its provisions, or are contrary to the principles of understanding among the components of the Syrian people.
- Article 22: The right to form political parties is guaranteed, and the law shall regulate their establishment and operation. Political parties must not target a specific religion, sect, or ethnicity. Their objectives must be lawful, their means peaceful, their internal regulations democratic, and their sources of funding declared and transparent.
- Article 23: The secrecy of letters, postal correspondence, and communications shall not be violated except with judicial authorization and in emergencies that pose an imminent threat to the security of the state or regions.
- Article 24: Work is a right and duty for every citizen, and the state shall strive to secure employment opportunities and establish a fair social security system.
- Article 25: The law guarantees the rights of individuals and organizations to protect their literary, intellectual, and scientific property.
- Article 26: Taxes shall be imposed on a fair, progressive basis that achieves social justice and provides the state with resources to deliver public services.
- Article 27: Economic freedom is protected and may not be restricted except when it threatens the state's existence or its economic foundations.
- Article 28: All Syrians have the right to move and reside anywhere in Syria. This right may only be restricted or revoked by judicial decision or in the case of an imminent and serious threat.
- Article 29: The sanctity of homes shall not be violated, and they may not be searched except by judicial order or in cases of imminent danger.
- Article 30: Citizenship may not be withdrawn or revoked except by judicial decision, and it cannot be withdrawn or revoked if it would result in the person becoming stateless.

Article 31: Anyone who uses the freedom of expression—especially the freedom of the press, freedom of education, freedom of assembly, freedom of association, the secrecy of letters, postal correspondence, and communications, the right to private property, or the right to political asylum—to fight against the democratic system and the Constitution shall lose their right to enjoy fundamental rights. The Constitutional Court shall be responsible for issuing the ruling on this deprivation, its duration, and its scope.

#### **Chapter Two**

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Article 32: Syria is a sovereign federal democratic republic.

- Article 33: Syria is rich in ethnic, religious, and sectarian diversity. All citizens have equal rights and duties without any discrimination.
- Article 34: Syria is a geographically indivisible political unit, and no part of its territory may be relinquished.
- Article 35: The Syrian homeland is part of regional, Arab, and international systems.
- Article 36: Sovereignty belongs to the people, and no individual, group, or party may monopolize or claim it. The people exercise their sovereignty through democratic elections governed by a general, fair, transparent, and impartial electoral law.
- Article 37: Language is a means of communication, not an expression of identity. Therefore, the official language of the state is Arabic, but all ethnic groups have the right to speak, learn, and teach in their own languages and to promote their cultural heritage.
- Article 38: Syria adopts a federal system.
- Article 39: A special committee elected by the first elected Parliament shall determine the design, color, emblem, and anthem of the state, provided they do not contain symbols representing a particular sect, ethnicity, or religion. These must be approved by a two-thirds majority in both the House of Representatives and the Senate.

- Article 40: The federal regions have the right, if they choose, to select their own flags that reflect the history and culture of the region, which shall be flown alongside the state flag.
- Article 41: The capital of the Syrian Republic is Damascus, and the locations of the federal states' seats shall be determined by law.
- Article 42: Syria is a state that respects human rights and democratic principles, and no legislation or law that violates these rights may be enacted.
- Article 43: International agreements take precedence over national laws.
- Article 44: The highest consensual values are the reference for all articles of this Constitution, and no provision may violate them in any way.

#### Part Two Legislative Authority

- Article 45: The people are the source of all authority, which they exercise through the three branches: executive, judicial, and legislative.
- Article 46: The legislative authority is vested in a bicameral system consisting of the House of Representatives and the Senate, both of which are elected through general, secret, and direct elections.
- Article 47: Elections for the House of Representatives and the Senate shall be secret, general, direct, and free. The independent electoral commission organizes and oversees the election process.
- Article 48: Candidacy applications are submitted to the independent electoral commission, which organizes and oversees the election process.
- Article 49: Powers of the House of Representatives include:
  - 1. Legislating laws.
  - 2. Ratifying international agreements.

- 3. Approving the general budget.
- 4. Supervising and holding the government accountable.
- 5. Selecting members of the Supreme Constitutional Court and the bodies stipulated in the Constitution.
- 6. Impeaching the President of the Republic.
- Article 50: No law shall be valid unless it is ratified by both the House of Representatives and the Senate.
- Article 51: The House of Representatives consists of 250 members.
- Article 52: In the first instance, half of the members are elected through singlemember districts (one vote per representative), and the other half are elected through party or group lists based on electoral programs, with Syria considered as one electoral district.
- Article 53: The electoral law to be determined by the future House of Representatives will outline the electoral process for future assemblies.
- Article 54: The Senate consists of 30 members elected in Syria as a single electoral district, with each citizen voting for two members. The composition of the Senate is as follows:
  - Two Sunni Muslim members
  - Two Druze Muslim members
  - Two Ismaili Muslim members
  - Two Alawite Muslim members
  - Two Shia Muslim members
  - Two Catholic Christian members
  - Two Orthodox Christian members
  - Two Evangelical Christian members
  - Two Jewish members
  - Two Kurdish members
  - Two Turkmen members
  - Two Armenian members
  - Two Assyrian–Syriac members
  - Two Yazidi members
  - Two Circassian members

Article 55: Powers of the Senate include:

- 1. Ratifying laws passed by the House of Representatives.
- 2. Supervising the Audit Bureau.
- 3. Carrying out any other duties assigned by the Constitution.
- Article 56: The electoral law guarantees the freedom, integrity, secrecy, and universality of elections, as well as judicial, civil, and international oversight.
- Article 57: A representative represents the entire people and cannot have their mandate restricted by any condition or limitation. They must perform their duties guided by their conscience, honor, and the interest of the people.
- Article 58: The term of the House of Representatives is four full years, beginning from the date of the announcement of election results for the first time and subsequently from the expiration of the previous term. Elections must be held at least sixty days before the end of the previous term.
- Article 59: The term of the Senate is four years, beginning from the date of the announcement of election results for the first time and subsequently from the expiration of the previous term. Elections must be held at least sixty days before the end of the previous term.
- Article 60: The House of Representatives and the Senate are convened for their first session within twenty days of the start of their terms, called by the President of the General Assembly for the first session and by the President of the Republic for subsequent sessions.
- Article 61: Voters are all Syrian men and women who have reached the age of twenty on the day of the election and are not deprived of their civil rights.

Article 62: Elections are held on a public holiday.

- Article 63: Military personnel are not entitled to vote in parliamentary elections.
- Article 64: Public employees are not eligible to run for office until two years after leaving their public position.
- Article 65: Candidates must be at least 30 years old and hold at least a high school certificate.
- Article 66: The internal regulations of the House of Representatives shall determine the schedule, procedures for meetings, and methods of voting.
- Article 67: The Speaker of the House of Representatives or the Senate, at the request of the President of the Republic or upon the request of one-third of the members, may call for an extraordinary session.
- Article 68: Members of Parliament (MPs) shall not be held criminally or civilly liable for their opinions, statements made in the council, voting in public and secret sessions, or committee work except in cases of defamation or insult.
- Article 69: MPs enjoy parliamentary immunity during their term of office. They cannot be prosecuted or pursued criminally, nor can any criminal sentence be enforced against them without the council's approval, which requires a majority vote of those present, except in cases of being caught in the act. The council must be informed of any actions taken against an MP.
- Article 70: MPs have the right to refuse to testify about persons who have confided in them as MPs, and no documents may be seized in the exercise of this right.
- Article 71: The council may request the suspension of any legal or judicial proceedings against any MP, including suspension of arrest or any measures that limit their personal freedom.

- Article 72: The Speaker of the Council exercises authority over all council buildings and the police forces assigned to protect them. No searches or seizures may occur within these buildings without the Speaker's authorization.
- Article 73: A member's parliamentary status is forfeited in the event of death, a final judgment of incompetence, conviction of a felony, or any other incident that causes the loss of one of the eligibility conditions stipulated in the electoral law.
- Article 74: Before assuming their duties, MPs shall take the following oath before the council:
- "I swear by God and my honor to respect the constitution, defend the independence of the homeland and the rights and freedoms of the people, respect and apply the laws, and perform my parliamentary duties with honor, honesty, sincerity, and integrity."
- Article 75: MPs cannot hold their parliamentary position while also serving in the executive or judicial branches, nor can they exploit their position for any personal business. The law will specify the activities that are incompatible with parliamentary duties.
- Article 76: MPs are granted appropriate compensation determined by the council's budget, enabling them to focus on their duties and ensuring their independence in opinion and action. They are also entitled to free use of state transportation.
- Article 77: If a parliamentary seat becomes vacant for any reason, a new MP shall be elected to fill the seat within two months of the vacancy, provided that the remaining term of the council is not less than six months. The new MP's term ends with the council's term.
- Article 78: The council's internal regulations determine the schedule of sessions, meetings, memoranda, questioning procedures, voting, the responsibilities of offices and committees, and all other matters.
- Article 79: The internal regulations have the force of law and may only be amended in accordance with the procedures outlined within them.

- Article 80: The council has its own special guard under the command of the Speaker of the Council, and no other armed force is allowed to enter or approach the council premises except at the Speaker's request.
- Article 81: The first session of the council is chaired by the oldest member, and the youngest member serves as the secretary. The Speaker of the Council, a Deputy Speaker, and a Secretary are elected according to the internal regulations.
- Article 82: The Speaker of the Council is elected by an absolute majority of the members. If this majority is not obtained, the election is decided by a majority of those present in the second round, and in the third round, a relative majority suffices.
- Article 83: The Speaker of the Council presides over the council's sessions, oversees voting, represents the council externally, and calls for meetings but does not have a casting vote.
- Article 84: The council sessions shall not be convened unless 60% of the members are present. The internal regulations shall specify the responsibilities and consequences for members who are absent without a valid excuse.
- Article 85: Council sessions are public; however, the council may decide, at the request of the President of the Republic or at least one-quarter of the MPs, to hold secret sessions to discuss specific matters. This decision is made by a secret vote and requires a majority of those present.
- Article 86: The minutes of the public sessions shall be published in the official gazette.
- Article 87: Voting shall be conducted secretly in the manner specified by the internal regulations, and only the present members may vote.
- Article 88: The council shall make its decisions by an absolute majority unless the constitution or internal regulations provide otherwise. If the votes are tied, the proposed measure is considered rejected.
- Article 89: The President of the Republic, as well as ten members of the council, have the right to propose bills.

- Article 90: Proposed bills shall be referred to the relevant committees for approval before being presented to the council.
- Article 91: The House of Representatives may not relinquish its legislative authority or delegate it to anyone else.
- Article 92: If the House of Representatives rejects a proposed law, it cannot be resubmitted to the council for at least six months.
- Article 93: Once the House of Representatives passes a law, it shall be referred to the Senate for approval after review by the relevant committees. Following this, it is sent to.
- Article 94: If the President of the Republic deems it necessary to reconsider the law, it shall be returned to the council within the specified period, along with an explanatory memorandum outlining the objections.
- Article 95: The House of Representatives shall hold a session to discuss the President's objections. If the objections are accepted, the law shall be amended and sent back to the Senate and then to the President. If the objections are rejected and the council insists on the original bill, it shall be returned to the President, who must issue it. If the President delays or refuses to issue the law, the Speaker of the Senate shall issue the law instead.
- Article 96: If any member of the council objects to the constitutionality of a law before it is issued, claiming it contradicts the constitution, the law shall be referred to the Constitutional Court and its discussion will be suspended until the court issues its decision within ten days of receiving it. If the law is urgent, the Constitutional Court must issue its decision within three days.
- Article 97: If the Constitutional Court finds a constitutional violation in the proposed law, it shall be returned to the House of Representatives to correct the violation.
- Article 98: The government must be represented in council sessions, upon the Speaker's invitation, by its head or relevant members concerning the laws under discussion or the topics of the sessions. They have the right to speak but not to vote.

- Article 99: The Speakers of the House of Representatives and the Senate have the right to summon the Prime Minister or any minister to answer their questions in a public session.
- Article 100: Every member of the House of Representatives has the right to direct questions to the government, and the government must respond within a maximum period of one month from the date the question is raised.
- Article 101: The council has the right to withdraw confidence from one or more ministers or the entire government by a majority vote.
- Article 102: A no-confidence motion must be submitted by at least twenty members following the proper procedures, and it cannot be discussed until two days after its submission.
- Article 103: The House of Representatives shall elect a committee to consider complaints submitted by citizens. The committee is responsible for addressing each complaint and informing the complainant of the outcome.
- Article 104: The Senate shall appoint a deputy commissioner to the Ministry of Defense and a deputy commissioner to the Ministry of Interior. It shall also elect a committee to oversee the activities of the intelligence and security agencies.
- Article 105: The President of the Republic, as well as fifty members of the House of Representatives, have the right to request the dissolution of the House of Representatives and the holding of early elections.
- Article 106: The request is submitted to the Constitutional Court, which reviews the circumstances and legitimacy of the request and then refers it to the Senate for a vote requiring an absolute majority.
- Article 107: If the vote is in favor, the House of Representatives is dissolved, and early elections are held to elect a new House of Representatives.
- Article 108: The House of Representatives has the right to request the impeachment of the President of the Republic if he/she commits serious violations beyond the scope of their powers.

- Article 109: The impeachment request must be submitted by at least fifty members and approved by a two-thirds majority of the House of Representatives.
- Article 110: If the President of the Republic is impeached, the Speaker of the Senate temporarily assumes the President's duties until a new President is elected within two months from the date of impeachment.

#### Part Three Chapter One The Executive Authority

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- Article 111: The President of the Republic is the head of state.
- Article 112: The President exercises executive authority on behalf of the people and within the limits specified by the constitution.
- Article 113: The President of the Republic is elected by the people through a general, direct, and secret ballot.
- Article 114: Every citizen has the right to run for the presidency, provided the candidate is at least forty years old, is Syrian by birth, has resided in Syria for no less than twenty-five years, and meets the eligibility criteria for parliamentary candidacy.
- Article 115: The candidacy application is submitted to the independent electoral commission, and its decision to accept or reject the application is subject to appeal before the Constitutional Court.
- Article 116: The candidate who receives the majority of votes from the electorate is declared the winner. If no candidate secures a majority, a second round of elections is held between the two candidates with the highest votes in the first round, and the candidate with the highest votes in the second round is declared the winner.

- Article 117: The election is held at least two months and no more than four months before the expiration of the current President's term.
- Article 118: The term of office for the President of the Republic is five years. The President assumes office on the day the previous President's term ends. The President may only be re-elected for one additional term.
- Article 119: The President may not simultaneously hold the office of a member of Parliament.
- Article 120: Before assuming office, the President-elect shall take the following oath before the House of Representatives: *"I swear by Almighty God to respect and uphold the constitution of the country, to respect and apply the laws, to preserve the republican system, to safeguard the independence, unity, and territorial integrity of the country, and to be faithful to the rights, freedoms, and interests of the people."*
- Article 121: The President of the Republic is accountable for breaches of the constitution, committing a felony that threatens the safety and security of the country, or for acts of treason.
- Article 122: The President shall be tried for the aforementioned crimes before the Constitutional Court.
- Article 123: The referral of the President to the Constitutional Court is initiated by a decision made in a joint session of the House of Representatives and the Senate, requiring an absolute majority of the members and based on a request submitted by one-quarter of the members of the House of Representatives.
- Article 124: The vote on referring the President to the court is conducted in a special session convened specifically for this purpose.
- Article 125: Once the President is referred to the Constitutional Court, they must step down from their duties, and the Vice President will temporarily take over until the Constitutional Court reaches a decision.
- Article 126: The President's resignation does not preclude prosecution.

- Article 127: Legal action against the President for ordinary crimes is put on hold until one year after their term ends. Following this period, judicial proceedings can commence, and the time during which the proceedings were suspended is not included in the statute of limitations.
- Article 128: The President of the Republic shall appoint a Vice President with the approval of the Senate.
- Article 129: The Vice President shall perform the tasks assigned by the President and shall act on behalf of the President in case of temporary absence.
- Article 130: The President of the Republic is authorized to grant a special pardon when it is deemed to be in the country's best interests.
- Article 131: If the presidency becomes vacant due to the President's death, loss of legal capacity, resignation, or conviction by the Constitutional Court, the President of the Senate shall assume the presidential duties. The House of Representatives shall convene to set a date for elections within a maximum of two months from the vacancy.
- Article 132: The President of the Republic appoints the Prime Minister and ministers, dismisses them and accepts their resignations.
- Article 133: The newly formed government must present its program to the House of Representatives within a month of its formation and must receive the confidence of the House by a majority of those present.
- Article 134: If the House does not grant confidence to the government, the government must resign and be reformed.
- Article 135: The President of the Republic and the Prime Minister are jointly responsible to the House of Representatives for the general policy and the implementation of the program upon which they received confidence.
- Article 136: The Council of Ministers is responsible for all state departments and meets under the chairmanship of the Prime Minister or the President of the Republic to make all decisions related to the administration of the state.

- Article 137: Ministers have the right to attend parliamentary sessions, speak in them, and seek assistance from experts of their choosing.
- Article 138: During their term in office, ministers are prohibited from purchasing or leasing state property, even through public auction. They cannot enter into contracts with public administrations either personally or through intermediaries and cannot serve as members of any board of directors. This list may be expanded by law.
- Article 139: The law shall define the system of the Prime Minister's office, the Council of Ministers, and the responsibilities of each minister.

# Chapter Two The President of the Republic

Article 140: Powers of the President of the Republic:

- 1. Represents the state in relations with other countries and international organizations.
- 2. Signs and ratifies treaties after approval by both the House of Representatives and the Senate.
- 3. Heads the executive branch, appoints the Prime Minister and ministers, and determines the state's general policy.
- 4. Appoints the heads of Syrian diplomatic missions abroad and accepts the foreign diplomatic credentials of representatives in Syria.
- 5. Assues regulatory decrees and decisions necessary for the administration's operations.
- 6. Issues decrees and laws referred to by the Senate.
- 7. Declares and terminates a state of emergency after consulting the Speakers of the House of Representatives and the Senate. The state of emergency must not exceed one month and must be renewed by a law passed by both the House of Representatives and the Senate by a majority of their members.
- 8. Commands the army and armed forces but cannot declare war without the approval of both the House of Representatives and the Senate by a two-thirds majority.

- 9. In the event of a military attack on the country, the President may take measures to respond to the aggression and must keep the council informed of developments.
- 10. Submits proposals for laws and legislative decrees to the House of Representatives.
- 11. Requests the dissolution of the House of Representatives from the Supreme Constitutional Court.

## Part Four Judicial Authority Chapter One The Supreme Constitutional Court

- Article 141: The Supreme Constitutional Court shall be formed within one month after the first Parliament's election following the constitution's adoption.
- Article 142: The Supreme Constitutional Court shall consist of seven members elected by the Senate by an absolute majority from a list of fourteen names. This list is voted on by the House of Representatives after being proposed by a special committee formed in the House of Representatives for this purpose.
- Article 143: Candidates must be at least forty-five years old, hold a law degree, and possess the necessary qualifications, competence, and at least fifteen years of experience in practicing law.
- Article 144: The election shall take place in a special session within ten days of receiving the list from the House of Representatives, and at least two-thirds of the Senate must be present.
- Article 145: If the quorum is not met, the session is postponed to another date to be set within one week of the first session.

- Article 146: The candidates who receive the highest number of votes shall be elected.
- Article 147: Members of the Supreme Constitutional Court may not hold any governmental or parliamentary office simultaneously. The law shall specify the activities that members of the Supreme Court are prohibited from engaging in.
- Article 148: The term of a member of the Supreme Constitutional Court ends upon death, resignation, or loss of legal eligibility.
- Article 149: A member of the Supreme Constitutional Court may be removed if they commit a felony or serious violations. This is done by a decision of the Senate by an absolute majority based on a request submitted by the President of the Republic or the Attorney General.
- Article 150: The members of the Supreme Constitutional Court shall elect a President of the Court from among themselves by a majority vote. The President does not have a casting vote.
- Article 151: When a vacancy occurs in the Supreme Constitutional Court for any reason, a replacement shall be elected in the same manner as outlined in the previous articles.
- Article 152: The President and members of the Supreme Constitutional Court shall take the following oath before the Senate and the House of Representatives in a special session attended by the President of the Republic:

"I swear by Almighty God to respect and uphold the country's constitution, the supreme consensual values, and to fulfill my duties with impartiality and integrity."

- Article 153: The Supreme Constitutional Court shall have final authority to consider and rule on the following matters:
  - 1. Interpretation of the Constitution.
  - 2. Determining the constitutionality of laws referred to by the President of the Republic, the House of Representatives, the courts, or by a complaint from trade unions, civil associations, or citizens if their fundamental rights are violated.

- 3. Trial of the President of the Republic.
- 4. Electoral disputes.
- 5. Appeals related to the formation or denial of registration of political parties and associations.
- 6. Resolving disputes between the central authority and the federal regional authorities.
- 7. Deciding on the request to dissolve the House of Representatives submitted by the President of the Republic or fifty members of the House of Representatives, with dissolution occurring upon its approval.
- 8. Any other matters that fall within its jurisdiction as outlined in the constitution.

#### Chapter Two The Judicial Authority

- Article 154: The judiciary is an independent authority headed by the Supreme Judicial Council.
- Article 155: Judges are independent and subject to no authority in their judicial decisions other than the law.
- Article 156: The honor, conscience, impartiality, and independence of judges are guarantees for the rights and freedoms of the people.
- Article 157: Before assuming office, a judge must take an oath to judge fairly among people and apply the Constitution and laws.
- Article 158: Judgments are issued in the name of the people and must be reasoned.
- Article 159: The Supreme Judicial Council is composed of eleven members as follows:
  - 1. The President of the Supreme Constitutional Court as the Chairperson.
  - 2. Two members of the Supreme Constitutional Court elected by the court members.

- 3. The President of the Court of Cassation and its most senior member.
- 4. Two appellate judges are elected by their peers through secret and direct voting.
- 5. A lawyer nominated by the Bar Association.
- 6. Three prominent and qualified social figures were nominated by the Senate by an absolute majority.
- Article 160: The Supreme Judicial Council oversees all courts in the country.
- Article 161: The Supreme Judicial Council is responsible for naming the courts, distributing their jurisdictions, and supervising their operations.
- Article 162: The Supreme Judicial Council allocates cases among the courts, determines their number, location, and distribution, and appoints their judges.
- Article 163: The council addresses complaints against judges and takes appropriate actions.
- Article 164: A judge may not be transferred or dismissed except at their request or by a reasoned decision of the Judicial Council.
- Article 165: The term of the elected members of the Supreme Judicial Council is ten years.
- Article 166: The President and members of the Supreme Judicial Council shall take the following oath before the House of Representatives in a special session attended by the President of the Republic: "I swear by Almighty God to respect the country's Constitution, apply its laws, and fulfill my duties with impartiality and integrity."
- Article 167: The budget of the Supreme Judicial Council is determined from the general budget, and the council sets the salaries and allowances of judges.

#### Chapter Three The Public Prosecution

- Article 168: The Public Prosecution is a unified judicial institution operating under the supervision of the Ministry of Justice and is headed by the Attorney General.
- Article 169: The President of the Republic appoints the Attorney General, who assumes office after receiving approval from the Senate.
- Article 170: The President has the authority to dismiss the Attorney General.
- Article 171: The Attorney General may be prosecuted and tried upon a decision by the Senate on charges of treason, bribery, or serious crimes and violations.
- Article 172: The Public Prosecution represents and defends the state's interests, prosecutes violators through judicial enforcement, executes criminal judgments, and supervises prisons.
- Article 173: The appointment, promotion, transfer, discipline, and dismissal of public prosecutors and judges in the regions shall be regulated by law.
- Article 174: The Attorney General is responsible for overseeing the judicial police and their operations.
- Article 175: The staffing of legal assistants and the central and regional judicial police shall be determined by law, and their appointment, promotion, and dismissal fall under the jurisdiction of the Ministry of Justice.

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#### Part Five Geographical Administration

- Article 176: The geographical administration is based on dividing Syria into six federal regions: "Damascus and its suburbs, the Northern Region, the Central Region, the Southern Region, the Western Region, and the Eastern Region."
- Article 177: The boundaries of the regions shall be determined by law.
- Article 178: A Council of Regions shall be established to coordinate and collaborate on legal and administrative matters between the regions, consisting of twelve members: two members from each region.
- Article 179: The Council shall elect a President and a Secretary, neither of whom shall have a casting vote.
- Article 180: The Council shall appoint a representative to the House of Representatives and a representative to the Senate. These representatives have the right to attend sessions and speak but do not have voting rights.
- Article 181: The regions shall elect their parliaments and local administrations through free, direct, and secret elections under the supervision of the independent electoral commission and with judicial oversight.
- Article 182: Powers shall be distributed between the regional authorities and the central authority. The central authority retains powers over foreign affairs, the military, defense, security, public order, currency minting, standards and weights, customs, air and maritime navigation, railways, loans, postal services, telecommunications, labor laws, the judiciary and its organization, international representation, education, personal status, the legal status and capacity of persons, natural resources, energy, nationality, guarantees of public freedoms, the penal code, criminal law, and election law. This list may be clarified and expanded by a fundamental law.
- Article 183: Regions are permitted to create their own parliaments and elected administrations, as well as establish their own legislative frameworks,

as long as they adhere to the principles of the constitutional system and comply with the provisions of the **Constitution**.

- Article 184: The regions do not have the authority to legislate in areas that are exclusively reserved for federal authorities.
- Article 185: Elections in the regions must be general, free, equal, and secret without infringing on the jurisdiction of the courts.
- Article 186: The regions and municipalities have the right to autonomously manage all matters concerning their residents within the framework of the law, including issuing local laws and imposing local taxes, provided these do not conflict with the **Constitution** and general laws.
- Article 187: Federal legislation and laws take precedence over regional legislation and laws.
- Article 188: The regions have the right to establish local security forces, provided they do not conflict with the operations of the national security forces. Coordination between them is required, with priority given to national security forces.
- Article 189: The regions may add their own language and additional subjects to the school curriculum, as long as these do not contradict or conflict with the national curriculum.
- Article 190: Positions in the upper echelons of official state offices must be filled by employees from all regions in a proportional manner.
- Article 191: To enforce the mandatory authority of the union, the federal government or its representatives have the right to issue directives to all regions and their official offices.
- Article 192: The regions are not permitted to establish military forces or enter into agreements with one another or with external entities.
- Article 193: The regions' budgets are derived from the national budget and their own self-generated funds. They may be allocated up to 20% of the revenues from natural resources found within their borders.

#### Part Six Finance

- Article 194: The government prepares the general budget and submits it to the House of Representatives and the Senate for approval. Once approved, it is enacted into law.
- Article 195: Each fiscal year has a single general budget that includes all revenues and expenditures. Independent or supplementary budgets may only be created by law. In cases of necessity, the government may propose a supplementary budget, which cannot be implemented without approval from the House of Representatives.
- Article 196: The law shall establish the procedures for organizing, approving, executing, and closing the accounts of the regional budgets.
- Article 197: The start of the fiscal year shall be determined by law.
- Article 198: The government must present the draft general budget for each fiscal year to the House of Representatives at least three months before the beginning of that fiscal year.
- Article 199: The general budget must include allocations for the regions based on their population.
- Article 200: The members of the House of Representatives vote on the budget, both regular and supplementary, item by item.
- Article 201: The budget law may only contain strictly financial provisions.
- Article 202: The budget law shall not introduce new taxes or create new authorities that require additional funding.
- Article 203: The provisions of the budget law may only be executed during the fiscal year for which it was established.
- Article 204: The Budget Committee may amend the draft budget, provided it adheres to the first paragraph.

- Article 205: Members of the House of Representatives may not propose increases in expenditure or introduce new expenditures after the Budget Committee has finalized its report on the draft budget.
- Article 206: After approving the budget, the House of Representatives may pass laws that create new expenditures and the necessary resources to fund them.
- Article 207: If the House of Representatives is unable to approve the budget before the start of the fiscal year for which it was prepared, monthly allocations shall be made by a decree issued by the Council of Ministers based on one-twelfth of the previous year's budget. This arrangement shall not exceed three months, and revenues shall be collected according to the laws in force at the end of the previous fiscal year.
- Article 208: The government may not exceed the maximum estimated expenditures for each public administration, and the budget law shall not contain any provision allowing the government to do so.
- Article 209: The general budget must include the expenditures allocated to each region.
- Article 210: No new, additional, or transferred appropriations may be opened except by law.
- Article 211: The final accounts for the fiscal year shall be presented to the House of Representatives within two years after the end of that year, and these accounts shall be settled by law.
- Article 212: Taxes shall only be imposed for public benefit.
- Article 213: Taxes shall be determined in monetary terms, and the law may not impose taxes in kind except in exceptional circumstances.
- Article 214: No tax may be imposed, modified, or abolished except by law, and regional administrations have the right to impose local taxes to fund their budgets.
- Article 215: No one may be exempted from paying taxes in whole or in part except as specified by law.

- Article 216: No one may be obligated to pay taxes except in the manner prescribed by law.
- Article 217: No public or private loan may be contracted except by law, which specifies its terms, interest rate, and repayment methods.
- Article 218: The state may not lend or guarantee loans except by law.
- Article 219: The law shall determine the procedures for entering into contracts and commitments that involve expenditures from the state treasury.
- Article 220: No monopoly or concession for exploiting the country's natural resources or public interest may be granted except by law and for a limited period.

Part Seven Oversight and Protection Bodies

#### **Chapter One** The Independent General Election Commission

Article 221: An Independent General Election Commission shall be established.

- Article 222? The Commission shall organize the elections for the House of Representatives, the Senate, and the President of the Republic, and it shall announce the winners.
- Article 223: The Commission shall oversee the elections for regional councils through subsidiary bodies in each region.
- Article 224: The Commission shall be composed of five administrative, legal, and social figures elected by the Senate from a list of twice the number of required members, which is prepared by a specialized committee elected by the House of Representatives by a simple majority.

- Article 225: The term of office for the members of the Commission is ten years, and they may be re-elected for one additional term.
- Article 226: The decisions of the Commission are subject to appeal before the Constitutional Court.
- Article 227: A special law shall be enacted to define the structure of the Commission, and it shall be funded from the general budget under a specific allocation.

### Chapter Two The Independent General Media Commission

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- Article 228: An Independent Media Commission shall be established.
- Article 229: The Commission is tasked with overseeing and regulating the media sector.
- Article 230: The Commission grants and revokes licenses for media entities, including newspapers, magazines, television, radio, and online platforms, as well as for journalists.
- Article 231: The Commission is composed of three media professionals, one legal expert, and one civil society representative.
- Article 232: The members of the Commission are elected by the Senate from a list of twice the required number, prepared by a special committee and approved by a simple majority vote in the House of Representatives.
- Article 233: The term of office for the Commission members is ten years, and they may be re-elected for one additional term.
- Article 234: A special law shall be enacted to define the structure of the Commission, and it shall be funded from the general budget under a specific allocation.
- Article 235: The decisions of the Commission are subject to appeal before the Court of Appeals.

#### Chapter Three The Independent Commission for Parties and Associations

- Article 236: An Independent Commission for Parties and Associations shall be established.
- Article 237: The Commission is responsible for granting and revoking licenses for political parties, associations, and civil society organizations.
- Article 238: The Commission shall be composed of five members, with at least two of them being women, elected by the Senate.
- Article 239: The Commission members shall elect a Chairperson from among themselves, who shall not have a casting vote.
- Article 240: The Commission oversees the activities of parties and associations, ensuring their compliance with their internal regulations, the Constitution, and general laws, and it adjudicates complaints related to these activities.
- Article 241: The Commission's decisions regarding the licensing of a political party, association, or civil society organization, or the revocation thereof, are subject to appeal before the Supreme Constitutional Court.
- Article 242: All other decisions are subject to appeal before the Courts of Appeal.
- Article 243: The term of office for the Commission members is ten years, and they may be re-elected for one additional term.
- Article 244: A special law shall be enacted to define the structure of the Commission, and it shall be funded from the general budget under a specific allocation.

#### **Chapter Four Court of Audit**

- Article 245: The Court of Audit is an administrative oversight body for government activities, directly linked to the Senate, with its budget considered part of the Senate's budget.
- Article 246: The President of the Court of Audit is appointed by a vote of the Senate.
- Article 247: The Court of Audit audits the state's budget and financial accounts on behalf of the Senate and submits semi-annual reports to both the Senate and the House of Representatives detailing its findings?
- Article 248: The Court of Audit refers any cases of financial or administrative corruption to the Public Prosecutor for judicial investigation.
- Article 249: The Senate and the House of Representatives may assign the Court of Audit to conduct any investigation or study related to revenues, expenditures, or treasury management.
- Article 250: The Court of Audit may appoint and consult with experts, economists, and accountants as needed. Its internal regulations will define its operational procedures, the appointment of its board, salaries, and the selection of assistants, experts, and technicians.
- Article 251: A special law shall be enacted to define the structure of the Court of Audit.

#### **Chapter Five**

#### The Transitional Justice Commission

- Article 252: A Transitional Justice Commission shall be established as an independent body operating under the supervision of the Senate.
- Article 253: The mission of the Commission is to rebuild civil peace in Syria.
- Article 254: The Commission shall consist of five members, with at least two being women, appointed by the Senate through an election based on recommendations from the relevant committee.

- Article 255: The members of the Commission shall include two judges, an economist, a historian, and a sociologist. One of the judges shall be elected as the Chairperson by the members of the Commission.
- Article 256: The Commission's work shall focus on four main areas:
  - 1. The establishment of a court in Damascus with the possibility of creating additional courts in other cities, tasked with prosecuting those who committed war crimes or crimes against humanity in Syria. These courts will be mixed, consisting of Syrian judges and one or more foreign judges, with special procedural rules for these courts.
  - 2. The creation of a national fund to compensate victims, financed by the state treasury, confiscated assets of criminals, and local, regional, and international donations and contributions.
  - 3. The formation of local committees consisting of activists, community leaders, and social influencers in various regions to rebuild trust among individuals and groups within Syrian society.
  - 4. The establishment of museums and memorials to honor the victims who sacrificed for freedom and dignity, creating a historical narrative based on facts for future generations and as a lesson to prevent recurrence.
- Article 257: A special law shall be enacted to define the structure of the Commission, with its funding provided through a dedicated section of the national budget.

#### **Chapter Six The Human Rights Commission**

Article 258: A Human Rights Commission shall be established.

- Article 259: The Commission shall be composed of three specialists in human rights, with at least one being a woman. These members are to be appointed through a vote in the Senate.
- Article 260: The Commission's mandate is to monitor human rights conditions, receive complaints, and address them in coordination with the relevant authorities.

- Article 261: The Commission shall prepare annual reports on the state of human rights within the Republic, which are to be submitted to the Presidency and both the Senate and the House of Representatives.
- Article 262: A special law shall be enacted to define the structure of the Commission, with its funding provided through a dedicated section of the national budget.

#### Chapter Seven // The Independent Commission for the Prevention of Discrimination

- Article 263: An Independent Commission for the Prevention of Discrimination shall be established.
- Article 264: The Commission shall be composed of five members, including legal experts and qualified professionals, with at least two women and one individual with disabilities among them.
- Article 265: The mandate of the Commission is to combat all forms of discrimination, including those based on gender, physical ability, geography, ethnicity, religion, sect, and political affiliation.
- Article 266: The Commission shall receive complaints and address them in coordination with the relevant authorities.
- Article 267: The Commission shall prepare annual reports on its activities, which will be presented to both the Senate and the House of Representatives.
- Article 268: A special law shall be enacted to define the structure of the Commission, with its funding provided through a dedicated section of the national budget.

#### Chapter Eight Constitutional Amendments

- Article 269: The provisions of Chapter One of the Constitution shall not be subject to amendment.
- Article 270: Amendments to one or more articles in other chapters of the Constitution may be proposed by the President of the Republic or by one-fourth of the members of the House of Representatives under the following conditions:
  - 1. The proposal must be submitted by the President or by one-fourth of the members of the House of Representatives, accompanied by an explanatory memorandum detailing the reasons and necessity for the amendment, along with the specific articles proposed for amendment.
  - 2. The proposal is referred to the Constitutional Committee to prepare a study and assess its viability.
  - 3. The proposal is then referred to the Constitutional Court to evaluate its legality and ensure its compliance with the supreme consensual values.
  - 4. The Assembly discusses the proposal and submits it for a vote, requiring the approval of two-thirds of the members of the House of Representatives and two-thirds of the members of the Senate.
  - 5. If the proposal is rejected, the same articles cannot be proposed for amendment again for a period of one year.

#### **Chapter Two Transitional Provisions**

- Article 271: No amendments to the Constitution are permitted until four years have passed since its implementation.
- Article 272: All laws that are inconsistent with the provisions of the Constitution must be revised and amended accordingly.
- Article 273: The necessary laws for the implementation of the Constitution must be enacted within one year from the date of the election of a new House of Representatives.

- Article 274: After one year, all legal provisions that conflict with the Constitution shall automatically be nullified.
- Article 275: The Constitution shall be applied to the Syrian people after it is approved by a majority vote in a general referendum, which must be held within six months of its announcement and publication.
- Article 276: The Constituent Assembly shall continue its work and elect a temporary committee from among its members to organize the first elections for the House of Representatives, Senate, and Presidency, and to transfer power to them.
- Article 277: General elections shall be organized within three months from the date of the Constitution's entry into force to elect the House of Representatives, Senate, and President of the Republic.
- Article 278: Elections shall be conducted under a transparent, general, and temporary electoral law established by a transitional government, as outlined in Article 51 of the Constitution. The newly elected House of Representatives shall then establish a permanent electoral law.
- Article 279: The House of Representatives shall appoint the members of the Constitutional Court and the Supreme Judicial Council within three months of their election.
- Article 280: The House of Representatives and Senate shall appoint the members of the independent bodies for Media, Political Parties, Elections, the Court of Audit, Human Rights, Anti-Discrimination, and the Transitional Justice Authority within six months of their election.
- Article 281: Members of the Transitional Governing Body or the Constituent Assembly are not eligible to run for elections to the Senate or House of Representatives.
- Article 282: The Constituent Assembly and the Transitional Governing Body shall be automatically dissolved upon the assumption of duties by the House of Representatives and the Presidency.