



THE CONSTITUTION OF THE SAHRAWI ARAB DEMOCRATIC REPUBLIC
Adopted by the 14th Congress of the Frente POLISARIO, 16-20 December 2015

Preamble

The Sahrawi people who are an Arab, African and Muslim people who decided to declare war of liberation in 1973, under the leadership of the Frente POLISARIO, to liberate the homeland from colonialism and subsequently from occupation, thus continuing the long resistance, which has never stopped during the history of our people to defend their freedom and dignity, proclaim:

Their resolve to continue to struggle for the recovery of the sovereignty of the Sahrawi Arab Democratic Republic (SADR) over the entire national territory and achievement of total independence;

Their attachment to the principles of justice and democracy as enshrined in the Universal Declaration of Human Rights (of 10 December 1948), in the African Charter on Human and Peoples Rights (of 26 June 1981) and in International Agreements to which the SADR is party;

Their conviction that liberty and human dignity are only possible in a society where law is sovereign and where conditions for social development are created in conformity with the values of the said society, its civilisation, religion and national culture as well as the demands of the modern world;

Their determination to create democratic institutions that guarantee freedoms and fundamental human rights, economic and social rights and rights of the family, the basic unit of society;

Their awareness of the need to build the Grand Maghreb, to concretise African Unity, Arab Unity and to establish international relations based on cooperation, harmony, mutual respect and the achievement of peace in the world.

Part 1: Territory, People and the State

Chapter 1: Saguia el Hamra and Río de Oro

Article 1: Saguia el Hamra and Río de Oro (Western Sahara), within its internationally recognised borders, is a democratic republic, indivisible hereinafter known officially as “the Sahrawi Arab Democratic Republic” (SADR).

Article 2: Islam shall be the State religion and a main source of law.

Article 3: The official national language shall be Arabic.

Article 4: The capital of the country shall be El Aaiún.

Article 5: The flag, the national anthem and the emblem of the SADR shall be defined by law.

Chapter 2: The People

Article 6: The Sahrawi people are an Arab, African and Muslim people.

Article 7: The family is the foundation of the society; it shall be based on religious, ethical and national values and on the historical heritage.

Article 8: Sovereignty shall belong to the people who shall be the source of all power.

Article 9: The constituent power shall belong to the people.

Article 10: The people shall exercise their sovereignty through their elected representatives and the constitutional institutions of the State that they may choose to that end.

Article 11: The people shall choose their institutions with the aim of:

- Recovering full national sovereignty over the entire national territory, intact with all its component parts;
- Attaining national independence;
- Defending national unity and the sovereignty of the people;
- Preserving the values of the people, defending their identity and their national personality;
- Ensuring respect for fundamental human freedoms as defined by the Constitution.

Article 12: The people's institutions shall belong to the people. They shall not be exploited or utilised except for the constitutional objectives for which they have been created.

Chapter 3: The State

Article 13: The State shall derive its legitimacy from the will of the people and shall be at the service of the people. Its motto shall be "Freedom, Democracy, Unity".

Article 14: The State shall exercise sovereignty over its territorial space, territorial waters and air space.

Article 15: It is prohibited to abandon or cede any part of the national territory.

Article 16: The national territory shall be divided administratively into wilayat (Provinces) and dawair (Districts) subdivided into baladiat (Councils).

The political and administrative powers of these divisions shall be defined by law.

Article 17: Public property shall belong to the people. They comprise the mineral wealth, energy resources, underground wealth, territorial waters and other resources defined by the law.

Article 18: The public property of the State, its various institutions as well as territorial, regional and local communities shall be defined and administered in accordance with the law.

Article 19: Holding office in the State shall not be a source of personal enrichment nor a means to serve private interest or the interests of a group based on regionalism, nepotism or tribalism.

- Such acts shall be criminalised and punishable by the law.

Article 20: The elected Councils shall constitute the framework within which the people shall express their will and supervise public authorities.

- The President of the Republic shall issue a decree establishing a National Committee to oversee the political seminars and electoral processes associated with them.

Article 21: The State shall be responsible for public order and the security of persons and property.

Article 22: The Sahrawi People's Liberation Army (ALPS) shall be the armed forces of the State and the guarantor of national sovereignty. Its duties shall include:

- The attainment of national independence;
- The defence of national unity;
- The defence of the unity and integrity of the national territory and the protection of the territorial and air spaces of the State as well as its territorial waters.

Article 23: The organisation of the ALPS and the services within the army shall be defined by law.

Article 24: The foreign policy of the SADR shall be to:

- Defend the legitimate rights of the Sahrawi people to independence and the recovery of their national sovereignty over the entire national territory;
- Support the peoples' right to self-determination;
- Contribute to concretising the unity of the Maghreb where the SADR shall have its own rightful place;
- Support the African Union in its efforts to consolidate political stability in Africa and achieve economic complementarity among its Member States;
- Establish international peace and stability and contribute towards economic and social development of the peoples of the world on the basis of justice and equity.

Part 2: Constitutional Rights, Guarantees and Obligations

Chapter 1: Constitutional Rights and Guarantees

Article 25: All Sahrawi citizens shall enjoy the rights and freedoms recognised and guaranteed by the Constitution without any discrimination as to ethnicity, race, colour, gender, language, religion and political or any other opinions.

Article 26: All citizens shall be equal before the law in terms of both protection and sanctions.

Article 27: Individual freedoms shall be guaranteed by the law. No one shall be denied the exercise of his/her freedom except in accordance with the law.

- Every citizen shall be presumed innocent until proven to the contrary by the law;
- The right to defence shall be guaranteed including the choice of a legal representative;
- No one shall be arrested and detained except in accordance with the law;
- There shall be no crime or sanction unless prescribed by the law;
- Preventive detention shall not last more than 72 hours and shall not be extended except on the orders of a competent judicial body and in conformity with the law.

Article 28: It shall be prohibited to violate anyone's sense of morality or honour or to exert any kind of physical or moral violence against him/her or infringe his/her dignity.

- All citizens shall be guaranteed the inviolability of their domiciles.
- Domiciles shall not be searched except in accordance with the law and with a written warrant issued by the competent judicial body.

Article 29: All citizens shall have right to defend their rights before the competent judicial bodies.

Article 30: Freedom of expression shall be guaranteed and shall be exercised in conformity with the law.

Article 31: The right to form associations and political parties is recognised and shall be guaranteed after the attainment of independence.

Article 32: Until the complete recovery of national sovereignty, the Frente POLISARIO shall be the political framework that shall unite and mobilise politically the Sahrawis to express their aspirations and legitimate rights to self-determination and independence and to defend their national unity and complete the building of their independent Sahrawi State.

Article 33: Every citizen who meets all the required legal conditions shall be eligible to vote and be voted for.

Article 34: Every citizen shall have the right to candidature for a public office in line with the conditions stipulated by the law.

Article 35: Private property shall be guaranteed and organised by the law.

Article 36: The right to education shall be guaranteed.

- The State shall ensure the compulsory and free education and organise the educational institutions in line with the educational legislation.

Article 37: All citizens shall have the right to protection and healthcare.

- The State shall ensure protection and combat against diseases and epidemics

Article 38: Having employment shall be considered a right, an obligation and an honour for all citizens.

Article 39: The State shall ensure protection for mothers, children, disabled persons and the elderly by setting up institutions to that end and promulgating the relevant laws.

Article 40: The State shall ensure provision of housing for all citizens who also shall have right to free movement and the choice of the place of their residence in keeping with the laws in place.

Article 41: The State shall guarantee to parents (mothers and fathers), widows of the martyrs, their children who have not yet attained the age of majority, those wounded in the war, prisoners of war, the disappeared and victims of the liberation war, material and moral rights which shall be defined by law.

Article 42: The State shall promote women and ensure their political, economic, social and cultural participation in the construction of the society and the development of the country.

Article 43: The State shall ensure sustained capacity building of and the employment of youths and shall empower them to take part in the public affairs of the country.

Article 44: The Constitution guarantees the rights of aliens that reside legally in the SADR territory to practice their religions and customs.

Article 45: The State shall guarantee the defence of the rights and private property of the aliens living legally in the national territory.

Article 46: After the complete recovery of national sovereignty, market economy and private initiative shall be recognised. Public and private investment and foreign investment shall also be recognised and regulated by law.

Chapter 2: Obligations

Article 47: All citizens shall respect the Constitution and the laws of the Republic.

- No one shall be excused on account of his/her ignorance of the law.

Article 48: All citizens shall be under the sacred obligation to:

- Defend the country and participate in its liberation;
- Defend national unity and fight any semblance of identification other than the identification with the country;
- The law shall severely punish treason, spying for the enemy, allegiance to the latter and all crimes committed against State security.

Article 49: National service shall be an obligation on all citizens who meet the required legal conditions set to that end.

Article 50: The protection and promotion of the family shall be an obligation of the parents especially as regards the education of their children. It is equally an obligation for children to respect and obey their parents.

Part 3: Organisation of Powers

Chapter 1: Executive Power

Section 1: The President of the Republic

Article 51: The Secretary-General of the Frente POLISARIO shall be *ex officio* the President of the Republic. He/she shall be elected by the General Congress of the Frente POLISARIO by secret and direct suffrage.

Article 52: The President of the Republic shall guide and coordinate general policy, ensure respect for the Constitution, the execution of the law and the consolidation of State Institutions.

Article 53: The President of the Republic shall appoint the Prime Minister and shall terminate his/her functions.

- The President of the Republic shall appoint the members of the Government by a presidential decree that shall include the delimitation of the competences and missions to be discharged by each minister.

Article 54: The President of the Republic shall preside over the Council of Ministers.

Article 55: The President of the Republic shall sign laws that shall be published in his/her name once they have been approved by the National Council.

Article 56: Upon his/her election, the President of the Republic shall take the following constitutional oath of office:

“I do solemnly swear by Almighty God that I will defend the principles of the Revolution of the 20th of May and to ensure the execution of the Constitution of the Republic and to abide by the latter and to be its faithful guardian; to invest all my energies to concretise the will and aspirations of our people to freedom and justice; to protect the rights and liberties of all citizens; to ensure the attainment of independence of the country and preserve its integrity and territorial unity; to work for the development and progress of society, and to promote its noble values and traditions. God is my witness”.

Article 57: The President of the Republic shall perform the following duties:

- To be the Commander-in-Chief of the Armed Forces;
- To direct foreign policy and decide on its programmes of action;
- To grant pardon and commute sentences;
- To receive letters of credence of ambassadors accredited to the Republic;
- To award medals and honorary titles;
- To sign international treaties and conventions.

Article 58: The President of the Republic shall make appointments to the following posts:

- Appointments within the Presidency;
- Ambassadors and heads of diplomatic missions;

- Appointments within the Council of Ministers;
- Appointments within Military establishments;
- The Walis (Governors);
- Senior Judicial Officers;
- Senior Security Officers.

Article 59: The President of the Republic shall have the prerogative of issuing decrees and directives in the form of laws in the interval period between two constituting sessions of the National Council if there is a pressing need for legislation, or in the case of the dissolution of the National Council or expiry of its term, or in the case of an extreme case of emergency or when the Constitution is rendered inoperative.

Article 60: The President of the Republic shall in no circumstances delegate his/her power to appoint the Prime Minister and other officials in the positions stipulated in the Constitution.

Article 61: In the case of the vacancy of the post of the President of the Republic, the President of the National Council shall assume the duty of the President of the Republic for a period not longer than forty days.

- In the case that the vacancy of the post of the President of the Republic takes place in conjunction with the dissolution of the National Council, the National Secretariat of the Frente POLISARIO shall convene *de jure* and appoint among its members an interim caretaker that shall discharge the functions of the Secretary-General and the President of the Republic taking into consideration article 62 below.

- In the case that the vacancy of the post of the President of the Republic takes place in conjunction with the vacancy of the post of the President of the National Council, article 83 (paragraph 1) shall be implemented.

Article 62: The Government in office shall not be dismissed from its function nor reshuffled in the case of the impediment or death of the President of the Republic until the assumption of duty by the new President of the Republic elected by the Congress.

- In the interval period defined by Article 61, the provisions stipulated in Article 57 and 58 shall not be applied.

Section 2: The Government

Article 63: The Government is the Executive organ that shall operate upon guidance from the National Secretariat and is responsible to the Secretary-General and the President of the Republic.

- The Government shall be responsible for the implementation of all programmes, laws and regulations in all domains.

Article 64: The Prime Minister shall choose the members of the Government in consultation with the President of the Republic who shall appoint them.

- The members of the Government shall be responsible to the Prime Minister that may terminate their functions in consultation with the President of the Republic.

- The Prime Minister shall not appoint any member in his/her Government without consulting the person concerned.
- Any member of the Government may tender his/her resignation to the Prime Minister.

Article 65: The Government shall prepare its programme of action on the basis of the national programme of action and upon guidance of the national leadership.

- The Prime Minister shall prepare the annual programme of his/her Government and the general operating budget, and shall submit them to the Council of Ministers.

Article 66: The Prime Minister shall preside over the Council of Government, supervise its activities and coordinate its work.

- The Ministers shall be responsible collectively and in solidarity for the actions of the Government and each Minister shall be individually responsible for his/her Ministry.

Article 67: The responsibilities of the Government, the organisation of Ministries and the responsibilities and functions of the Ministers shall be defined by presidential decrees and other executive directives.

Article 68: The members of the Government shall enjoy immunity during the execution of their duties and shall not be prosecuted and arrested except in the case of flagrant crime or infringement, and shall not be brought to justice until the immunity has been lifted by an explicit request from the Prime Minister and the approval of the President of the Republic.

Article 69: The Prime Minister shall submit the Government programme and annual operating draft budget to the National Council for approval.

- The Prime Minister may readjust the programme of his/her Government in the fight of the deliberations of the National Council.

- The Government shall implement the programme approved by the National Council.

Article 70: The Prime Minister shall exercise, in addition to the duties assigned to him/her by other provisions of the Constitution, the following duties:

- Assignment of tasks within the Government in conformity with the Constitution and the provisions stipulated in article 58 thereof;
- Issuance of executive orders;
- Making the appointments delegated to him/her by the President of the Republic in the appointment decree.

Article 71: The Prime Minister may terminate the functions of a member of the Government and propose a new Minister to the President of the Republic for appointment.

Article 72: The Prime Minister may tender the resignation of the Government to the President of the Republic.

- The outgoing Government shall continue to exercise its duties until a new Government is appointed pursuant to the provisions of the Constitution.

Article 73: Members of the Government shall individually take the following oath of office before the President of the Republic.

“I do solemnly swear by Almighty God to respect the Constitution and the laws of the Republic and to execute them, and I swear upon my honour to work honestly to discharge my responsibilities and not to damage my reputation and to preserve the public properties that may be put at my disposal. God is my witness”.

Article 74: Each member of the Government shall *de jure* submit an inventory of his/her private properties before the President of the Supreme Court, and each one of them shall do the same upon the termination of his/her functions.

Chapter 2: Legislative Powers

Article 75: The Sahrawi National Council shall be the legislative body of the country; it shall be vested with the powers to supervise the State organs and institutions and shall have sovereign authority to prepare draft laws and to pass them.

- The National Council, within its constitutional prerogatives, shall also exercise the responsibility of financial control over all fixed and movable public assets pertaining to the State.

- In case of misappropriation of public assets, the President of the National Council shall refer to the Minister of Justice all cases of misappropriation to be prosecuted in accordance with the law.

Article 76: The National Council shall approve:

- The Government's annual programme and general operating budget.
- International conventions and treaties.

Article 77: The National Council shall have 53 (fifty three) members.

Article 78: A new National Council shall be formed after the Congress during an interval period of no more than 90 days in conformity with the provisions of the Constitution.

Article 79: Members of the National Council shall be elected by direct and secret suffrage once between two Congresses.

Article 80: Candidates for membership in the National Council shall fulfil the following requirements:

- To be of Sahrawi nationality;
- Without any criminal record;
- To be of no less than 25 years;
- To have a university degree in addition to five years of work or a professional experience of no less than five years in one or more of the following jobs:
 - Member of the chiefs of staff of the army or in a senior position;
 - Member of a regional bureau or in a senior position;

- Central director in a ministry or in a senior position;
- Ambassador, representative or a head of a diplomatic mission;
- Member of the National Council for one or more terms;
- Member of the executive board of a mass organisation.

Article 81: The duties of a Council member shall be national in scope, renewable and shall not be compatible with other duties.

Article 82: The President of the Republic shall preside over the inaugural constituting session of the National Council.

- The session shall be devoted to the election of the President of the National Council among the members of the National Secretariat.
- The legal list regulating the election process of the National Council shall define the modalities for the running of this session and the methods for carrying out the electoral process.

Article 83: In case of the definitive vacancy of the post of the President of the National Council, he/she shall be replaced *de jure* by the candidate who obtained the next highest votes among the candidates for the post of the President of the Council.

- In case of vacancy of a seat in the National Council, it shall be filled by the candidate who obtained the next highest votes in his/her electoral district.
- Cases of vacancy of seats shall be defined by the rules of procedure of the National Council.

Article 84: The member of the National Council shall represent the people and advocate constantly their aspirations and shall remain faithful to the confidence placed in him/her.

- The Council Member shall have full right to supervise the activities of the executive body within his/her electoral district.
- The election of the Council Member shall not be subject to any condition on the part of his/her voters.

Article 85: The National Council shall have a President, a Vice-president and Committees with their heads and rapporteurs.

Article 86: The National Council shall have a bureau composed of: the President of the Council, the Vice-president and the heads of committees.

Article 87: The National Council shall have a General Secretariat headed by a secretary general that shall be charged with carrying out the administrative and financial business of the Council under the supervision of the President of the Council.

Article 88: An organic law shall define the organisation of the National Council, its activities and functional relationships with the Government.

- The National Council shall prepare and adopt its rules of procedure in accordance with the Constitution and its organic law.
- The rules of procedures of the National Council shall be compatible with the Constitution.

Article 89: Members of the National Council shall enjoy immunity during the execution of their duties and shall not be arrested except in the case of a flagrant crime or infringement and shall not be brought to justice until the immunity has been lifted by an explicit request from the Minister of Justice and the approval of the President of the National Council.

Article 90: The member of the National Council shall be responsible to his/her colleagues who may relieve him/her of his/her duties as Council Member if he/she commits a crime that impinges on the honour of his/her office.

- The rules of procure shall stipulate the conditions according to which a Council Member could be expelled from the National Council without prejudice to any other legal proceedings.

Article 91: The National Council shall meet in two ordinary sessions: the spring session and the autumn session.

- The duration of each session shall not exceed three months;
- The National Council may meet in an extraordinary session at the request of the President of the Republic or its President or the Prime Minister or two thirds of its members in the case of:
 - Extraordinary National events;
 - When conditions required for the Government to exercise its duties are no longer met by it or by one of its members;
 - Violations that threaten the normal exercise of the duties of the National Council;
 - Relevant legislative exigencies.

Article 92: The bureau of the National Council shall receive from the Government, within a period of at least two weeks before the opening of the session of the Council, the draft annual programme adopted by the Government.

Article 93: The Committees of the National Council shall prepare questions on the Government draft annual programme and may invite Ministers to obtain the necessary clarifications.

Article 94: The National Council shall discuss the annual programme and draft general operating budget of the Government and propose necessary amendments before their adoption.

- The Prime Minister may adjust the programme of his/her Government in the light of the amendments made by the National Council.

Article 95: In the event that two thirds of the National Council are opposed to the Government's programme after having requested its revision for the third time, the President of the Republic shall either dissolve the National Council or form a new Government.

Article 96: The Committees shall continue to carry out their duties between two sessions, and shall supervise the implementation of the Government's programme through field visits to institutions that fall within their prerogatives with a view to preparing the next session of the National Council.

- The Committees of the National Council may hold periodic meetings with members of the Government to consider some specific issues.

Article 97: The National Council shall establish regional bureaus charged with supervision of the programmes of management and action at regional and local level.

- The organic law regulating the functional relationship between the government and the National Council shall determine the modalities of supervision and the work of regional bureaus of the National Council.

Article 98: The Government shall prepare an annual assessment of its programme that shall be submitted to the National Council no later than one month before the latter holds its session.

Article 99: Members of the National Council may address oral or written questions to the Government or to one of its members.

- Written questions shall be submitted to Government at least two weeks before the opening of the session.

Article 100: Following the presentation of the assessment of its programme to the National Council, the Government or a member thereof shall respond to the questions raised by the Members of the National Council.

Article 101: Following the debate on the assessment of the Government's programme, the National Council shall have the right to invite the Government or one of its members for a meeting to provide explanations on one or several issues of importance.

- The National Council shall have the right to invite any responsible for a national dossier including members of the National Secretariat for an interpellation session.

Article 102: The National Council may set up Commissions of Enquiry to study an issue of particular importance.

- It may not set up a Commission of Enquiry on a matter that is before the courts;
- The Commissions of Enquiry shall submit the results of their work to the President of the National Council who in turn shall submit a copy to the Prime Minister and another copy to the President of the Republic;
- The Commission of Enquiry shall present the results of its work to the Council in a closed session.

Article 103: In the exercise of its supervision over the Executive, the National Council may vote a motion of censure against the Government or against one of its members.

- The request for a motion of censure is the right of each Council Member, and such motion may be discussed only if it has obtained the support of tenth of the Council members.

Article 104: The decision to censure shall be on the grounds of maladministration, serious lapses in execution of duties, negligence, waste of public property, plunder of public property, poor utilisation of public property, failure to maintain such property or a serious fault contrary to the ethical guidelines of the Government.

Article 105: The National council shall decide on the motion of censure against the Government by a majority of two thirds of its members and by a simple majority for a motion of censure against a member of the Government.

Article 106: The President of the National Council shall send a letter to the President of the Republic and another one to the Prime Minister to notify them of the decision of the Council to adopt a motion of censure against the Government or one of its members.

- The immediate result of the motion of censure against a member of Government shall be dismissal of the latter and appointment of a new Minister.

Article 107: After the motion of censure against the Government, the President of the Republic shall react within a period not exceeding 15 (fifteen) days by:

- Appointing a new Prime Minister who shall form a new Government in accordance with the provisions of the Constitution;
- Or dissolving the National Council.

Article 108: In case of dissolution of the National council, the President of the Republic shall call for early legislative elections within a period of no more than 40 (forty) days following the dissolution of the Council.

Article 109: The Government and Members of the National Council shall have the right to propose laws.

- The proposed laws shall be subject to discussion if presented by fifth of the Council members.

Article 110: The National Council shall legislate in the areas specified by the Constitution and in the following domains:

1. The rights of individuals and their basic obligations;
2. General regulations relating to the family code;
3. The regulations of residence;
4. Basic legislation on nationality, the right of citizenship, civil status;
5. The general regulations on the status of aliens;
6. The regulations on the organisation of the judiciary and the creation of judicial bodies;
7. Rules of sanctions code, penal provisions and the prison regime;
8. The general regulations on the civil code, commercial undertakings and the regime of public and private property;
9. The territorial division of country;
10. Institution of tax and customs code;
11. Finance laws;
12. General regulations on education, training and scientific research;
13. The general regulations on public health and housing;
14. General regulations on the public service;
15. General regulations on the protection of cultural and historical heritage;
16. General regulations on material rights of persons and their organisation;
17. The creation of the State medals and honorary titles;
18. General regulations on immunity (political, legislative and judicial);

19. General regulations on publication, distribution and information.

Article 111: In addition to the areas reserved to the organic laws in accordance with the Constitution, the National Council shall legislate according to organic laws in the following domains:

- The organisation of public services and their activities;
- The basic law on judges and the Supreme Council of Justice;
- The law on national security;
- The election law;
- The law on lawyers;
- Organic laws shall be subject to supervision to ensure their compatibility with the Constitution.

Article 112: The President of the Republic shall endorse laws within 30 (thirty) days starting from the day of submission of such laws.

Article 113: The President of the Republic may request a second reading of a law, which has been passed by the National Council, within a period of 30 (thirty) days following the adoption of such law.

- In this case, the law shall be deemed approved upon adoption by two thirds of the members of the National Council.

Article 114: Voting in the National Council shall be personal and shall not be delegated.

Article 115: The President of the Republic may address the National Council.

Article 116: Heads of State and Government and important foreign delegations may address the National Council.

Chapter 3: Judicial Powers

Article 117: Judicial powers in the SADR shall be independent and exercised in accordance with the law.

Article 118: Judgements shall be delivered on behalf of the people and executed in their name.

Article 119: Everyone shall have access to justice of which basis shall be legal principles and equality and respect for the law.

Article 120: The Courts shall be the Court of First Instance, the Court of Appeal and the Supreme Court.

- Military tribunals shall deal with matters relating to the military establishment.
- Their organisation and functions shall be defined by law.

Article 121: The composition, functions and prerogatives of the Courts shall be defined by law.

Article 122: The Supreme Court shall be the highest organ of the judiciary. Its President shall be a judge appointed by the President of the Republic on the recommendation of the Minister of Justice.

Article 123: The Public Prosecutor of the State shall be appointed by the President of the Republic on the recommendation of the Minister of Justice.

Article 124: All the State organs and institutions shall execute the orders and judgements of the courts at all times, places and in all circumstances.

Article 125: The law shall protect litigants against any breach or abuse from the judicial body.

- The judge shall be responsible to the Supreme Council of Justice as regards the manner in which he/she carries out his/her duties in conformity with the law.
- In the case where the judge acts contrary to the Constitution or in case of breach of the law, he/she shall be subject to disciplinary action by the Supreme Council of Justice.

Article 126: The Supreme Council of Justice shall be the supreme organ of the Judiciary. It shall be independent and shall propose judges to the President of the Republic for appointment, defend the material and moral rights of the judges and ensure that their protection is legally institutionalised.

Article 127: The Supreme Council of Justice shall comprise:

- The President of the Republic as President;
 - Two judges appointed by the President of the Republic;
 - Two judges appointed by the National Council;
 - Three judges elected by the general assembly of judges.
- The mandate of each member of the Supreme Council of Justice is 4 (four) years that shall be renewable.

Article 128: The State shall protect the independence of the judiciary:

- The State shall protect judges against any form of pressure and interferences that could negatively affect their duties and the impartiality of their judgement.
- The State shall protect judges against threats, humiliation, insults and all kinds of aggression as and when they exercise their duties.
- In the case where the judge is subjected to material, physical or moral ill-treatment, the State shall be responsible for paying compensation for the resulting damage.

Article 129: The Supreme Council of Justice shall issue an advisory opinion on the exercise by the President of the Republic of the right to grant pardon and commute sentences.

Article 130: The rights and obligations of judges, and the organisation and dispensation of justice shall be defined by law.

- The competences, duties and operation of the Supreme Council of Justice shall be defined by organic law.

Article 131: The legal profession of lawyers shall be free and independent, and shall be organised by a law that defines its operation.

Part 4: Supervision and Consultative Bodies

Chapter 1: The Constitutional Council

Article 132: The Constitutional Council is a national body charged with:

- Ascertaining the constitutionality of the laws and regulative directives;
- Ascertaining the constitutionality of international treaties and conventions;
- Ascertaining the legality of elections;
- Settling conflicts that may arise among the State bodies regarding the implementation of the Statute of the Frente POLISARIO and the Constitution;
- Conducting studies on the Constitution.

Article 133: The Constitutional Council shall comprise:

- The President of the Constitutional Council appointed by the President of the Republic;
- Two members appointed by the National Council;
- Two members appointed by the Supreme Council of Justice.

In accordance with the following conditions:

- To be of Sahrawi nationality.
- To be of no less than 35 years old.
- Without any criminal record.
- To have professional qualifications in law and five continuous years of work in the judicial field or work as a lawyer.
- To have work experience of at least ten years in one of the national bodies.

Article 134: The mandate of the Constitutional Council shall comprise the interval period between two Congresses.

Article 135: Members of the Constitutional Council shall enjoy immunity during the execution of their duties and shall not be prosecuted and arrested except in the case of a flagrant crime or infringement and shall not be brought to justice until the immunity has been lifted by an explicit request from the Minister of Justice and the approval of the President of the Constitutional Council. In the case of the President of the Constitutional Council, the approval of the President of the Republic shall be required.

Article 136: The Constitutional Council shall be notified by the President of the Republic, the President of the National Council and the Prime Minister.

Article 137: The decisions of the Constitutional Council shall be definitive and shall not be subject to any appeal.

Article 138: The duties and mode of operation of the Constitutional Council shall be defined by its rules of procedure.

Chapter 2: The Consultative Council

Article 139: The Consultative Council shall be a consultative body to the President of the Republic.

Article 140: The composition of the Consultative Council and the mode of its operation shall be defined by a presidential decree.

Article 141: The Consultative Council shall adopt the provisions of the presidential decree in its rules of procedure.

Part 5: Other Provisions

Chapter 1: Religious and National Holidays

Article 142: Religious holidays shall include the following:

- The beginning of the Islamic Year (Al-Hijra);
- Birthday of the Prophet Muhammad (Mawlid al-Nabi);
- The end of Ramadan (Eid-UI-Fitr);
- The festival of sacrifice (Eid-UI-Adha).

Article 143: National holidays shall include the following:

- 27 February: the Proclamation of the SADR;
- 8 March: First Martyr;
- 10 May: The creation of the Frente POLISARIO;
- 20 May: Commencement of the Armed Struggle;
- 9 June: Martyrs' Day;
- 17 June: Uprising Day;
- 12 October: National Unity Day.

Chapter 2: Amendment to the Constitution

Article 144: The National Secretariat may submit a proposal of amendment to the National Preparatory Committee for the Congress that in turn shall submit the proposal among the documents to be considered by the Congress.

- The Congress shall have the mandate to amend the Constitution until the complete recovery of the SADR sovereignty over its entire national territory.

Article 145: The outgoing Secretary-General of the Front shall continue to discharge the functions of the President of the Republic until the election of a Secretary-General of the Front in the Congress.

Chapter 3: Transitional Provisions

Article 146: The duration of the transitional period shall be determined by the first Congress of the Frente POLISARIO to be held after the complete recovery of the SADR sovereignty over the entire national territory.

Article 147: The National Council shall continue its functions until the election of the first parliament after the complete recovery of the SADR sovereignty over the entire national territory.