

CONSTITUTION OF THE REPUBLIC MAURITANIA ISLAMIC

*(With the draft amendments submitted to referendum
25 June 2006)*

بسم الله الرحمن الرحيم

PREAMBLE

Trusting in the omnipotence of Allah, the Mauritanian people proclaims its desire to ensure its territorial integrity, independence and national unity and assume its free political, economic and social.

With its spiritual values and influence of its civilization, it also proclaims solemnly, his attachment to Islam and the principles of democracy as they have been defined by the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples Rights of 28 June 1981 and in other international conventions which Mauritania has signed.

Considering that freedom, equality and dignity of man can be assured that in a society that enshrines the rule of law, anxious to create sustainable conditions for a harmonious social development respectful of the precepts of Islam, only source of law, and open to the demands of the modern world, the Mauritanian people proclaims, in particular, the security of intangible rights and principles:

- *the right to equality;*
- *freedoms and fundamental rights of human beings;*
- *property rights;*
- *political freedoms and freedom of association;*
- *the economic and social rights;*
- *rights attached to the family, the basic unit of Islamic society.*

Recognizing the need for closer ties with the brotherly peoples, the Mauritanian people, Muslim people, Arab and African country that proclaims œWork towards the realization of the unity of the Grand Maghreb, the nation Arab and African and consolidation of peace in the world.

TITLE I

GENERAL PROVISIONS AND BASIC PRINCIPLES

Article One: Mauritania is an Islamic Republic, indivisible, democratic and social.

The Republic guarantees all citizens without distinction of origin, race, sex or social condition of equality before the law. Any specific propaganda of racial or ethnic background is punishable by law.

Article 2: The people are the source of all power.

National sovereignty belongs to the people who exercise it through their elected representatives and by way of referendum.

No section of people and no individual can claim sole exercise.

No partial or total abandonment of sovereignty can not be decided without the consent of the people.

Article 3: The Suffrage may be direct or indirect, in the manner provided by law. It is always universal, equal and secret.

Are voters, all citizens of the Republic, the two major sexes, enjoying their civil and political rights.

Article 4: The law is the supreme expression of the will of the people. All are required to comply.

Section 5: Islam is the religion of the people and state.

Article 6: The national languages are: Arabic, Pulaar, Soninke and Wolof. The official language is Arabic.

Article 7: The state capital is Nouakchott.

Article 8: The national emblem is a flag bearing a crescent and a gold star on a green background.

The seal of the state and national anthem are defined by law.

Article 9: The Fall of the Republic: Honor - Brotherhood - Justice.

Article 10: The State guarantees all citizens the public and individual freedoms including:

- freedom to move and settle in all parts of the territory of the Republic;
- freedom to enter and leave the country;
- freedom of opinion and thought;
- freedom of expression;
- freedom of assembly;
- freedom of association and freedom to join any political organization or union of their choice;
- freedom of trade and industry;
- freedom of intellectual, artistic and scientific fields;

Freedom can be restricted by law.

Article 11: The political parties and groups contribute to the formation and expression of political will. They are formed and operate freely under the condition of democratic principles and does not infringe, either in purpose or action by their national sovereignty, territorial integrity and unity of the nation and the Republic.
The law lays down the establishment, operation and dissolution of political parties.

Article 12: All citizens can access public services and employment without conditions other than those set by law.

Article 13: Everyone is presumed innocent until proven guilty by a regularly constituted court.

No person shall be prosecuted, arrested, detained or punished except in the cases determined by law and in the manner it prescribes.

The honor and privacy of the citizen and the inviolability of the human person, his home and his correspondence are guaranteed by the state.

Any form of physical or moral violence is prohibited.

Article 14: The right to strike is recognized. It is exercised within the framework of laws that regulate it.

The strike may be prohibited by law, all public service or activity of vital interest to the nation.

It is prohibited in the areas of defense and national security.

Article 15: The right to property is guaranteed.

The right to inherit is guaranteed.

Waghf goods and foundations are recognized: the destination is protected by law.

The law may limit the scope of the exercise of private property if the requirements of economic and social development require.

It can not be made until the expropriation public interest so requires and after a fair and prior compensation.

The law establishes the legal regime of expropriation.

Article 16: State and society shall protect the family.

Article 17: No one is supposed to ignore the law.

Article 18: Every citizen has the duty to protect and safeguard the country's independence, sovereignty and territorial integrity. Treason, espionage, to the enemy and all the infringements committed against the security of the state are punished to the full extent of the law.

Article 19: Every citizen shall faithfully fulfill its obligations towards the national community and respect public property and private property.

Article 20: Citizens are equal before tax.

Everyone should participate in public office according to his ability to pay.

No taxes can be imposed only by law.

Article 21: Any alien who is lawfully within the territory enjoys his person and his property protection law.

Article 22: No person may be extradited unless in accordance with the laws and extradition treaties.

PART II

THE EXECUTIVE

Article 23: The President of the Republic is the Head of State. He is Muslim.

Article 24: The President of the Republic is the guardian of the Constitution. He embodies the State.

It ensures, by his arbitration, the continuous and regular functioning of public authorities.

He is the guarantor of national independence and territorial integrity.

Article 25: The President of the Republic shall exercise executive authority. He chairs the Council of Ministers.

Article 26 (new): The President of the Republic is elected for five years by direct universal suffrage.

He was elected by an absolute majority of votes cast. If it is not obtained in the first ballot by a candidate, there shall be a runoff two weeks later. Only there can the two candidates who remained in competition, have received the greatest number of votes in the first round.

Is eligible for the Presidency of the Republic, every citizen born Mauritanian enjoying his civil and political rights and the age of forty (40) years at least, and seventy-five (75) years at the time of the first round of election.

Voting is open at the call of the President of the Republic.

The election of new President of the Republic takes place thirty (30) days and forty five (45) days prior to the expiration of the mandate of the President.

The conditions and forms of acceptance of the nomination and the rules relating to the death or incapacity of candidates for the Presidency of the Republic shall be determined by organic law.

Records of applications are received by the Constitutional Council rules on their legality and announce the election results.

Article 27 (new): The office of President of the Republic is incompatible with the exercise of any public or private, with membership of governing bodies of a political party.

Article 28 (new): The President of the Republic can be reelected once.

Article 29 (new): The President of the newly elected take office at the expiration of the term of his predecessor.

Before taking office, the President of the Republic takes an oath in these terms:

the Constitution and laws, to ensure the interest of the Mauritanian people, safeguard the independence and sovereignty, the unity of the homeland and the integrity of national territory.

I swear by Allah the One, not to take or support, directly or indirectly, an initiative that could lead to revision of constitutional provisions regarding the presidential term and renewal plan, under sections 26 and 28 this Constitution."
The oath is taken before the Constitutional Council, in the presence of the Office of the National Assembly, the Office of the Senate, the President of the Supreme Court and the President of the High Islamic Council.

Article 30: The President of the Republic determines and conducts the foreign policy of the nation and its defense policy and security.

He appoints the Prime Minister and terminates its functions. Upon the Prime Minister, appoints the ministers whom he may delegate some of his decree powers. It puts an end to their office, the Prime Minister consulted.

Prime Minister and Ministers are accountable to the President of the Republic.

The President of the Republic shall communicate with the Parliament by messages. These messages do not give rise to any debate.

Article 31: The President of the Republic may, after consultation with the Prime Minister and Presidents of the Assemblies, pronounce the dissolution of the National Assembly. The general elections take place (30) days and sixty (60) days more after the break.

The National Assembly meets in full fifteen (15) days after his election. If this meeting takes place outside the periods provided for regular sessions, a session is called by right for a period of fifteen (15) days.

It can not be made a new solution within twelve (12) months following the elections.

Article 32: The President of the Republic promulgates laws within the period specified in Article 70 of this Constitution.

It has the regulatory power and may delegate all or part of the Prime Minister.

He appoints civil and military.

Article 33: The regulatory decrees are countersigned, if any, by the Prime Minister and the ministers responsible for implementing them.

Article 34: The President of the Republic is the Supreme Commander of the Armed Forces. He presides over the higher councils and committees of National Defence.

Article 35: The President of the Republic shall accredit ambassadors and envoys extraordinary to foreign powers. Ambassadors and envoys extraordinary are accredited to him.

Article 36: The President of the Republic signs and ratifies treaties.

Article 37: The President of the Republic has the right of pardon and the right to remission or commutation of sentence.

Article 38: The President of the Republic may, on any matter of national importance, the people through referendum.

Article 39: When an imminent peril threatens the institutions of the Republic, the independence or security of the nation or its territorial integrity and the proper functioning of the constitutional powers is impeded, the President of the Republic shall take measures required by these circumstances after official consultation with the Prime Minister, the Presidents of the assemblies and the Constitutional Council.

This message informing the Nation.

These measures stem from the desire to ensure, as soon as possible, the restoration of continuous and regular functioning of government, cease to have effect in the same manner as qu'auront ended the circumstances that produced them.

The Parliament meets de jure.

The National Assembly may be dissolved during the exercise of emergency powers.

Article 40: In case of vacancy or incapacity declared permanent by the Constitutional Council, the President of the Senate as acting President of the Republic for the current business.

Prime Minister and members of Government, considered resigning, ensure the current business.

The Acting President may not terminate their appointments.

He can take the people by referendum, nor dissolve the National Assembly.

The election of new President of the Republic shall, except in cases of force majeure declared by the Constitutional Council within three (3) months from the declaration of the vacancy or permanent incapacity.

During the interim period, no constitutional amendment can not intervene either by referendum or by parliamentary vote.

Article 41: The Constitutional Council, to find a vacancy or permanent incapacity, is seized by either:

- The President of the Republic;
- President of the National Assembly;
- Prime Minister.

Article 42: The Prime Minister shall define, under the authority of the President of the Republic, the Government's policy.

It distributes the tasks among the ministers.

It directs and coordinates the Government.

43: The Government will ensure implementation of the policy of the State in accordance with the guidelines and options established by the President of the Republic.

It has the Administration and the armed forces.

It oversees the publication and implementation of laws and regulations.

It is accountable to Parliament in the conditions and procedures laid down in Articles 74 and 75 of this Constitution.

Article 44: The duties of the Government are incompatible with the exercise of any parliamentary office, any position of occupational representation at national, professional activity and generally of any public or private.

An organic law determines the conditions under which it is provided for the replacement of the holders of such offices, positions or employment. The

replacement of members of Parliament held in accordance with the provisions of Article 48 of this Constitution.

TITLE III

THE LEGISLATURE

Article 45: The legislative power belongs to Parliament.

Article 46: The Parliament is composed of two (2) representative assemblies: the National Assembly and Senate.

Article 47: The National Assembly deputies are elected for five (5) years by direct suffrage.

Senators are elected for six (6) years by indirect suffrage. They shall represent the local authorities of the Republic. Mauritians living abroad are

represented in the Senate. Senators are renewed by one third (1 / 3) every two (2) years.
Are eligible every Mauritanian citizens enjoying their civil and political rights over twenty five (25) years at least to be a member and thirty five (35) at least to be a senator.

Article 48: A law shall determine the manner of electing members of Parliament, their number, compensation, eligibility requirements, the rules of ineligibility and incompatibilities. It also specifies the conditions under which the people elected are called to ensure in case of vacancy, the replacement of deputies or senators to general or partial renewal of the Assembly to which they belong.

Article 49: The Constitutional Council rules in case of dispute over the legality of the election of parliamentarians and their eligibility.

Article 50: No member of Parliament may be prosecuted, investigated, arrested, detained or tried for opinions expressed or votes cast in the exercise of its functions.

No member of Parliament may, during the sessions, be prosecuted or arrested in criminal or misdemeanor only with leave of the Assembly to which he

belongs, except in cases of flagrante delicto.

No member of Parliament may, out of session, be arrested without the authorization of the Bureau of the Assembly which he belongs, except in cases

of flagrante delicto, authorized prosecution or conviction final.

The detention or prosecution of a member of Parliament shall be suspended if the Assembly to which he belongs requires.

Article 51: Any imperative mandate is null.

The voting members of Parliament is personal.

The organic law may exceptionally authorize the delegation to vote.

In this case, no person may act on behalf of more than one term.

Is void outside the deliberation time sessions or off-site meetings.

The President of the Republic may request the Constitutional Council held that invalidity.

The sessions of the National Assembly and Senate are public.

The record of the proceedings is published in the Journal Officiel.

Each of the assemblies may sit in camera at the request of the Government or the fourth (quarter) of its members present.

Article 52: Parliament meets in full two (2) regular meetings each year. The first regular session opens in the first half of November. The second in the first half

of May. The duration of each regular session shall not exceed two (2) months.

Article 53: Parliament may be convened in special session at the request of the President of the Republic or the majority of the members of the National

Assembly on a specific agenda. The duration of a special session may not exceed a month.

Special sessions are opened and closed by decree of President of the Republic.

Article 54: Members of the Government have access to both meetings.

They are heard when they so request. They may be assisted by government commissioners.

Article 55: The President of the National Assembly is elected for the term of the legislature.

Speaker of the Senate is elected after each partial renewal.

TITLE IV

RELATIONSHIP BETWEEN THE LEGISLATURE AND THE EXECUTIVE

Article 56: The law was passed by Parliament.

Article 57: Are the field of law:

the fundamental rights and duties of persons including the regime of civil liberties, the safeguard of individual freedoms and the constraints imposed

by national defense to citizens in their persons and property;

nationality, status and capacity of persons, marriage, divorce and inheritance;

conditions of establishment of persons and the status of foreigners;

the determination of crimes and the penalties applicable to them, criminal procedure, amnesty, the creation and organization of courts, the status of

judges;

civil procedure and execution means;

the customs procedure, the system of issuing currency, the system of banks, credit and insurance;

the electoral system and the territorial division of the country;

The system of property ownership, real rights and civil and commercial obligations;

the general scheme of water, mining and oil and gas, fishing and merchant marine, wildlife, flora, and environment;

protection and safeguarding of cultural and historical heritage;

general rules relating to education and health;

general rules on trade union law, labor law and social security;

the general organization of the administration;

the free administration of local skills and resources;

base, the rate and manner of collection of taxes of all kinds;

creating categories of public institutions;

the fundamental guarantees granted civil and military as well as the general status of civil service;

Mauritania Constitution amended in 2006 (continued) - THE CONSTITUTION IN

AFRI... Page 1 of 4

http://translate.googleusercontent.com/translate_c?hl=en&sl=fr&u=http://www.la-constit... 28/09/2010

nationalization of enterprises and transfers of ownership from public to private sector;

general rules of the organization of national defense.

Finance Acts shall determine the resources and expenditures of the State under the conditions and restrictions contained in the organic law.

Laws and programs determine the objectives of the economic and social state.

The provisions of this section may be clarified and amplified by an organic law.

Article 58: The declaration of war was authorized by Parliament.

Article 59: Matters other than those in the field of law fall within the regulatory power.

The Acts of Parliament in such matters may be changed by decree, if the Constitutional Council declares that they are regulatory in nature under the preceding paragraph.

Article 60: After approval of the President of the Republic, the Government may, for the implementation of its program, ask Parliament for permission to take an order for a limited time, measures that are normally a matter of law.

These orders are taken by the Cabinet and require the approval of the President of the Republic who sign.

They come into effect upon publication, but become invalid if the draft law of ratification is laid before Parliament before the date set by the enabling law.

At the expiration of the period mentioned in the first paragraph of this article, orders can be changed by law in matters which are the legislative domain.

The enabling law is void if the National Assembly is dissolved.

Article 61: Legislative initiative belongs jointly to the Government and members of Parliament.

The bills are discussed in the Cabinet and laid on the desk of one of the two assemblies. The draft budget law are submitted first to the National Assembly.

62: The Government and members of Parliament have the right of amendment.

Proposals or amendments tabled by MPs are not admissible where their adoption would result in either lower revenues or the creation or aggravation

of a public office, unless they are accompanied by a proposal increase revenue or savings equivalent.

They can be declared inadmissible where they concern a matter within the regulatory power under section 59 or contrary to a delegation granted under article 60 of this Constitution.

If Parliament overrides the inadmissibility raised by the Government under one of the two preceding paragraphs, the President of the Republic may submit to the Constitutional Council which shall rule within eight (8) days.

Article 63: The discussion of bills is before the first seizure Assembly, the text presented by the Government.

An Assembly before it a text passed by the other Assembly deliberates the text that is transmitted.

Article 64: The draft laws and proposals are requested by the Government or the Assembly who is captured, sent for examination to committees specially appointed for this purpose.

Projects and proposals for which such application has not been made are sent to one of the standing committees whose number is limited to five (5) in each Assembly.

Article 65: After opening the debate, the Government may object to the consideration of any amendment that has not previously been submitted to the commission.

If the Government's request, before the Assembly decides by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by him.

Article 66: Any proposed law or bill shall be considered successively by the two assemblies with a view to adopting an identical text.

In case of disagreement, and when the government declared the emergency, the project may be submitted after a single reading by each of the two

assemblies to a joint committee to propose a text on the provisions still under discussion.

This text can be submitted by the same route to the two assemblies for adoption. In this case, no amendment is not admissible.

If the joint committee fails to propose a joint text or if the text was not passed by both chambers, the Government may, after a new reading by both

houses, asking the National Assembly for final decision.

67: The laws which the Constitution confers the character of organic laws are enacted and amended as follows:

The draft or proposal is submitted for deliberation and voting of the first seizure Assembly until the expiration of a period of fifteen (15) days after filing.

The procedure of Article 66 is applicable. However, failing agreement between the two assemblies the text can be adopted by the National Assembly on final reading only by an absolute majority of its members.

The laws relating to the Senate must be passed in identical terms by both chambers.

Organic laws will be promulgated until the Constitutional Council has declared their conformity with the Constitution.

Article 68: Parliament votes on the project finance laws.

Before Parliament the draft of the Finance Bill at the opening session of November.

If the National Assembly took no action on first reading within thirty (30) days after filing, the Government seized the Senate, which must rule within

fifteen (15) days. This is followed in conditions laid down in Article 66 of this Constitution.

If Parliament has not passed the budget at the end of its session, or if it has not voted in balance, the Government referred the draft budget within

fifteen (15) days to the National Assembly convened in special session.

The National Assembly must decide within eight (8) days. If the budget is not voted on the expiry of that period, the President of the Republic shall

automatically make an order based on the revenue of the previous year.

Parliament controls the execution of state budget and supplementary budgets. A statement of expenditure will be provided to Parliament at the end of each semester for the previous semester. The final accounts of a year are filed during the budget session next year and approved by law.

A Court shall assist Parliament and the Government in monitoring the execution of finance laws.

Article 69: The agenda of the assemblies, by priority and in order that the Government has set, the discussion of projects and proposed laws accepted by it.

One session per week is reserved for priority and in order that the Government has set, discussions of projects and proposals of laws accepted by it.

One session per week is reserved in priority to questions from Members of Parliament and the Government's responses.

Article 70: The President of the Republic promulgates laws within eight (8) days earlier than thirty (30) days at the latest following the submission made to him by Parliament.

The President of the Republic may, during that period, return the bill or proposed law for a second reading. If the National Assembly decides to adopt a majority of its members, the law is promulgated and published within the period specified in the preceding paragraph.

Article 71: The state of siege and state of emergency decreed by the President of the Republic for a maximum period of thirty (30) days.

This period may be extended by Parliament.

It is held right if it is not in session.

The law defines the exceptional powers granted to the President of the Republic by the declarations of martial law and emergency rule.

Article 72: The Government is obliged to provide Parliament, in the manner provided by law, any explanations which have been requested on his administration and his actions.

Article 73: The Prime Minister made once a year, during the session of November 1 report to the National Assembly on the activities of the Government during the past year and sets out the general lines of its program for the year come.

Article 74: The Prime Minister, jointly with the ministers responsible to the National Assembly. The involvement of political responsibility from the question of confidence or censure motion.

The Prime Minister, after deliberation by the Council of Ministers before the National Assembly urges the Government to account on its program and possibly a statement of general policy.

The National Assembly is challenging the Government's responsibility through voting a motion of censure.

A motion of censure tabled by a Member must specifically address the title and author's signature.

Such a motion is admissible only if it is signed by one third (1 / 3) at least one member of the National Assembly.

Mauritania Constitution amended in 2006 (continued) - THE CONSTITUTION IN AFRI... Page 2 of 4

http://translate.googleusercontent.com/translate_c?hl=en&sl=fr&u=http://www.la-constit... 28/09/2010

The vote may take place within forty eight (48) hours after mailing the question of confidence or censure motion.

Article 75: The vote of no confidence or the adoption of motion of censure shall entail the immediate resignation of the Government. They can be acquired only

by a majority of deputies in the National Assembly, only votes in confidence or votes in favor of the motion of censure.

The outgoing Government shall continue to handle everyday business until the appointment by the President of the Republic, a new prime minister and a new Government.

If a motion of censure is rejected, its signatories may not propose a new one during the same session, except as provided in paragraph below.

Prime Minister after deliberation by the Council of Ministers urges the Government's responsibility before the National Assembly vote on a text.

In this case, the bill is considered adopted unless a motion of censure, introduced within twenty four hours, was voted as provided in the first

paragraph of this article.

The Prime Minister may ask the Senate to approve a policy statement.

Article 76: The closure of ordinary or extraordinary sessions shall be postponed to allow, where appropriate, the provisions of Article 75 of this Constitution.

Article 77: If in an interval of less than thirty-six (36) months have taken two changes of government following a vote of no confidence or censure motion, the

President of the Republic may, after consulting the President of the National Assembly, declare the dissolution thereof.

In this case, there will be new elections within forty (40) days. The new National Assembly meets in full three (3) weeks after his election.

TITLE V

TREATIES AND AGREEMENTS

INTERNATIONAL

78: The treaties of peace, union, commercial treaties, treaties or agreements relating to international organization, those that commit the finances of the

State, to amend the provisions of a legislative nature, those relating to personal status and treaties on the borders of the State, may be ratified only by

a law.

They can not take effect until confirmed or approved.

No cession, no exchange, no addition of territory shall be valid without the consent of the people who decide by referendum. In the case referred to the last paragraph of Article 2 of this Constitution, the majority required is four fifth (4 / 5) of the votes cast. **79:** If the Constitutional Council, the President of the Republic or the President of the National Assembly or the Senate President or the third (third) of the deputies or senators, said that international agreement contains a clause contrary to the Constitution, authorization to ratify or approve it may only occur after revision of the Constitution.

Article 80: Treaties or agreements duly ratified or approved shall, upon publication, an authority superior to that of laws, subject to each agreement or treaty is applied by the other party.

TITLE VI

THE CONSTITUTIONAL COUNCIL

Article 81: The Constitutional Council consists of six (6) members, whose mandate lasts nine (9) years and not renewable. The Constitutional Council is renewed by thirds (1 / 3) every three years. Three members are appointed by the President of the Republic, two by the Speaker of the National

Assembly and the Chairman of the Senate.

Members of the Constitutional Council must be older than thirty five (35) years at least.

They may not belong to the governing bodies of political parties.

They enjoy parliamentary immunity.

The President of the Constitutional Council is appointed by the President of the Republic among the members nominated by it. It has a casting vote in case of a tie.

Article 82: The office of member of the Constitutional Council are incompatible with membership of the Government or Parliament. Other incompatibilities shall be determined by organic law.

Article 83: The Constitutional Council shall ensure the regularity of the election of the President of the Republic. It examines the claims and announce the election results.

Article 84: The Constitutional Council rules, if contested, the regularity of the election of deputies and senators.

Article 85: The Constitutional Council shall ensure the regularity of referendums and announce the results.

86: The organic laws, before promulgation of regulations and parliamentary assemblies before their implementation, must be submitted to the

Constitutional Council, which decides on their compliance with the Constitution.

For the same purpose, the laws may be referred to the Constitutional Council before their promulgation by the President of the Republic, Speaker of

the National Assembly, the President of the Senate or the third (1 / 3) Members of the Assembly national or the third (third)

component of the senators

in the Senate.

In the cases mentioned in the two preceding paragraphs, the Constitutional Council must rule within a period of one (1) month.

However, at the request of the President of the Republic, in case of emergency, this period is reduced to eight (8) days.

In these cases, referral to the Constitutional Council shall suspend the period of enactment.

Article 87: A provision declared unconstitutional may not be promulgated or implemented.

The decisions of the Constitutional Council are protected by the authority of res judicata.

The decisions of the Constitutional Council are not subject to appeal.

They apply to public authorities and all administrative and judicial authorities.

Article 88: A law shall determine the rules of organization and functioning of the Constitutional Council, the procedure to be followed before it, including the deadlines set for referred disputes.

TITLE VII

THE JUDICIARY

Article 89: The judiciary is independent of the legislative and executive branches.

The President of the Republic shall guarantee the independence of the Judiciary. He is assisted by the Superior Council of Magistracy, which he chairs.

An organic law determines the status of the judiciary, composition, functioning and powers of the Superior Council of Magistracy.

Article 90: The judge obeys to the law. As part of its mission, it is protected against any form of pressure that might impair his free will.

Article 91: No one shall be arbitrarily detained. The judiciary, the guardian of individual liberty, enforces this principle as provided by law.

TITLE VIII

THE HIGH COURT OF JUSTICE

Article 92: There shall be a High Court of Justice.

It is composed of members elected from among themselves and in equal numbers by the National Assembly and the Senate, after each general or

partial renewal of these Assemblies.

It elects a Chairman from among its members.

An organic law shall determine the composition of the High Court of Justice, rules of operation and the procedure applicable before it.

Mauritania Constitution amended in 2006 (continued) - THE CONSTITUTION IN
AFRI... Page 3 of 4

http://translate.googleusercontent.com/translate_c?hl=en&sl=fr&u=http://www.la-constit... 28/09/2010

Article 93: The President of the Republic is responsible for acts performed in the exercise of his functions in case of high treason. He can be indicted only by the two assemblies acting by an identical vote by open ballot and by absolute majority of their members, and is tried by the High Court of Justice.

Prime Minister and Cabinet members are criminally liable for acts performed in the exercise of their functions as crimes or offenses when they were committed. The procedure defined above is applicable to them and their accomplices in the case of conspiracy against state security. In the case described in this paragraph, the High Court of Justice is bound by the definition of crimes and the sentencing as resulting from criminal laws when the acts were committed.

TITLE IX

CONSULTATIVE INSTITUTIONS

Article 94: It is instituted to the President of a High Islamic Council composed of five (5) members. The chairman and other members of the High Islamic Council are appointed by the President of the Republic. The High Islamic Council meets at the request of the President of the Republic.

It forms an opinion on matters about which he is consulted by the President of the Republic.

Article 95: The Economic and Social Council, seized by the President of the Republic, gives its opinion on draft laws, orders or decrees relating to economic and social as well as on bills similar to it submitted.

The Economic and Social Council may designate one of its members to lay before the Parliament, the opinion of the Council on projects or legislative proposals that were submitted.

Article 96: The Economic and Social Council may also be consulted by the President of the Republic on matters relating to economic and social interest to the State. Any plan and bill program of economic and social submitted for review.

Article 97: The composition of the Economic and Social Council and its rules of operation are determined by an organic law.

TITLE X

LOCAL GOVERNMENT

Article 98: Local authorities are the municipalities and entities to which the law confers this quality. These communities are administered by councils elected under conditions laid down by law.

TITLE XI

THE REVISION OF THE CONSTITUTION

Article 99 (new): The initiative of the revision of the Constitution belongs jointly to the President of the Republic and members of Parliament.

No amendment tabled by parliamentarians can not be discussed unless it has been signed by one third (1 / 3) at least one of the members of the Assemblies.

Any proposed revision must be voted by a majority of two thirds (2 / 3) of the deputies in the National Assembly and two-thirds (2 / 3) of senators calling for the Senate to be submitted to referendum.

No procedure of revision of the Constitution can not be held liable if it involves the existence of the State or undermining the integrity of the territory, the republican form of institutions, the pluralistic nature of Mauritanian democracy or the principle of democratic power and its corollary, the principle

that the mandate of the President of the Republic is five years, renewable once, as envisaged in Articles 26 and 28 above.

Article 100: Revision of the Constitution is definitive after approval by referendum by a simple majority of votes cast.

101: However, the proposed revision is not submitted to referendum where the President of the Republic decides to submit to Parliament convened in congress, in which case, the proposed revision is approved if it meets the majority of three fifths (3 / 5) of the votes cast. The conference office is that of the National Assembly.

TITLE XII

FINAL PROVISIONS

Article 102 (new) legislation and regulations in force in the Islamic Republic of Mauritania shall continue to apply until they have been amended in the manner prescribed by the Constitution.

Previous laws to the Constitution should be amended, if necessary, to conform to constitutional rights and freedoms in a period not exceeding three

years from the date of enactment of this Act constitutional.

Where the amendments referred to in the preceding paragraph are not made on time, every individual can bring these laws to the Constitutional

Council for review of their constitutionality. The unconstitutional provisions can be enforced. "

This Ordinance shall be enforced as incorporation of the Islamic Republic of Mauritania.

Create a free blog on over-blog.com - Contact - CGU - Flag - Most Commented Articles

Mauritania Constitution amended in 2006 (continued) - THE CONSTITUTION IN

AFRI... Page 4 of 4

http://translate.googleusercontent.com/translate_c?hl=en&sl=fr&u=http://www.la-constit...
28/09/2010