



# THE CONSTITUTION OF THE UNITED STATES OF KURDISTAN

## PREAMBLE

We the People of the United States of Kurdistan, in order to form a just and democratic State, while safeguarding the peace and security within the borders of the State of Kurdistan, provide for a common defence, promote the general welfare, and secure the free movement of people and goods within the Union in full equality and freedom, do ordain and establish this Constitution for the United States of Kurdistan. All persons born or naturalized in the United States of Kurdistan, and subject to the jurisdiction thereof, are citizens of the United States of Kurdistan and of the State wherein they reside.

## PUBLIC OFFICES

The United States of Kurdistan consists of the following Public Offices:

- Presidency: President, Vice President and General Coordinator;
- Cabinet of Ministers;
- House of Representation of the Nation;
- Supreme Court of the United States of Kurdistan;
- Federal Army;
- Federal Police;
- National Legislative Committee;
- Regional Government: Elected Governor, Regional Coordinator and Mayor;
- Regional Houses of Representation of the Nation;
- Regional Legislative Committees;
- Regional Judiciary;
- Regional Police.

## RIGHTS AND PRIVILEGES

No State shall make or enforce any law which shall abridge the privileges or immunities of any person present within the United States of Kurdistan. Specifically, all persons present within the United States of Kurdistan shall enjoy the following rights and privileges:

### Right to life

The right to life of every person within the United States of Kurdistan shall be protected by the state authorities, and no death penalty shall be imposed in any circumstances.

With a view to protecting this right, state authorities have the following duties:

- a duty to refrain from unlawful killing;
- a duty to investigate suspicious deaths.

### Prohibition of torture

The use of torture and other inhuman or degrading treatment or punishment is prohibited in all circumstances, irrespective of the conduct of the person.

With a view to protecting this absolute prohibition, state authorities have the following duties:

- a duty to refrain from using any form of torture in all circumstances;
- a duty to investigate allegations of torture; and where merited, prosecute the perpetrator(s).

### **Prohibition of slavery and servitude**

Slavery and involuntary servitude are prohibited within the United States of Kurdistan, or any place subject to their effective control.

Forced labor is equally prohibited within the United States of Kurdistan, or any place subject to their jurisdiction, save in the following situations:

Labor done as a normal part of a court order;

Labor done in the form of compulsory military service or work done as an alternative by conscientious objectors;

Labor done during a state of emergency.

The National Legislative Committee shall have the power to enforce this article by appropriate legislation.

### **Right to vote**

All citizens of the United States of Kurdistan, who are eighteen years of age or older, have the right to vote in any election for the President or Vice President, or for the Representatives in the House of Representatives of the Nation.

The National Legislative Committee shall have power to enforce this article by appropriate legislation.

### **Freedom of expression**

All persons within the United States of Kurdistan have the right to freedom of expression, subject to certain restrictions that are in accordance with the law and necessary in a democratic society.

This right includes the freedom to hold opinions, and to receive and impart information and ideas.

Proportionate restrictions are allowed if deemed absolutely necessary for:

- interests of national security;
- territorial integrity or public safety;
- prevention of disorder or crime;
- protection of public health;
- protection of the reputation or the rights of others;
- prevention of disclosure of information received in confidence;
- upholding the authority and impartiality of the judiciary.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation.

### **Freedom of association**

All persons within the United States of Kurdistan have the right to freedom of assembly and association, including the right to form trade unions, subject to certain restrictions that are in accordance with the law and necessary in a democratic society.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation.

### **Liberty and security**

Everyone has the right to liberty and security of person, subject only to a lawful arrest on reasonable suspicion of a crime or detention in an education and rehabilitation center in fulfillment of a sentence.

No person shall be deprived of his or her liberty, or property, without due process of law.

Anyone subject to an arrest has, as a minimum, the following rights:  
The right to be informed, in a language he or she understands, of the reasons for the arrest and any charge he or she faces;

The right of prompt access to judicial proceedings to determine the legality of the arrest or detention;

The right to a trial within a reasonable time or release pending trial, and  
The right to compensation in the case of arrest or detention in violation of this Constitution and other laws in effect within the United States of Kurdistan.  
The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation, with due respect for the minimum rights stated here.

### **Fair trial**

Everyone brought before a court of law has a right to fair proceedings, which includes but is not limited to:

the right to a public hearing before an independent and impartial tribunal;

the right to be tried within a reasonable time;

the presumption of innocence;

the right to have adequate time and facilities to prepare a defence;

the right to examine witnesses against him or her, or have them examined;

the right to compel witnesses to testify in his or her favor;

the right of access to legal representation, which is to be paid by the state if the person concerned does not have adequate means to pay for it;

the right to the free assistance of an interpreter;

the right to have a conviction and sentence reviewed by a court of appeal;

the right to have a confirmed and irrevocable conviction and sentence reviewed by a court of law upon demonstrating new facts or circumstances;

the right to a just compensation for any miscarriage of justice.

No person shall be held to answer for a crime, unless on an indictment which meets the legal requirements, except in cases arising in the land or naval forces, when in actual service in time of war or public danger.

No person shall be tried for the same offence twice.

No person shall be compelled in any criminal case to be a witness against himself.

No person shall be convicted solely and exclusively on the basis of his own confession.

No person may be arrested or punished for an act that was not a criminal offence under national or international law at the time of its commission.

No heavier penalty can be imposed than was applicable at the time when the criminal act was committed.

Excessive fines shall not be imposed.

These provisions are applicable in criminal, civil and administrative proceedings, and equally apply to foreigners facing expulsion or extradition.

The National Legislative Committee shall have power to enforce this right and its limitations by appropriate legislation, with due respect for the minimum rights stated here.

### **Right to privacy**

Everyone has a right to respect for one's private and family life, his or her home and his or her correspondence, subject to certain restrictions that are in accordance with the law and necessary in a democratic society.

This right provides a right to be secure in his or her person, house, papers, and effects, against unreasonable searches and seizures, and no warrants shall be issued, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation.

### **Right to property**

Every natural or legal person is entitled to the peaceful enjoyment of his or her possessions. Private property shall not be taken for public use, unless strictly necessary and not without just compensation.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation.

### **Right to education**

Everyone has a right to education in a language he or she understands. There will be no tuition fees.

Education and religion are separate. Parents have the right to have their children educated about all religions and their histories. Religious history, encompassing all religions, will be made compulsory.

States should ensure that education facilities are made available within reasonable distance from the residential areas of all citizens equally.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation, with due respect for the minimum rights stated here.

### **Freedom of conscience and religion**

All persons within the United States of Kurdistan have the right to freedom of conscience and religion.

This right includes the freedom to change a religion or belief, and to manifest a religion or belief in worship, teaching, practice and observance, subject to certain restrictions that are in accordance with law and necessary in a democratic society.

The States will determine worship locations for all religions practiced in the United States of Kurdistan, based on community requests. This shall be done in a responsible and sensitive manner which does justice to the freedom of religion and respects all religions equally, while bearing in mind that religion is a private, not a public matter.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation.

### **Language**

The official languages spoken in the United States of Kurdistan are: Kurdish and English. No local or regional language shall be banned. Everyone has the right to speak the language of his or her choice, but will have to learn the official languages over and above any other language spoken.

The National Legislative Committee shall have the power to enforce this right and its limitations by appropriate legislation, with due respect for the minimum rights stated here.

### **Prohibition of discrimination**

Any form of discrimination based on sex, race, colour, language, religion, political or other opinions, sexual orientation, national or social origin, association with a national minority, property, birth or other status, is prohibited under the law of the United States of Kurdistan, unless such discrimination is necessary to help a marginalized group.

Everyone is treated equally before the law and enjoys equal protection of the law, including equal access to any legal right or cause of legal action.

There is complete equality between spouses.

No distinction shall be made between residents of different states within the United States of Kurdistan. Within the limits of the law, foreigners can be subjected to different rules and regulations, and their political activity may be restricted within the territory of the United States of Kurdistan.

There is free movement between the states of the United States of Kurdistan and everyone is free to leave the United States of Kurdistan in all circumstances except upon a warrant of arrest.

The National Legislative Committee shall have the power to enforce these principles and their limitations by appropriate legislation, with due respect for the minimum rights stated here.

### **Equal access to resources**

States should take effective steps to encourage livelihood and economic development for all citizens. This includes access to resources, livestock and development and employment options in the area where they are living. States should do everything possible to create equal opportunities in and around the residential areas to ensure that citizens do not need to travel or are forced to move to the other side of the country. Similarly, States should ensure equal access of all citizens to public institutions, including courts, police forces, offices for official documentation (e.g. passports, identity cards, birth certificates) and other public services, within reasonable distance from their residence.

### **Effective remedy**

Everyone has the right to an effective remedy before national authorities for violations of any of the rights under this Constitution.

### **Scope**

All States of the United States of Kurdistan are bound by this Constitution and must take effective steps to secure the rights under the provisions of this Constitution within their jurisdiction.

### **Permitted restrictions and derogations**

Any limitations on the rights provided for in this Constitution may be used only for the purpose for which they are provided. No one may use the rights guaranteed by the Constitution to seek the abolition or limitation of rights guaranteed in the Constitution. In a time of war or other public emergency threatening the life of the nation, certain rights guaranteed by the Constitution can be temporarily derogated from, provided the following conditions are met: there must be a public, actual and imminent emergency threatening the life of the nation; any measures taken in response must be strictly required by the exigencies of the situation; and the measures taken in response to it, must be in compliance with a state's other obligations under international law.

In addition to these substantive requirements, the derogation must be subjected to legal restrictions in terms of its scope and durability, and be formally announced. The right to life and prohibition of torture cannot be derogated in any circumstances.

## **PRESIDENCY**

### **1. Composition of the Presidency**

The Presidency of the United States of Kurdistan is composed of the President, the Vice President and a General Coordinator of the Government.

### **2. Executive Power**

The executive power shall be vested in the President and the National Coordinator of the United States of Kurdistan. They shall hold their Offices during the term of five years, together with the Vice President, chosen for the same term. One of the three must be female.

### 3. Qualifications for Office

At the time the President takes office he or she must be: a citizen of the United States of Kurdistan; an inhabitant of the United States of Kurdistan for at least five years; in possession of a University degree; five years of work experience in public function.

No person except a citizen of the United States of Kurdistan shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained a medical health certificate indicating he or she is fit to serve.

No person shall be elected to the office of the President or General Coordinator more than twice.

### 4. Presidential Powers and Responsibilities

The President shall be Commander in Chief of the Army of the United States of Kurdistan, when called into the actual service of the United States of Kurdistan; he or she shall have the power to grant reprieves and pardons for offenses against the United States of Kurdistan. Under the President will serve the Minister of Defence as the chief of military service.

The President and General Coordinator shall have equal power.

The President and General Coordinator shall have the power, by and with the advice and consent of the House of the Representation of the Nation, to make Treaties, provided two thirds of the National Representatives concur; and he or she shall nominate, and by and with the advice and consent of the House of the Representation of the Nation, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States of Kurdistan, whose appointments are not herein otherwise provided for, and which shall be established by law.

The President and/or General Coordinator shall receive Ambassadors and other public Ministers; he or she shall take care that the laws be faithfully executed, and shall commission all the Officers of the United States of Kurdistan. The President and/or General Coordinator receive all foreign Ambassadors. The President possesses broad power over matters of foreign policy, and has exclusive authority to grant recognition to a foreign government. The President and General Coordinator must take care that the laws be faithfully executed.

The President and General Coordinator commissions all the Officers of the United States of Kurdistan. These include officers in both military and foreign service.

The President and General Coordinator may mutually exchange their work schedule.

### 5. Replacement by Vice President

If, at the time fixed for the beginning of the term of the President and General Coordinator, the elected President or General Coordinator shall have died or fallen seriously and incurably ill, the elected Vice President shall become President or General Coordinator. If a President or General Coordinator shall not have been chosen before the time fixed for the beginning of his term, or if the elected President or General Coordinator shall have failed to qualify, then the elected Vice President shall act as President or General Coordinator until a President or General Coordinator shall have qualified; and the National Legislative Committee may by law provide for the case wherein neither the elected President nor the elected Vice President shall have qualified, declaring who shall then act as President or General

Coordinator, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or General Coordinator or Vice President shall have qualified. In case of the removal of the President or General Coordinator from Office, or of his or her incurable illness or death, resignation, or inability to discharge the powers and duties of the said Office, the same shall devolve on the Vice President, and the National Legislative Committee may by law provide for the case of removal, illness, death, resignation or inability, both of the President and General Coordinator and Vice President, declaring what Officer shall then act as President or General Coordinator, and such Officer shall act accordingly, until the disability be removed, or a President or General Coordinator shall be elected.

#### 6. Vacancy in the Office of the Vice President

Whenever there is a vacancy in the office of the Vice President, the President and General Coordinator shall nominate a Vice President who shall take office upon confirmation by a majority vote of the House of the Representation of the Nation.

#### 7. The Relationship President – General Coordinator

The General Coordinator shall be acting with the President and shall have the same tasks and equal authority to the President.

The General Coordinator advises the President and can replace him or her temporarily during his or her absence or illness.

The General Coordinator can replace the President temporarily but goes when the President goes.

The General Coordinator shall have the same votes and voting rights as the President.

The President and General Coordinator must be in agreement on constitutional matters before decisions thereon can be taken.

#### 8. Salary

The President, Vice President and General Coordinator shall, at stated times, receive for their services, a compensation, which shall neither be increased nor diminished during the period for which he or she shall have been elected, and he or she shall not receive within that period any other remuneration from the United States of Kurdistan.

#### 9. Oath or affirmation

Before the President enters the execution of his or her Office, he or she shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States of Kurdistan, and will to the best of my ability, preserve, protect and defend the Constitution of the United States of Kurdistan. So help me God."

The General Coordinator and Vice President shall take the same oath or affirmation.

## HOUSE OF REPRESENTATION OF THE NATION

### Legislative Powers

All legislative Powers herein granted shall be vested in the 'House of Representation of the Nation' of the United States of Kurdistan. The specific advisory body on the law within the House of Representation of the Nation is the Legislative Committee, which shall produce drafts on all legal matters.

## **Composition and Qualification of Representatives**

The 'House of Representation of the Nation' shall be composed of members chosen every five years by the people of all States of the United States of Kurdistan. The House of Representation of the Nation shall be composed of two Representatives from each State of the United States of Kurdistan, elected by the people thereof, for five years; and each Representative has one vote. No person shall be a representative who is under the age of 22 years, and is not a citizen of the United States of Kurdistan, and who shall not, when elected, be an inhabitant of that State in which he or she shall be chosen.

The Representatives are a member of one of the political parties or independent of any political party. There must be regional Representatives who stand election of all political parties. The President and General Coordinator must overlook it. The composition of the House of Representation of the Nation must be representative of all nationals of all States of the United States of Kurdistan, which is to be achieved as follows: There will be Regional Houses of Representatives in each separate State, which elect a representative State Coordinator, who must have a minimum of five years of relevant experience. Relevant means 'involved in Kurdish issues and/or Kurdish languages'. The State Coordinator must speak both Kurdish and English. The State must provide minimum education. In exceptional cases and on individual merit, an elective member can stand without meeting the educational requirement. The Presidency chooses the candidates. The House of Representation of the Nation has the final say.

There will be national inspectors paid by the government, who will be State-appointed lawyers to ensure the process is conducted fairly. These national inspectors must have knowledge and be qualified; they must be capable of doing the job.

## **Elections of Representatives**

The times, locations and manner of holding elections for Representatives, shall be prescribed in each State of Kurdistan by the legislature thereof; but the national legislator may at any time by law make or alter such regulations.

The national and regional Houses shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to make any decision. A minority number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as the House may provide. Vice President as President of the House of Representation of the Nation The Vice President of the United States of Kurdistan shall be President of the House of Representation of the Nation, but shall have no vote, unless they be equally divided. The other officers of the House of Representation shall be chosen by the House of Representation. Composition and Election of National Legislative Committee The National Legislative Committee shall have 12 members who shall be elected by majority vote by the Representatives of the House of Representation of the Nation.

## **Rules and Procedure**

The House of Representation of the Nation shall assemble at least once a year. The House may determine the Rules of its proceedings, sanction its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

## **Salary**

The Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States of Kurdistan. They shall in all cases, except treason, acts of aggression, or offenses against the Law of Nations, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same in the course of their public functions.



## **Bills**

Every Bill is prepared by the National Legislative Committee and must then be approved by the House of Representation of the Nation. Before the becomes law, an approved Bill shall be presented to the President of the United States of Kurdistan. If he or she and the General Coordinator approve, they shall both sign it. If the President and the General Coordinator do not approve, they shall return it, with their objections to the House of Representation of the Nation. If upon considering the objections, two thirds of the House of Representation of the Nation agree to reconsider the original Bill, it will incorporate the objections, pass and sign the Bill. It shall then be sent to the relevant Ministry, which shall subsequently enact the Bill as a Law. If any Bill is not returned by the President within one month after it has been presented to him or her, the same shall be a Law, in similar manner as if he or she had signed it. Every order, resolution, or vote to which the concurrence of the House of Representation of the Nation may be necessary shall be presented to the President of the United States of Kurdistan; and before the same shall take effect, shall be approved by him or her and the General Coordinator, or being disapproved by him or her and the General Coordinator, and shall then be repassed by two thirds of the House of Representation of the Nation, according to the Rules and limitations prescribed in the case of a Bill.

## **Independence from the Executive**

No Representative shall, during the time for which he or she was elected, be appointed to any civil office under the authority of the United States of Kurdistan; and any person holding any office under the United States of Kurdistan at the time of being elected Representative, shall resign from office without delay. There shall be strict separation between the legislator, executive and judiciary. There shall be checks and balances between the different organs.

## **Powers of the House of Representation of the Nation**

The House of Representation of the Nation shall have the power:

- To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States of Kurdistan; but all duties, imposts and excises shall be uniform throughout the United States of Kurdistan;
- To borrow money on the credit of the United States of Kurdistan;
- To regulate commerce with foreign nations, and among the several States of Kurdistan;
- To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States of Kurdistan;
- To coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures;
- To provide for the punishment of counterfeiting the securities and current coin of the United States of Kurdistan;
- To constitute Tribunals inferior to the Supreme Court;
- To define and punish offenses against the Law of Nations;
- To declare war, or surrender, and make rules concerning captures on land and water;
- To raise and support a uniform army of the United States of Kurdistan;
- To provide and maintain an air force;
- To make rules for the Government and regulation of the land and air forces;
- To provide for calling forth the police, and in state of emergency and subject to Cabinet resolutions, the army, to execute the Laws of the United States of Kurdistan, suppress insurrections and repel invasions;
- To provide for organizing, arming, and disciplining, the army and police forces;
- To lay and collect taxes on incomes without apportionment among the different States;
- To make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States of Kurdistan, or in any Department or Officer thereof.

To the extent that any of the above requires any Law to be passed, the National Legislative Committee shall be in charge of drafting it.

Limits on these Powers of the House of Representation of the Nation  
The powers of the National Legislative Committee are limited as follows:

The Privilege of challenging the legality of an arrest shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No ex post facto Law shall be passed.

No Law shall be passed which is in violation of the United Nations Rules and Regulations and, or universally acknowledged human rights.

No preference shall be given by any regulation of commerce or revenue to one State over another: nor shall any import or export tax between the States of Kurdistan be imposed.

No money shall be drawn from the Treasury, except appropriations made by Law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

The National Legislative Committee shall make no law respecting an establishment of religion, or prohibiting the free exercise of any religion; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The legislators must abide by the laws of the United States of Kurdistan.

## **CABINET OF MINISTERS**

### **Composition**

There are 12 Ministers chairing the following 12 Ministries:

- Ministry of Defence
- Ministry of Internal Affairs (responsible for the National, Regional and Federal Police Force)
- Ministry of Foreign Affairs
- Ministry of Economy and Development
- Ministry of Justice
- Ministry of Culture, Sport and Recreation
- Ministry of the Rights of the Citizens of the Nation
- Ministry of Social Relations
- Ministry of Labor
- Ministry of Unity
- Ministry of Inspection
- Ministry of Health and Well-Being

### **Executive power of the Cabinet of Ministers**

The Cabinet of Ministers forms the Executive. The Cabinet has executive powers subject to the approval of the President and General Coordinator. The Cabinet implements the law and decisions passed through the House of Representation of the Nation.

Every Minister has one vote.

High moral character

Ministers must be exemplary and be of high integrity and morality.

The laws that apply to the citizens of the United States of Kurdistan apply equally to all employees in the Ministries, including the Ministers themselves.

Anyone in Government office must be in a clear state of mind that they are there to serve the nation, not their self-interests.

Any Cabinet member who was involved in wrongdoing that would have prevented him or her from standing election should remove him or herself from office.

## **Election of Ministers**

The Ministers are elected by the citizens of the United States of Kurdistan. Citizens vote for a regional delegate who is a member of one of the political parties or an independent delegate. There must be regional delegates of all parties. The party with the highest number of votes will be the ruling party. The ruling party will select the Ministers. The President and General Coordinator must overlook it. This selection of Ministers must subsequently be approved by the majority of the House of Representation of the Nation, the President and General Coordinator. The National Legislative Committee will further determine the rules to be applied to ensure geographical representation among the elected Ministers, depending on the quantity of the population in each State.

## **REGIONAL GOVERNMENT**

### **Composition of Regional Government**

Every State within the United States of Kurdistan has its own elected Regional Government, which consists of an elected Governor, a Regional Coordinator and a Mayor.

Every State has its own Regional House of Representatives, which falls under the Governor.

Applicable Laws in the national States

Every State is independent and may adopt its own Constitution and Laws, as long as they do not contradict federal law. Each State is bound by this Constitution and all federal laws.

The manner in which the national Laws shall be drafted, adopted and amended shall be the same as for the Federal Laws.

## **ACCOUNTABILITY**

### **Office of Checks and Balances**

There will be an organization of inspectors who are independent of government bodies and each have their specialized areas of responsibilities. They must ensure that national wealth – gas, petrol, minerals -, tax and any other national income is carefully balanced between States and divided such that there is an equal distribution of resources.

#### **1. Unlawful Conduct**

The Constitution allows for involuntary removal from office. The President and General Coordinator, Vice-President, Cabinet Ministers, and other executive officers, as well as judges, shall be removed from Office on conviction of treason, bribery, or other serious crimes and misdemeanors. In case of wrongdoing the case shall be referred to the Office of Prosecution, which must carry out its mandate independently irrespective of the complaint. An allegation of such wrongdoing is, however, insufficient. The Prosecutor must investigate any allegation of unlawful conduct of public officials and do adequate fact checking.

Pending the investigations carried out by the Prosecutor, upon a preliminary assessment that the allegation has merit and is of sufficient gravity, the Prosecutor may refer the matter to the Court. If the Court finds there are reasonable grounds to believe that the public official committed the alleged offence(s), the Court may request the House of Representation of the Nation via the Minister of Justice for the temporal removal of the public official as an interim measure pending the investigations.

In the course of such investigations, there is a right to be heard and a right to respond to any allegations. Guidelines will be adopted to further determine the procedure.

If any officer is convicted of a crime, he or she is immediately removed from office, and may be barred from holding any public office in the future. No other punishments may be inflicted while in office, but the convicted person remains liable to trial and punishment in the courts for civil and criminal charges.

## **JUDICIAL AUTHORITIES**

### **2. Responsibility for Judiciary**

The legal system, court system and prison system fall under the mandate of the Ministry of Justice.

### **3. Federal courts**

The judicial power of the United States of Kurdistan shall be vested in one Supreme Court, Federal Courts, Regional and State Courts in each independent region. The judges, both of the Supreme and inferior Courts, must demonstrate good behavior while holding their Offices, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in Office.

### **4. Judicial power, jurisdiction, and trial by jury**

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the Laws of the United States of Kurdistan, and Treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects. In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such Regulations as the National Legislative Committee shall make. Trial of all crimes for which the minimum sentence is five years detention in an education and rehabilitation center shall be by jury, unless the defendant waives his or her right to a jury. Such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the National Legislative Committee may by Law have directed.

### **5. Extradition**

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he or she fled, be delivered up, to be removed to the State having jurisdiction of the crime.

### **6. Judicial review**

The power of the federal judiciary to review the constitutionality of a Statute or Treaty, or to review an administrative Regulation for consistency with either a Statute, a Treaty, or the Constitution itself, lies with the Supreme Court.

### **7. Punishment**

Any punishment must be in accordance with the law of the nation.

Every individual shall be held responsible for his or her own actions. There is only individual accountability and no vicarious accountability.

Those who were sentenced by previous occupiers will be automatically freed. Citizens of the United States of Kurdistan can only be sentenced by the judiciary and/or jury who are appointed under the Laws of the United States of Kurdistan.

#### 8. Education and rehabilitation centers

Prison sentences will be served in Education and Rehabilitation centers instead of prisons.

The primary focus is on the resocialization and reintegration of those convicted into society.

States shall offer job opportunities, recreation and sport activities, learning development options, and psycho-social services to those detained in the education and rehabilitation centers.

#### 9. Judgments on the Mentally Ill

There will be institutions for convicted individuals with a mental illness. Those individuals will be released if and when they are no longer considered to be a danger to themselves or others. The decision hereon will be reviewed yearly by a review board of independent professional experts in the field. An appeal against such a decision lies with another mental institution with a professional review board. The judge, prosecutor and the mentally ill assisted by counsel will be part of that.

As a last resort, such individuals can go to the court, which will compose an appeal board to determine the matter.

### **FUNDAMENTALS UNDERLYING THIS CONSTITUTION**

#### 10. Supreme Law of the Land

This Constitution, and the Laws of the United States of Kurdistan which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States of Kurdistan, shall be the Supreme Law of the Land; and the Judges in all States of the United States of Kurdistan shall be bound thereby.

#### 11. Full faith and credit

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the National Legislative Committee may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof. The first section requires States to extend "full faith and credit" to the public acts, records and court proceedings of other States. The National Legislative Committee may regulate the manner in which proof of such acts, records or proceedings may be admitted.

#### 12. Oath or Affirmation

The Representatives of the national and regional Houses of Representation of the Nation, and the Members of the national and regional Legislative Committees, and all executive and judicial officers, both on federal and regional level, shall be bound by oath or affirmation, to support this Constitution. No religious test shall ever be required as a qualification to any Office or public trust under the United States of Kurdistan.

#### 13. Republican Government

The United States of Kurdistan shall guarantee to every State within the United States of Kurdistan a Republican Form of Government, [...]

#### 14. Privileges and Immunities

The citizens of each State shall be entitled to all Privileges and Immunities of citizens in all of the States.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### 15. Delegated Powers

The powers not delegated to the United States of Kurdistan by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The judicial power of the United States of Kurdistan shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States of Kurdistan by citizens of another State, or by citizens or subjects of any foreign State.

#### 16. Property Clause

The National Legislative Committee shall have the power to dispose of and make all needful Rules and Regulations respecting the territory or other property belonging to the United States of Kurdistan; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States of Kurdistan, or of any particular State therein.

#### 17. Protection from invasion and domestic violence

The United States of Kurdistan shall protect each of the States against invasion; and on application of the National House of Representation, or of the Cabinet of Ministers (when the National House of Representation cannot be convened) against domestic violence.

### **AMENDMENTS TO THE CONSTITUTION[1]**

The National Legislative Committee, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the National Legislative Committee.[1]

Note from the framers: Note from the framers: this is the base of the United States of Kurdistan' constitution. It will be further extended in details by the elected legislators (parliamentarians and ministers alike).