

## **CONSTITUTION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA**

April 1992

Mindful of the freedom-loving, democratic and nation-building traditions, historical ties and shared interests of the state of Serbia and the state of Montenegro.

Arising from the unbroken continuity of Yugoslavia and voluntary association between Serbia and Montenegro.

The Federal Chamber of the Assembly of the Socialist Federal Republic of Yugoslavia, following upon the proposals and consent of the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro.

Hereby adopts and promulgates:

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

SECTION I

BASIC PROVISIONS

Article 1

The Federal Republic of Yugoslavia shall be a sovereign federal state, founded on the equality of citizens and the equality of its member republics.

Article 2

The Federal Republic of Yugoslavia shall be composed of the Republic of Serbia and the Republic of Montenegro.

The Federal Republic of Yugoslavia may be joined by other member republics, in accordance with the present Constitution.

Article 3

The territory of the Federal Republic of Yugoslavia shall be a single entity comprising the territories of the member republics.

The frontiers of the Federal Republic of Yugoslavia shall be inviolable.

The boundaries between member republics may be changed only subject to their agreement, in accordance with the constitutions of the member republics.

Article 4

The Federal Republic of Yugoslavia shall have a flag, a national anthem, and a coat-of-arms.

The flag of the Federal Republic of Yugoslavia shall consist of three horizontal stripes, blue, white and red in that order, from top to bottom.

The national anthem of the Federal Republic of Yugoslavia shall be "Hej Sloveni".

The coat-of-arms of the Federal Republic of Yugoslavia is to be established by federal statute.

#### Article 5

The capital city of the Federal Republic of Yugoslavia shall be Belgrade.

#### Article 6

A member republic shall be a state in which power is vested in its citizens.

A member republic shall be sovereign in matters which under the present Constitution are not reserved to the jurisdiction of the Federal Republic of Yugoslavia.

A member republic shall autonomously organize its government under its own constitution.

The right of local self-government shall be guaranteed, in accordance with the constitution of each member republic.

#### Article 7

Within its competencies, a member republic may maintain relations with foreign states, establish its own missions in other states, and join international organizations.

Within its competencies, a member republic may conclude international agreements, but not to the detriment of the Federal Republic of Yugoslavia or any of its other member republics.

#### Article 8

In the Federal Republic of Yugoslavia, power shall be vested in the citizens.

Citizens shall exercise power directly and through freely elected representatives.

#### Article 9

The Federal Republic of Yugoslavia shall be founded on the rule of law.

Laws must be in conformity with the Constitution.

Executive and judicial powers shall be subject to law.

The rights and freedoms of man and the citizen shall be restricted only by the equal rights and freedoms of others and in instances provided for in the present Constitution.

#### Article 10

The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law.

#### Article 11

The Federal Republic of Yugoslavia shall recognize and guarantee the rights of national minorities to preserve, foster and express their ethnic, cultural, linguistic and other peculiarities, as well as to use their national symbols, in accordance with international law.

#### Article 12

Authority in the Federal Republic of Yugoslavia shall be organized on the principle of the separation of powers between the legislature, executive, and judiciary.

#### Article 13

The Federal Republic of Yugoslavia shall constitute a single economic area having a single market.

In the Federal Republic of Yugoslavia, economic activities shall be pursued according to the principles of a market economy.

#### Article 14

Political pluralism shall be the prerequisite and guarantee for the democratic political order in the Federal Republic of Yugoslavia.

#### Article 15

In the Federal Republic of Yugoslavia, the Serbian language in its ekavian and ijekavian dialects and the Cyrillic script shall be official, while the Latin script shall be in official use as provided for by the Constitution and law.

In regions of the Federal Republic of Yugoslavia inhabited by national minorities, the languages and scripts of these minorities shall also be in official use in the manner prescribed by law.

#### Article 16

The Federal Republic of Yugoslavia shall fulfill in good faith the obligations contained in international treaties to which it is a contracting party.

International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order.

#### Article 17

The Federal Republic of Yugoslavia shall confer Yugoslav citizenship on its inhabitants.

A Yugoslav citizen shall be simultaneously a citizen of one of its member republics.

A Yugoslav citizen may not be deprived of his citizenship, deported from the country, or extradited to another state.

A Yugoslav citizen abroad shall enjoy the protection of the Federal Republic of Yugoslavia.

Yugoslav citizenship shall be regulated by federal law.

#### Article 18

Church and state shall be separate.

Churches shall be free and equal in conducting religious affairs and in the performance of religious rites.

## SECTION II

### FREEDOMS, RIGHTS AND DUTIES OF MAN AND THE CITIZEN

#### Article 19

The freedoms, rights and duties of man and the citizen which ensure the equality of people and citizens in the Republic of Yugoslavia shall be laid down by the present Constitution.

#### Article 20

Citizens shall be equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property, or other personal status.

Everyone shall be equal before the law.

Each person shall be duty bound to respect the rights and freedoms of others and shall be held responsible for it.

#### Article 21

Human life shall be inviolable.

Criminal offenses prescribed by federal legislation may not carry the death penalty.

#### Article 22

The inviolability of the physical and psychological integrity of the individual, his privacy and personal rights shall be guaranteed.

The personal dignity and security of individuals shall be guaranteed.

#### Article 23

Every individual shall have the right of personal freedom.

No one may be deprived of his liberty except in cases and according to the procedure laid down by federal law.

Every person taken into custody must be informed immediately in his mother tongue or in a language which he understands of the reasons for his arrest, and he shall be entitled to demand that the authorities inform his next of kin of his detention.

The detained person must promptly be informed of his right to remain silent.

The detained person shall be entitled to choose his own defense counsel.

Illegal arrests shall be a punishable offense.

#### Article 24

A person suspected of having committed a criminal offense may be taken into custody and detained by order of a competent court only when it is necessary for the conduct of criminal proceedings.

The detained person must be given an explanation for his arrest of arrest. The suspect shall have the right of appeal, which must be decided on by the court within 48 hours.

The length of detention must be of the shortest possible duration.

The detention ordered by a first instance court may not exceed three months from the day of arrest. This time limit may be extended for a further three months by order of a higher court. If by the end of this period charges have not been brought, the suspect shall be released.

#### Article 25

Respect for the human personality and dignity in criminal and all other proceeding in the event of detention or restriction of freedom, as well as during the serving of a prison sentence, shall be guaranteed.

The use of force against a suspect who has been detained or whose freedom has been restricted, as well as any forcible extraction of confessions or statements, shall be prohibited and punishable.

No one may be subjected to torture, or to degrading treatment or punishment.

Medical and other scientific experimentation may not be carried out on an individual without his consent.

#### Article 26

Every person shall be entitled to equal protection of his rights in a legally prescribed procedure.

Everyone shall be guaranteed the right of appeal or resort to other legal remedies against a decision which infringes a right or legally founded interest.

#### Article 27

No one may be punished for an act which did not constitute a penal offense under law or by-law at the time it was committed, nor may punishment be inflicted which was not envisaged for the offense in question.

Criminal offenses and criminal sanctions shall be determined by statute.

Everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty under a valid decision of the court.

A wrongfully convicted or wrongfully detained person shall be entitled to rehabilitation and to compensation for damages from the state, and to other rights as envisaged by federal law.

#### Article 28

No one may be tried or punished a second time for an offense for which the proceedings against him had been legally suspended or the charges rejected or for which he had been convicted or acquitted by a court decision.

#### Article 29

Every person shall be guaranteed the right to defend himself and the right to engage a defense counsel before the court or other body authorized to conduct proceedings.

No one being tried before a court or other body authorized to conduct proceedings may be punished without being granted a hearing and allowed to defend himself, in accordance with federal statute.

Every person shall be entitled to have a defense counsel of his choice present at his hearing.

The cases when a suspect must be given legal assistance shall be spelled out by federal law.

#### Article 30

Citizen shall be guaranteed freedom of movement and residence and the right to leave and return to the Federal Republic of Yugoslavia.

The freedom of movement and residence and the right to leave the Federal Republic of Yugoslavia may be restricted by federal statute, if so required for criminal proceedings, to prevent the spread of contagious diseases, or for the defense of the Federal Republic of Yugoslavia.

#### Article 31

The home shall be inviolable.

Federal statute may prescribe that a person acting in an official capacity, and possessed of a court warrant, may enter a dwelling or other premises against the will of their tenants and carry out a search.

The search must be held in the presence of two witnesses.

In the manner laid down by federal law, an authorized official may enter a dwelling or other premises without a court warrant and carry out a search without the presence of witnesses if so required to apprehend the perpetrator of a criminal offense or to save human lives and property.

#### Article 32

Privacy of the mail and of other means of communication shall be inviolable.

Federal statute may prescribe that, under a court decision, the principle of inviolability of privacy of the mail and other means of communication may be put in abeyance if so required for the purposes of criminal proceedings, or for the defense of the Federal Republic of Yugoslavia.

#### Article 33

Protection of the secrecy of personal data shall be guaranteed.

The use of personal data for purposes other than those for which they were compiled shall be prohibited.

Everyone shall have the right of access to personal data concerning himself as well as the right of court protection in the event of their abuse.

The collection, processing, utilization and protection of personal data shall be regulated by federal statute.

#### Article 34

A Yugoslav citizen who has reached the age of 18 shall be entitled to vote and to be elected to public office.

#### Article 35

Freedom of confession, conscience, thought and public expression of opinion shall be guaranteed.

#### Article 36

Freedom of the press and other forms of public information shall be guaranteed.

Citizens shall have the right to express and publish their opinions in the mass media.

The publication of newspapers and public dissemination of information by other media shall be accessible to all, without prior approval, after registration with the competent authorities.

Radio and television stations shall be set up in accordance with the law.

#### Article 37

The right to have published false information which violates someone's rights or interests corrected shall be guaranteed. Entitlement to compensation for damages arising therefrom, shall be guaranteed.

The right of reply in the public media shall be guaranteed.

#### Article 38

Censorship of the press and of other forms of public information shall be prohibited.

No one may prevent the distribution of the press or dissemination of other publications, unless it has been determined by a court decision that they call for the violent overthrow of the constitutional order or violation of the territorial integrity of the Federal Republic of Yugoslavia, violate the guaranteed rights and liberties of man and the citizen, or foment national, racial or religious intolerance and hatred.

#### Article 39

Freedom of speech and public appearance shall be guaranteed.

#### Article 40

Citizens shall be guaranteed the freedom of assembly and other peaceful gathering, without the requirement of a permit, subject to prior notification of the authorities.

Freedom of assembly and other peaceful gathering of citizen may be provisionally restricted by a decision of the competent authorities, in order to obviate a threat to public health or morals or for the protection of the safety of human lives and property.

#### Article 41

The freedom of political, trade-union and other association and activities shall be guaranteed, without the requirement of a permit, subject to registration with the competent authorities.

Sources of revenue of political parties shall be open to public scrutiny.

Trade unions shall be set up to protect the rights and promote the professional and economic interests of their members.

#### Article 42

Activities of political, trade-union, and other organizations aimed at the violent overthrow of the constitutional order, violation of the territorial integrity of the Federal Republic of Yugoslavia, violation of the guaranteed rights and liberties of man and the citizen, or the incitement of national, racial, religious or other intolerance and hatred shall be prohibited.

The founding of secret societies and paramilitary groups shall be prohibited.

Professional members of the armed forces and police force of the Federal Republic of Yugoslavia may not organize in trade unions.

Justices of the Federal Constitutional Court and the Federal Court, the Federal Public Prosecutor, professional members of the armed forces and police force of the Federal Republic of Yugoslavia may not belong to political parties.

#### Article 43

Freedom of religion, public or private profession of religion, and performance of religious rites shall be guaranteed.

No one shall be obliged to reveal his religious beliefs.

#### Article 44

Citizens shall have the right publicly to criticize the work of government and other agencies and organizations and officials, to submit representations, petitions and proposals and to receive an answer if so requested.

Citizens may not be called to account or bear any other consequences for opinions expressed in the course of public criticism or in a submitted representation, petition or proposal, unless they have thereby committed a criminal offense.

#### Article 45



Freedom of the expression of national sentiments and culture and the use of one's mother tongue and script shall be guaranteed.

No one shall be obliged to declare his nationality.

#### Article 46

Members of national minorities shall have the right to education in their own language, in conformity with the law.

Members of national minorities shall have the right to information media in their own language.

#### Article 47

Member of national minorities shall have the right to establish educational and cultural organizations or associations, in conformity with the law, which are financed on the principle of voluntary contributions, and may also receive assistance from the state.

#### Article 48

Members of national minorities shall be guaranteed the right to establish and foster unhindered relations with co-nationals within the Republic of Yugoslavia and outside its borders with co-nationals in other states, and to take part in international non-governmental organizations, provided these relations are not detrimental to the Federal Republic of Yugoslavia or to a member republic.

#### Article 49

Everyone shall be guaranteed the right to use his own language in proceedings before a tribunal or other authority or organization which in the performance of their public powers decide on his rights and duties and in the course of these proceedings to be informed of the facts in hi own language.

#### Article 50

Any incitement or encouragement of national, racial, religious or other inequality as well as the incitement and fomenting of national, racial, religious or other hatred and intolerance shall be unconstitutional and punishable.

#### Article 51

The right to own property and the right of inheritance shall be guaranteed, in conformity with the Constitution and law.

#### Article 52

Man shall be entitled to a healthy environment and timely information about its condition.

It is everyone's duty to protect the human environment and make use of it in a rational manner.

The state shall be charged with maintaining a healthy human environment and to this end shall prescribe the conditions and manner of the performance of economic and other activities.

#### Article 53

Freedom of creativity and publication of scholarly and artistic works, scientific discoveries and technical inventions shall be guaranteed, and their authors shall be guaranteed the intellectual property and material rights arising therefrom.

The manner of exercising and protecting intellectual property rights and the rights of the organizations under whose sponsorship these works were produced shall be regulated by federal statute.

#### Article 54

Free choice of occupation and employment shall be guaranteed.

Employed persons may have their labor contracts terminated against their will, under conditions and in the manner stipulated by law and collective agreements.

Forced labor shall be prohibited.

#### Article 55

Employed persons shall be entitled to commensurate remuneration.

The right to unemployment insurance benefits during temporary unemployment shall be guaranteed, in conformity with federal law.

#### Article 56

Employed persons shall be entitled to limited working hours, to a daily and weekly rest period, and to paid holidays and leave of absence, in conformity with the law and/or collective agreement.

Employees shall have the right to job safety protection, in accordance with the law.

Young persons, women, and disabled persons shall have special protection on the job, in accordance with the law.

#### Article 57

Employed persons shall have the right to strike in order to protect their professional and economic interests, in conformity with federal law.

The right of industrial action may be restricted by federal statute if so required by the nature of the activity concerned or the public interest.

Civil servants and professional members of the armed forces and police force shall not have the right to strike.

#### Article 58

Under a compulsory insurance scheme, employed persons and their family members shall benefit from all types of social security in conformity with the law.

The state shall provide social welfare for citizens unable to work and without a livelihood, as well as for citizens without the means of subsistence, in conformity with the law.

#### Article 59

Disabled persons shall be guaranteed special protection, in conformity with the law.

#### Article 60

Everyone shall be entitled to health care, in accordance with the law.

Children, expectant mothers and the elderly shall be entitled to publicly financed health care, if they are not covered by another insurance program, while other persons shall receive such care under the conditions stipulated by law.

#### Article 61

The family, mothers and children shall enjoy special protection.

Children born out of wedlock shall have the same rights and duties as children born in wedlock.

#### Article 62

Education shall be accessible to all, under equal conditions.

Primary education shall be free and compulsory, in conformity with the law.

#### Article 63

Defense of the Federal Republic of Yugoslavia shall be the right and duty of every citizen.

#### Article 64

Everyone shall be obliged to pay taxes and other levies as established by law.

#### Article 65

Everyone shall be obliged to observe the Constitution and law and other regulations and general enactments.

Everyone shall be obliged to perform public office in an honorable and responsible manner.

#### Article 66

Aliens in the Federal Republic of Yugoslavia shall enjoy the freedoms and the rights and duties laid down in the Constitution, federal law, and international treaties.

An alien may be extradited to another state only in cases provided for under international treaties which are binding on the Federal Republic of Yugoslavia.

The right of asylum shall be guaranteed to foreign citizens and stateless persons who are being persecuted for their advocacy of democratic views of for

participation in movements for social or national liberation, for the freedom and rights of the human personality, or for scientific or artistic freedom.

#### Article 67

The rights and freedoms of man and the citizen shall be exercised and duties fulfilled in conformity with the Constitution.

The manner in which various rights and freedoms of man and the citizen are to be exercised may be prescribed by law when so provided for by the Constitution or when necessary for their implementation.

Abuse of the rights and freedoms of man and the citizen shall be unconstitutional and punishable.

The rights and freedoms recognized and guaranteed by the present Constitution shall enjoy the protection of the courts.

#### Article 68

Citizens and artificial persons shall be provided with legal assistance by attorneys at law as an autonomous and independent activity, in conformity with the law.

### SECTION III

#### ECONOMIC ORDER

#### Article 69

The freedom to work and engage in economic activities shall be guaranteed.

Property shall be inviolable.

No one may be deprived of his property, nor may it be restricted, except when so required by the public interest, as determined by law, subject to fair compensation which may not be below its market value.

#### Article 70

An alien may acquire property rights and the right to engage in business on terms of reciprocity, in accordance with federal statute.

An alien or stateless person may not acquire ownership of immovable property of cultural significance.

A stateless person may not acquire property rights to land, and an alien may acquire property rights to land on terms of reciprocity, in conformity with the law.

#### Article 71

An enterprise and other artificial person may engage in activities and invest capital abroad under the conditions laid down by federal statute.

#### Article 72

Ownership of real estate shall be enjoyed depending on the nature and purpose of the real estate in question, in accordance with federal statute.

#### Article 73

Natural resources shall be owned by the state.

Agricultural land may be privately owned or subject to other types of property rights.

Forests and timberland may be privately owned or subject to other types of property rights, within the limits prescribed by law.

Some property in the public domain and municipal building sites may be in private and other forms of ownership, in accordance with the law.

Real estate and other property utilized by federal organs and organizations, the organs and organizations of member republics and local authorities and organizations performing public services shall be state owned, and the status and rights of these organs and organizations as regards the disposition of these assets and their utilization shall be regulated by statute.

#### Article 74

Enterprises and other manufacturing and service organizations shall be founded, organized and merged freely and autonomously, in conformity with federal statute.

Economic agents shall be independent and equal, and the terms of business shall be the same for all.

Any act or activity creating or encouraging a monopoly or restricting, free trade in any other way shall be unconstitutional.

#### Article 75

In time of war, an imminent threat of war, or any other emergency, the law may introduce restrictions on the disposition of a portion of the assets owned by artificial and natural persons, for the duration of the state of emergency, or it may impose a special regime for their utilization.

#### Article 76

Funds for the financing of the activities falling within the jurisdiction of the Federal Republic of Yugoslavia shall be apportioned from the federal budget.

Revenues for the federal budget shall be raised from customs duties, a portion of sales tax revenues, and other sources, in accordance with federal statute.

### SECTION IV

#### JURISDICTION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

#### Article 77

Through its organs, the Federal Republic of Yugoslavia shall formulate policy, enact and enforce federal legislation, other laws and general enactments, and ensure judicial protection in matters concerning:

- 1) the freedoms, rights and duties of man and the citizen, enshrined in the present Constitution; due process of law before courts and other state authorities; responsibility and sanctions for violation of the freedoms, rights and duties of man and the citizen as laid down by the present Constitution, and for violation of federal statutes, other laws and general enactments; amnesty and pardon for federal statutory criminal offenses;
- 2) the single market; the legal status of enterprises and other economic agents; the monetary, banking, foreign exchange, foreign trade and customs regimes; the system of credit relationships with foreign countries, the basic principles of the fiscal system;
- 3) the development of the Federal Republic of Yugoslavia, scientific and technological advances, regional development and efforts to close the developmental gap between different regions;
- 4) technical and technological systems and communications; the principles of environmental protection; the regime of the atmosphere and watercourses of national interest and international waters; the regime of territorial waters, with reference to the international relations of the Federal Republic of Yugoslavia; navigation on waters under an international or intergovernmental regime of navigation;
- 5) safety in all types of transportation, contractual relations and the principles of the system of property relations, the principles of social security and labor relations;
- 6) international relations; border crossing and control of the circulation of goods, services and passengers across the border; the status of aliens and foreign artificial persons;
- 7) the defense and security of the Federal Republic of Yugoslavia;
- 8) protection of human life and health against contagious diseases which threaten the country as a whole; manufacture and sale of medicaments; protection of animals against contagious diseases and protection of plants against diseases and pests which threaten the country as a whole; sales of plant and animal protection chemicals, and control of animals and plants crossing state frontiers; genetic material in agriculture and forestry; protection against ionizing radiation; production, sales and transport of weapons and of toxic, inflammable, explosive, radioactive and other dangerous substances;
- 9) the financing of the competencies of the Federal Republic of Yugoslavia as laid down by the present Constitution;
- 10) the organization and work of the organs of the Federal Republic of Yugoslavia;
- 11) national holidays and decorations bestowed by the Federal Republic of Yugoslavia;
- 12) other spheres as laid down by the present Constitution.

## SECTION V

## ORGANS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

### 1. Federal Assembly

#### Article 78

The Federal Assembly shall:

- 1) decide on the Constitution of the Federal Republic of Yugoslavia;
- 2) decide on admission of other states as member republics into the Federal Republic of Yugoslavia; decide on association with other states and on membership in international organizations;
- 3) decide on alterations to the frontiers of the Federal Republic of Yugoslavia; decide on war and peace; declare a state of war, a state of imminent threat of war, and state of emergency;
- 4) adopt federal statutes, other laws and general enactment's; approve the federal budget and final balance sheet; ratify international treaties falling within the jurisdiction of the Federal Republic of Yugoslavia;
- 5) oversee the work of the federal government and other federal organs and the officials answerable to the Federal Assembly, in conformity with the present Constitution and federal law;
- 6) grant amnesty for federal statutory criminal offense;
- 7) appoint and dismiss: the President of the Republic; the federal prime minister; justices of the Federal Constitutional Court: justices of the Federal Court; the governor of the National Bank of Yugoslavia, and other federal officials stipulated by federal statute,
- 8) perform other duties as established by the present Constitution.

#### Article 79

The Federal Assembly may regulate other matters by federal law which do not fall within the jurisdiction of the Federal Republic of Yugoslavia, at the joint proposal of the member republics.

#### Article 80

The Federal Assembly shall be composed of the Chamber of Citizens and the Chamber of Republics.

The Chamber of Citizens shall be made up of federal deputies elected in the member republics in direct elections by secret ballot, one federal deputy being elected for every 65,000 voters, each member republic to have no fewer than 30 federal deputies.

The Chamber or Republics shall be made up of 20 federal deputies form each member republic.

#### Article 81

Federal deputies shall be elected for four-year terms.

The election and termination of the mandates of federal deputies in the Chamber of Citizens of the Federal Assembly shall be regulated by federal law, while the election and termination of the mandates of federal deputies in the Chamber of Republics of the Federal Assembly shall be regulated by the laws of each member republic.

#### Article 82

The mandates of deputies in the Federal Assembly shall be terminated if within three months of the beginning of the procedure a federal government is not elected or if within this time limit the federal budget is not approved, as well as in other cases specified in the present Constitution.

The termination of the mandate of the Federal Assembly shall come into effect following the decree of the President of the Republic.

#### Article 83

The Federal Assembly shall be dissolved at the request of the federal government.

The federal government may not dissolve the Federal Assembly if the procedure for a vote of confidence in the federal government has been initiated.

Dissolution of the Federal Assembly shall come into effect following the decree of the President of the Republic.

#### Article 84

In the event of the termination of its mandate or dissolution, elections for the Federal Assembly shall be held within 60 days of the day of termination of the mandate of the Federal Assembly or its dissolution.

The mandate of the federal government shall also be terminated with the termination of the mandate or dissolution of the Federal Assembly.

#### Article 85

The Federal Assembly may not be dissolved in the first or last six months office term, during a state of war, imminent threat of war, or state of emergency.

In the event of a state of war, imminent threat of war, or state emergency, the Federal Assembly may decide to prolong the terms of the federal deputies, so long as such a state of emergency lasts, or until conditions are created for the election of federal deputies.

Election of new federal deputies shall be undertaken as soon as the situation because of which the term of federal deputies was prolonged is over.

#### Article 86

Federal deputies to the Chamber of Citizens of the Federal Assembly shall represent the citizens of the Federal Republic of Yugoslavia, while federal deputies



to the Chamber of Republics of the Federal Assembly shall represent the member republic form which they were elected.

A federal deputy to the Chamber of Citizens shall take positions and vote according to his conscience.

A federal deputy to the Chamber of Citizens may not be recalled.

#### Article 87

A federal deputy shall enjoy immunity.

A federal deputy may not be convicted, incarcerated or punished for expressing an opinion or for his voting in the Federal Assembly.

A federal deputy may not be detained without the consent of the Federal Assembly chamber of which he is a member, unless caught in the act of committing a criminal offense carrying a prison sentence of more than five years.

Criminal or other proceedings for an offense carrying a sentence of imprisonment may not be brought against a federal deputy who claims immunity, without the consent of the Federal Assembly chamber of which he is a member.

The Federal Assembly chamber whose federal deputy has not claimed immunity may decide, when it deems necessary, that he should avail himself of this immunity.

#### Article 88

The Chamber of Citizens and Chamber of Republics of the Federal Assembly shall elect their president and vice-president from the ranks of the deputies.

The president of a chamber shall represent the chamber, direct the work of the chamber and perform other duties as laid down by federal statute and the chambers rules of procedure.

Both chambers shall adopt rules of procedure regulating their work and organization.

#### Article 89

The Federal Assembly shall sit in regular and extraordinary sessions of the chambers.

Regular sessions shall be held without convocation twice a year, in accordance with the chambers rules of procedure.

The first regular session shall begin on the first weekday in February, and the second on the first weekday in September.

Extraordinary sessions shall be held at the request of not less than one third of the number of federal deputies of a chamber or at the request of the federal government, with a previously fixed agenda.

#### Article 90

Both chambers shall decide concurrently on questions within the jurisdiction of the Federal Assembly, by a majority of voters of the federal deputies in each of the two chambers, unless other provision is made by the present Constitution.

Federal statutes regulating: the flag, coat-of-arms or national anthem; election of federal deputies for the Chamber of Citizens; election of the President of the Republic; the Federal Court; the Federal Public Prosecutor; organization of the Federal Constitutional Court, the proceedings before this court and the legal effect of its decisions shall be adopted in the Federal Assembly by a two-third majority of votes of all the federal deputies in each of the two chambers.

At the request of the assembly of a member republic, the Federal Assembly shall vote on questions enumerated in Article 77, items 2, 3, and 4, of the present Constitution by a two-thirds majority of votes of all the federal deputies in the Chamber of Republics and by a majority vote of all the federal deputies in the Chamber of Citizens.

#### Article 91

When a bill for a federal statute, other law or general enactment has not been passed in both chambers in its identical text, the chambers shall set up a commission of five federal deputies from each chamber to harmonize the text.

Both chambers shall vote on the commission's draft, in conformity with the present Constitution.

#### Article 92

If the commission fails to harmonize the text of the bill within one month, or if the chambers do not accept the harmonized text of the bill, the text approved in the Chamber of Citizens shall be temporarily adopted, and if it is a federal law regulating the areas enumerated in items 2, 3, and 4 of Article 77 of the present Constitution, the text adopted in the Chamber of Republics shall be provisionally enforced.

The provisionally enforced federal statute shall remain in force until its final adoption in both chambers, but no longer than one year from the beginning of its application.

#### Article 93

If during its temporary enforcement the federal statute is not adopted in both chambers, in accordance with the present Constitution, the mandate of the Federal Assembly shall be terminated.

#### Article 94

If the federal budget is not approved by the beginning of the fiscal year, the functions of the Federal Republic of Yugoslavia shall be provisionally financed under the federal budget of the previous year, until such time as the new federal budget is approved.

#### Article 95

A bill for a federal statute, other law or general enactment may be introduced by the federal government, a federal deputy in each Federal Assembly chamber, or not less than 30,000 voters.

The National Bank of Yugoslavia also has the right to introduce a bill for a federal statute, other law or general enactment concerning the monetary, foreign exchange and credit systems.

## 2. PRESIDENT OF THE REPUBLIC

### Article 96

The President of the Republic shall:

- 1) represent the Federal Republic of Yugoslavia at home and abroad;
- 2) promulgate federal laws by decree; issue instruments of rectification of international treaties;
- 3) nominate a candidate for prime minister of the federal government, after having heard the opinions of spokesmen for the parliamentary groups in the Federal Assembly;
- 4) recommend to the Federal Assembly candidates for appointment as justices of the Federal Constitutional Court, justices of the National Bank of Yugoslavia, after having obtained the opinion of the presidents of the member republics;
- 5) call elections for the Federal Assembly;
- 6) appoint and recall by decree ambassadors of the Federal Republic of Yugoslavia, pursuant to the recommendations of the federal government; receive the letters of credence of foreign diplomatic envoys;
- 7) confer decorations and honours of the Federal Republic of Yugoslavia, as provided for by federal statute;
- 8) grant pardons for federal statutory criminal offenses;
- 9) perform other functions as envisaged by the present Constitution.

### Article 97

The President of the Republic shall be elected by the Federal Assembly for a four-year term of office, by secret ballot.

The same individual may not be reelected President of the Republic for a second term.

As a rule, the President of the Republic and the federal prime minister may not be from the same member republic.

The President of the Republic may not hold other public office or engage in professional activities.

The President of the Republic shall enjoy the same immunity as a federal deputy.

The Federal Assembly shall determine the immunity of the President of the Republic.

The President of the Republic may only be dismissed if the Federal Assembly ascertains that he has violated the Constitution.

#### Article 98

The President of the Republic may resign from his office.

The mandate of the President of the Republic shall be terminated on the day he submits his resignation or is dismissed.

In the event of termination of the mandate of the President of the Republic, until the election of a new President of the Republic, or in the event of temporary inability of the President of the Republic to carry out his duties, these duties shall be performed by the president of the Chamber of Republics of the Federal Assembly.

The procedure for the election and dismissal of the President of the Republic shall be determined by federal law.

### 3. FEDERAL GOVERNMENT

#### Article 99

The federal government shall:

- 1) formulate and conduct domestic and foreign policy and enforce federal statutes, other laws and general enactments;
- 2) foster relations between the Federal Republic of Yugoslavia and other states and international organizations;
- 3) introduce bills for federal statutes, other laws and general enactments;
- 4) adopt decrees, resolutions, and other legislation for the enforcement of federal statutes and other laws and general enactments of the Federal Assembly;
- 5) give its opinion on bills for federal statutes, other laws and general enactments introduced by another authorized sponsor in the Federal Assembly;
- 6) create and abolish federal ministries and other federal agencies and organizations and determine their organization and competencies;
- 7) direct and coordinate the work of federal ministries and other federal agencies and organizations and annual or abrogate their enactments;
- 8) elect and dismiss officials in the federal ministries and other federal agencies and organizations;
- 9) call for a general mobilization and organize defense preparations;
- 10) proclaim an imminent threat of war, state of war, or emergency when the Federal Assembly is not able to convene, subject to the opinion of the President of the Republic and presidents of the Federal Assembly chambers;

11) adopt measures regulating matters within the jurisdiction of the Federal Assembly when the Assembly is not able to meet, during a state of war, imminent threat of war, or state of emergency, after having sought the opinion of the presidents of the Federal Assembly chambers. Enactments adopted during a state of war may throughout the duration of the state of war restrict various rights and freedoms of man and the citizen, except those listed in Articles 20, 22, 25, 26, 27, 28, 29, 35 and 43 of the present Constitution. The federal government shall be obliged to seek the approval of the Federal Assembly for these measures as soon as it is able to convene;

12) regulate its own organization, methods of work and decision-making;

13) perform other duties as laid down by the present Constitution.

#### Article 100

The federal government shall be made up of a prime minister, deputy prime minister, and federal ministers.

The federal government shall be formed for a four-year term.

A member of the federal government may not hold any other public office or engage in any professional activities.

A member of the federal government shall enjoy the same immunity as a federal deputy.

The federal government shall determine the immunity of members of the federal government.

#### Article 101

The federal government shall be formed after the election of the Federal Assembly.

The nominee for prime minister of the federal government shall appear before the Federal Assembly to present his program and announce the composition of the federal government.

The federal government shall be considered formed when the Federal Assembly elects the prime minister of the federal government by majority vote of all the federal deputies in each of the two chambers, by secret ballot.

#### Article 102

The federal Prime Minister shall direct the work of the federal government.

The federal Prime Minister shall inform the Federal Assembly about changes in the composition of his government.

#### Article 103

The federal prime Minister shall be responsible to the Federal Assembly for his work and for the work of the federal government.

The federal government shall be responsible for the work of its organs and federal ministers.

The federal Prime Minister may put his government to a vote of confidence in the Federal Assembly.

Failure to win the vote of confidence shall terminate the mandate of the federal government.

#### Article 104

The Federal Assembly may vote no confidence in the federal government.

The initiative for a vote of confidence may be submitted by no fewer than 20 federal deputies of one chamber of the Federal Assembly.

A vote of confidence may be held no sooner than three days after the proposal for such a vote was submitted.

A majority of votes of the total number of federal deputies in each of the two chambers shall be required for a vote of no confidence in the federal government.

A vote of no confidence shall terminate the mandate of the federal government.

#### Article 105

The federal Prime Minister may submit his resignation to the Federal Assembly.

Resignation of the federal Prime Minister shall automatically terminate the mandate of the entire federal government.

#### Article 106

A federal government whose mandate has been terminated shall continue performing its duties until the formation of a new federal government.

#### Article 107

The federal ministries shall enforce federal statutes, other laws and general enactments passed by the Federal Assembly and federal government; shall adjudicate in administrative matters, carry out administrative supervision, and perform other administrative affairs as prescribed by federal law.

The federal minister at the head of a federal ministry shall be responsible for the work of his ministry.

### 4. FEDERAL COURT

#### Article 108

The Federal Court shall:

- 1) act as a court of the highest instance, as stipulated under federal law; decide on appeals against rulings by courts of the member republics in cases concerning enforcement of federal statutes;

- 2) decide on property suits between member republic, as well as between the Republic of Yugoslavia and member republics;
- 3) determine the legality of administrative regulations adopted by federal authorities;
- 4) decide on conflicts of jurisdiction between courts of two member republics as well as between military tribunals and other courts;
- 5) lay down the principles governing the uniform enforcement of federal statutes, other federal laws and general enactments by the courts;
- 6) perform other duties for which it has been empowered by the present Constitution and federal law.

#### Article 109

The justices of the Federal Court shall be appointed and dismissed by the Federal Assembly.

Justices of Federal Court shall be appointed for nine year terms.

The justices of the Federal Court shall select one of their members to act as president of the Federal Court.

A justice of the Federal Court shall enjoy the same immunity as a federal deputy.

The Federal Court shall determine the immunity of one of its justices.

A justice of the Federal Court may not hold any other public office or engage in any other professional activity.

A federal statute shall be adopted regulating the Federal Court.

#### Article 110

The judicial powers of a justice of the Federal Court may cease before the end of his term of office; if he requests to be relieved of his duties, if he meets the requirements for retirement as established by federal law, or if he receives a prison sentence.

A justice of the Federal Court may be dismissed before the expire of his mandate: if he is convicted of a penal offense which renders him unfit to carry out judicial functions; if he has performed his judicial duties in an incompetent or unconscientious manner, or if he becomes permanently incapacitated for the performance of his judicial duties.

In conformity with federal law, the Federal Court shall determine the existence of cause for terminating the mandate of a justice of the Federal Court, or for dismissing a justice, and shall inform the Federal Assembly accordingly.

### 5. FEDERAL PUBLIC PROSECUTOR

#### Article 111

The Federal Public Prosecutor shall apply legal remedies for which he is empowered by federal statute in matters within the jurisdiction of the Federal Court and shall perform other duties as provided for by federal law.

The Federal Public Prosecutor shall give mandatory instructions to public prosecutors in the member republics and may take over cases of criminal prosecution in matters in which the criminal offenses and other penal offenses are established by federal statute.

#### Article 112

The Federal Public prosecutor shall be appointed and dismissed by the Federal Assembly and shall serve a four-year term of office.

The Federal Public Prosecutor shall enjoy the same immunity as a federal deputy.

The Federal Assembly shall determine the immunity of the Federal Public Prosecutor.

The Federal Public Prosecutor may not hold any other public office or engage in other professional activities.

#### Article 113

The functions of the Federal Public Prosecutor shall cease before the expire of his mandate: if he requests to be relieved of his duties, if he meets the requirements for retirement as established by federal law, or if he receives a prison sentence.

The Federal Public Prosecutor may be dismissed before the expire of his mandate; if he has been convicted of a penal offense which renders him unfit to perform his functions; if he has performed his duties in an incompetent or unconscientious manner, or if he becomes permanently incapacitated for the performance of his functions.

The Federal Assembly, in accordance with federal law, shall determine the existence of cause for terminating the mandate of the Federal Public Prosecutor, or for his dismissal.

### 6. NATIONAL BANK OF YUGOSLAVIA

#### Article 114

The National Bank of Yugoslavia shall be an independent institution of the monetary system of the Federal Republic of Yugoslavia and sole bank of primary issue, responsible for monetary policy, the stability, of the currency and financial discipline, and the performance of other functions as laid down by federal law.

The National Bank of Yugoslavia shall be directed by a governor, who shall be responsible for its work.

The governor of the National Bank of Yugoslavia shall be appointed for a four-year term and may be reelected.

### SECTION VI



## CONSTITUTIONALITY AND LEGALITY

### Article 115

The constitutions of the member republics, federal statutes, the legislation of member republics and all other laws and general enactments must be in conformity with the Constitution of the Federal Republic of Yugoslavia.

Statutes, other laws and general enactments in a member republic must be in conformity with federal law.

Regulations and other general enactments adopted by federal agencies must be in conformity with federal law.

### Article 116

Statutes, other laws and general enactments shall come into force on the eighth day from the day of publication, except when for justified reasons, specified during their adoption, provision is made for them to come into effect earlier.

### Article 117

Statutes, other laws and general enactment's may not have a retroactive effect.

Only certain provisions of statutes, if so required by the public interest, as established when they are adopted, may have retroactive effect.

### Article 118

Certain public powers may be legally delegated to an enterprise or other organization.

State agencies and organizations which perform public functions may decide on the rights and obligations of natural and artificial persons or, pursuant to the law, apply coercive or restrictive measures only in a legally prescribed procedure.

### Article 119

An appeal may be made to the competent authority against decisions and other rulings by judicial, administrative and other state authorities, as well as against similar first instance decisions by agencies and organizations performing public powers.

In special cases and by way of exception, the law may deny the right of appeal, if due process of law has been secured in some other manner.

### Article 120

The authorized court shall determine the legality of administrative rulings in an administrative suit, unless some other legal remedy has been provided for by the law.

By way of exception, in certain types of administrative cases, an administrative suit may be prohibited by law.

### Article 121

Decisions, documents and other rulings issued by state agencies and authorized organizations in a member republic shall have the same validity throughout the entire territory of the Federal Republic of Yugoslavia.

#### Article 122

The work of federal agencies shall be open to the public.

Public insight into the work of federal agencies may be restricted or denied only in the cases specified by federal law.

#### Article 123

Everyone shall be entitled to compensation for damages sustained as a result of unlawful or improper actions of an official or state agency or organization which exercises public power, in conformity with the law.

The state shall be obliged to pay compensation for damages.

The injured party shall have the right, in accordance with law, to demand compensation directly from the individual responsible for the damage.

### SECTION VII

#### FEDERAL CONSTITUTIONAL COURT

#### Article 124

The Federal Constitutional Court shall rule on:

- 1) the conformity of the constitutions of member republics with the Constitution of the Federal Republic of Yugoslavia;
- 2) conformity of statutes, other laws and general enactment's with the Constitution of the Federal Republic of Yugoslavia and with ratified and promulgated international treaties;
- 3) conformity of statutes and other laws and general enactment's of the member republics with federal law;
- 4) conformity of other regulations and general enactment's of federal agencies with federal law;
- 5) conformity of general enactment's of political parties and associations of citizens with the present Constitution and federal law;
- 6) complaints about a ruling or action violating the rights and freedoms of man and the citizen enshrined in the present Constitution;
- 7) a conflict of jurisdiction between federal and republican authorities as well as between the authorities of member republics;
- 8) prohibition of activities of political parties and other associations of citizens;
- 9) violation of rights in the course of the election of federal officials.

The Federal Constitutional Court may decide on the constitutionality and legality of acts which are no longer in force, provided the time between the cessation of their validity and initiation of proceedings does not exceed one year.

#### Article 125

The Federal Constitutional Court shall be composed of seven justices.

A justice of the Federal Constitutional Court shall be appointed for a nine-year term.

The president of the Federal Constitutional Court shall be elected by the justices form among their own ranks, by secret ballot, for a term of three years.

A justice of the Federal Constitutional Court may not hold any other public office or engage in any professional activity.

A justice of the Federal Constitutional Court shall enjoy the same immunity as a federal deputy.

The immunity of a Federal Constitutional Court justice shall be decided on by the Federal Constitutional Court.

#### Article 126

The functions of a justice of the Federal Constitutional Court may cease before the end of the term for which he was appointed if he requests to step down, if he fulfills the requirements for retirement as laid down by federal law, or if he receives a prison sentence.

A justice of the Federal Constitutional Court shall be dismissed if is found quietly of a penal offense which renders him unfit to perform his duties of if he is permanently incapacitated for the performance of the duties of justice of the Federal Constitutional Court.

The Federal Constitutional Court shall inform the Federal Assembly and the President of the Republic of the causes for the termination of office or dismissal of a justice form the Federal Constitutional Court.

The Federal Constitutional Court may decide that a justice of the Court against whom there are criminal proceedings should not carry out his duties for the duration of the proceedings.

#### Article 127

Anyone may sponsor an initiative for proceedings to establish constitutionality and legality.

Proceedings before the Federal Constitutional Court may be initiated by government authorities or artificial persons if they believe that a right or interest has been violated by an act whose constitutionality and legality are in question.

The Federal Constitutional Court may itself initiate proceedings to assess constitutionality and legality.

#### Article 128

The Federal Constitutional Court shall decide on a complaint when other legal remedies are not available.

#### Article 129

The Federal Constitutional Court shall adopt decision by a majority of votes of the justices.

A ruling by the Federal Constitutional Court shall be universally binding and effective.

In the case of need, execution of a ruling by the Federal Constitutional Court shall be carried out by the federal government.

#### Article 130

When the Federal Constitutional Court determines that there is a discrepancy between given provisions of the constitution of a member republic and the Constitution of the Federal Republic of Yugoslavia, the said provisions of the constitution of the member republic shall cease to be valid at the end of six months from the day the discrepancy was found, if the discrepancy has not been rectified within this time.

When the Federal Constitutional Court determines that there is a conflict between given provisions of statutes, other laws or general enactments and the Constitution of the Federal Republic of Yugoslavia or federal law, the said provisions of the statutes, laws or general enactments shall cease to be in effect from the day of publication of the ruling of the Federal Constitutional Court.

#### Article 131

The organization, procedures and legal effect of rulings of the Federal Constitutional Court shall be regulated by federal statute.

#### Article 132

In the course of proceedings up until a final decision is handed down, the Federal Constitutional Court may halt the execution of a given act or measure taken on the strength of the law, and other regulation or general enactment if irreparable harm is liable to occur if it were to be carried into effect.

### SECTION VIII

#### ARMY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

#### Article 133

The Federal Republic of Yugoslavia shall have an Army to defend its sovereignty, territory, independence and constitutional order.

The Army of Yugoslavia may be in the service of an international organization, subject to the consent of the federal government.

#### Article 134

The Army of Yugoslavia shall be composed of Yugoslav citizens.

The Army of Yugoslavia shall be made up of a standing army and reserve units.

The standing army shall be composed of professional soldiers and conscripts.

A federal law shall be adopted regulating the Army of Yugoslavia.

#### Article 135

In wartime and peacetime, the Army of Yugoslavia shall be under the command of the President of the Republic, pursuant to decisions by the Supreme Defense Council.

The Supreme Defense Council shall be made up of the President of the Republic and presidents of the member republics.

The President of the Republic shall preside over the Supreme Defense Council.

#### Article 136

The President of the Republic shall appoint, promote and dismiss from service officers of the Army of Yugoslavia stipulated by federal law; shall appoint and dismiss the president, judges and judge assessors of military tribunals and military prosecutors.

#### Article 137

Compulsory military service shall be universal and performed in the manner established by federal statute.

A citizen who is a conscientious objector for religious or other reasons and does not wish to fulfill his military obligation under arms shall be permitted to serve in the Army of Yugoslavia without bearing arms or in civilian service, in accordance with federal law.

#### Article 138

Military tribunals and military prosecutors shall be established under federal statute.

Military tribunals shall be independent and shall adjudicate on the basis of federal legislation.

### SECTION IX

#### AMENDMENTS TO THE CONSTITUTION

#### OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

#### Article 139

Proposals for amendment of the Federal Republic of Yugoslavia, with the exception of Articles 1, 2, 3, 6, 7, 77, 140 and 141 may be submitted by a minimum number of 100,000 voters, at least 30 federal deputies from the Chamber

of Citizens, at least 20 federal deputies from the Chamber of Republics, and by the federal government.

Proposals to amend the Constitution of the Federal Republic of Yugoslavia shall be decided upon by the chambers of the Federal Assembly by a two-thirds majority of the federal deputies in each of the two chambers.

The act of amending the constitution of the Federal Republic of Yugoslavia shall be adopted in both chambers of the Federal Assembly by a two-thirds majority of the federal deputies in each of the two chambers.

If the act of amending the Constitution of Federal Republic of Yugoslavia is not adopted, the same proposal may not be resubmitted for one year from the day it failed to be passed.

#### Article 140

Proposals to amend Article 1, 2, 3, 6, 7, 77, 140 and 141 of the Constitution of the Federal Republic of Yugoslavia may be submitted by no fewer than 100,000 voters, or no fewer than 30 federal deputies of the Chamber of Citizens, or by the federal government or assembly of a member republic.

A proposal to amend the Constitution of the Federal Republic of Yugoslavia shall be decided on by the Chamber of Citizens of the Federal Assembly by a two-thirds majority.

The Chamber of Citizens may decide to amend the Constitution of the Federal Republic of Yugoslavia after the assemblies of the member republics have approved the proposal for amendment.

If the proposal to amend the Constitution is not passed, the same proposal may not be resubmitted within one year from the day the proposal was rejected.

#### Article 141

The draft act to amend Articles 1, 2, 3, 6, 77, 140 and 141 of the Constitution of the Federal Republic of Yugoslavia shall be decided on in the Chamber of Citizens of the Federal Assembly by a two-thirds majority.

The amendment of the Constitution of the Federal Republic of Yugoslavia shall be deemed to be accepted when the assemblies of the member republics have approved the text adopted by the Chamber of Citizens of the Federal Assembly.

If the assembly of a member republic should fail to approve the wording of the amendment of the Constitution as adopted by the Chamber of Citizens, the rejected draft constitutional amendment may not be placed on the Federal Assembly's agenda within one year from the day the Chamber of Citizens establishes the lack of consensus.

#### Article 142

Amendments to the Constitution of the Federal Republic of Yugoslavia shall be promulgated by the Federal Assembly.

SECTION X

FINAL PROVISIONS

Article 143

A Constitutional Law shall be adopted for the implementation of the Constitution of the Federal Republic of Yugoslavia.

The Constitutional Law shall be promulgated and come into effect concurrently with the Constitution of the Federal Republic of Yugoslavia.

Article 144

The present Constitution shall into force on the day of its promulgation.

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