

The Fundamental Principles of the Democratic Republic of Afghanistan

IN THE NAME OF GOD,
THE COMPASSIONATE, THE MERCIFUL,

The Saur Revolution (1978) which entered its new phase on December 27, 1979 in the glowing annals of Afghanistan ushered a national, democratic, antifeudal and anti-imperialist uprising. As a result of the Saur Revolution, a new type government was created in the Democratic Republic of Afghanistan, reflecting the aspirations and safeguarding the long-standing interests of workers and all the peoples of the country. The honourable working people of Afghanistan were placed in the course of transformation of their social revolution and national uprising to bring to final victory their national democratic resurrection and build a new society based on peace and freedom, progress and justice, fraternity and equality. To enable Afghanistan to overcome its underdevelopment and begin social economic and cultural advancement under the leadership of the People's Democratic Party of the working class and all the toilers of

the country, on the basis of the will of vast masses of people, a profound respect and serious observation of national, historical, cultural and religious traditions of the people with decisive observance of the principles of Islam as a sacred religion, respect to the Universal Declaration of Human Rights based on the policy of peace, friendship and cooperation with all peoples of the region and the world.

The Democratic Republic of Afghanistan deems it its prime duty to safeguard national independence, national sovereignty, territorial integrity, consolidation of the gains of Saur Revolution and realisation of its lofty objectives and aspirations, strengthening, developing and further evolution of the vanguard progressive system in the Democratic Republic of Afghanistan, ensuring vast and active participation by workers and all democratic, progressive and patriotic forces of the country in the national democratic, anti-feudal and anti-imperialist changes and safeguarding the homeland and the Saur Revolution under the auspices of the People's Democratic Party of Afghanistan and the Revolutionary Council.

In order to realise the above objectives, the Revolutionary Council of the Democratic Republic of Afghanistan decided as the highest authority wielding state power and the real representative of the free will of the entire people of Afghanistan that pending adoption of Afghanistan's constitution by "Loya Jirga", the Supreme Council, these Fundamental Principles should be adopted and put into effect.

CHAPTER ONE

Fundamentals of Social, Political and Economic Order

ARTICLE ONE—The Democratic Republic of Afghanistan is an independent, democratic state belonging to all Moslem working people of Afghanistan ranging from workers, peasants, nomads and the intelligentsia to other toilers and the entire democratic and patriotic forces from all nationalities, tribes and clans of this country.

ARTICLE TWO— The government shall make efforts to ensure for the people a prosperous, happy, peaceful, secure and tranquil life as well as develop individuals from all viewpoints,

protect their rights, ownership, dignity, national customs and traditions. State power in the Democratic Republic of Afghanistan belongs to working people in towns and villages and exercised through exclusively state and local organs established by democratic methods.

ARTICLE THREE— The power of the working people in the Democratic Republic of Afghanistan is based on the vast national fatherland front uniting all workers, peasants, tradesmen, nomads, the intelligentsia, women, the youth and representatives of all nationalities, tribes and clans, the entire progressive, democratic and patriotic forces and social and political organizations in the country under the leadership of the People's Democratic Party of Afghanistan in accordance with the general programme on construction of a new, free and democratic society.

ARTICLE FOUR— The People's Democratic Party of Afghanistan, the party of the working class and all the toilers of the country will be the guiding and mobilising force of society and state, reflecting the will and interests of workers, peasants, the intelligentsia, all the toilers and national democratic forces and a steadfast advocate of real interests of the entire peoples living in our single homeland, Afghanistan.

The People's Democratic Party of Afghanistan on the basis of the will of the people of Afghanistan, considers the fundamental principles of national democratic revolution as the guidelines of its domestic and foreign policies, determines the gradual implementation of the objectives and duties of the Saur Revolution, guiding the struggle of all the people of Afghanistan in connection with creation of a new and just society void of exploitation of man by man.

ARTICLE FIVE— Respect, observance and preservation of Islam as a sacred religion will be ensured in the Democratic Republic of Afghanistan and freedom of religious rites guaranteed for Moslems. Followers of other faiths will also enjoy full freedom of religious practice as long as this would not threaten tranquility and security of society.

No citizen is entitled to exploit religion for anti-national and anti—people propaganda or other actions running counter to the interests of the Democratic Republic of Afghanistan and the people of Afghanistan. The government will help the clergy and

religious scholars in carrying out their patriotic activities, duties and obligations.

ARTICLE SIX— The activities of the workers unions, the women's and youth organizations, scientific, cultural, artistic and other social and democratic organizations of the working people uniting within their ranks workers, peasants, tradesmen, the intelligentsia and other inhabitants with a view to raising their organizational, social and productive standards to realise the objectives of the Saur Revolution and ensure their specific interests shall be encouraged and supported.

ARTICLE SEVEN— The Democratic Republic of Afghanistan will pursue a policy of equal rights, fraternal friendship and all-out development of all nationalities, tribes and clans, which live in the single homeland, Afghanistan, irrespective of their size and support solidarity among all nationalities, tribes and clans in their struggles to realise the objectives and aspirations of the Saur Revolution and ensure and guarantee their legal rights.

The Democratic Republic of Afghanistan aims at eradication of inequality as far as economic, social and cultural growth of our people in all regions of the country is concerned.

The Democratic Republic of Afghanistan will preserve and develop the best and most valuable works which comprize part of the cultural heritage and traditions of all nationalities, tribes and clans of this country.

ARTICLE EIGHT— The armed forces and the police in the Democratic Republic of Afghanistan will safeguard the gains of Saur Revolution, national independence, unity and territorial integrity and national sovereignty of the country.

The government will adopt appropriate measures with a view to strengthening and consolidating the armed forces and the police and training them with a spirit of patriotism, loyalty to the objectives and aspirations of the Saur Revolution and solidarity with the working peoples in other countries and ensure the participation of the armed forces in social and political life and improve the financial standing of their families.

ARTICLE NINE— The Government of the Democratic Republic of Afghanistan will support the patriotic part played by tribal elders and all members of the tribes which ensure peace, frater-

nity and tranquility in their areas and defend Afghanistan's borders and will extend to them all-out help to effectively implement this noble cause.

ARTICLE TEN— The foreign policy of the Democratic Republic of Afghanistan is based on strengthening of universal peace, expansion of vast international cooperation and preservation of the country's state interests.

The cornerstone of the foreign policy of the Democratic Republic of Afghanistan is constituted by the principles of peaceful co-existence and the policy of positive and active non-alignment.

ARTICLE ELEVEN— The Democratic Republic of Afghanistan will expand and strengthen its friendship and traditional all-out cooperation with the Soviet Union and its cooperation and friendly relations with other countries of the socialist alliance on the basis of international solidarity.

ARTICLE TWELVE— The Democratic Republic of Afghanistan as a peace-loving country will make serious efforts to protect and strengthen friendly relations with other countries, especially the neighbouring nations and all Moslem countries and states on the basis of mutual respect to one another's national independence and national sovereignty, territorial integrity and non-interference in one another's internal affairs and contribute to the endeavours of Moslems and other peoples in connection with their search for universal peace, freedom, progress and cooperation.

ARTICLE THIRTEEN— The Democratic Republic of Afghanistan will make efforts on the basis of good intentions and the principle of peaceful co-existence to help resolve justly and peacefully all the existing unsettled problems among neighbouring countries in the region.

ARTICLE FOURTEEN— The Democratic Republic of Afghanistan supports the struggle of various nations and peoples of the world for peace, national and social freedom, democracy and progress and against colonialism, neo-colonialism and imperialism and against Zionism, racism, fascism, racial discrimination and apartheid.

ARTICLE FIFTEEN— The Democratic Republic of Afghan-

istan will make efforts in order to defend world peace, contribute to general disarmament, ending of arms race, preventing from nuclear proliferation, dismantling aggressive military bases on other people's territories, development and deepening the process of relaxation of international tensions and establishment of a just international economic order.

War propaganda is strictly forbidden in the Democratic Republic of Afghanistan.

ARTICLE SIXTEEN— The Democratic Republic of Afghanistan will respect and observe the United Nations Charter and the generally accepted principles of international law and supports the United Nations' activities in strengthening peace and developing international cooperation.

ARTICLE SEVENTEEN — Ownership exists in the Democratic Republic of Afghanistan in the form of public property which is shared by all; private cooperatives and personal ownership.

The state preserves and protects all forms of ownership.

Underground resources, other natural resources, energy resources, banks, insurance organisations, major means of production in heavy industries, communications installations, radio and television stations, belong to the state.

People's property enjoys special protection.

The government will encourage, protect and supervise the activities of companies in which it holds shares.

ARTICLE EIGHTEEN— The government directs national economic growth with a view to eradicating national economic underdevelopment and raising the standard of living of all nationalities, tribes and clans of Afghanistan, ending all kinds of exploitation and building a new society according to the aspirations of the Saur Revolution.

The government will scientifically prepare and organize socio-economic development plans for this purpose, based on constructive and creative activities of the working people.

The government will encourage, protect and control private enterprises and extend to these material and moral aids.

ARTICLE NINETEEN — The government respects and guarantees ownership of the peasants and other land-holders over land according to the provisions of law. The government will

adopt measures to implement democratic changes in agriculture in the interest of vast masses of peasants with their active participation. It will help the peasants by granting them bank loans as well as assist them to receive agricultural machinery, improved seeds and fertilizers and help them market their produce and agricultural raw materials and encourage and protect the growth and development of productive, consumers and other agricultural cooperatives.

ARTICLE TWENTY— The government will guarantee for the nomads, tribes and livestock breeders vast opportunities to use pastures free of charge on an equitable basis and guarantees for the nomads the right of unhindered passage in national territories.

The government will help the nomads, tribes and livestock breeders through grants in aid, favourable bank loans and other aids in order to enable them to grow more animals, market their products and raise their material, cultural and living standards.

ARTICLE TWENTY- ONE— The Democratic Republic of Afghanistan will encourage and protect productive activities of tradesmen, their voluntary unity within the framework of productive cooperatives with a view to rendering more effective production organisation, ensure them raw materials and help them market their products.

The government will guarantee, in accordance with law, the security of private investments with a view to developing national economy and encouraging and protecting the participation of national men of capital in the development of industries, transport and agricultural services.

Taking the national interests of the people of Afghanistan into consideration in the field of trade, the government will encourage and supervise the development of domestic and external trade. And for this purpose, it will consider free retail and wholesale trades permissible and take upon itself the general control of prices. It will help trading companies and national traders to carry out external trade in their export—import activities, encourage production increases and the rise in the quality of export goods and protect these against competition offered by imperialist monopolies.

ARTICLE TWENTY TWO—The government will preserve and protect private ownership according to law. Using private property contrary to the interests of society and the people is not permitted.

The government guarantees private property of Afghan nationals obtained through legal means.

Inheritance rights in connection with private property will be defined and guaranteed by law.

Expropriation of private property against payment in accord with social justice and law is permissible.

ARTICLE TWENTY THREE— The government will, according to law and based on the principle of justice, define the kinds and amount of taxes commensurate with private income.

ARTICLE TWENTY FOUR — The policy of the Democratic Republic of Afghanistan in the field of social and cultural development is based on strengthening unity among workers, peasants, nomads, the intelligentsia, tradesmen, national traders, the patriotic clergy and religious scholars and all the democratic patriotic forces of the country, all nationalities, tribes and clans of Afghanistan, eradication of the remnants of feudal and pre-feudal relationships, underdevelopment, unemployment, illiteracy, poverty, disease and raising the material and cultural standards of each family.

For this purpose, programmes will be implemented to eradicate illiteracy, expand education on a large scale, public health and social insurances, science and technology, culture and arts, physical education, sports and vital services in a continuous manner.

ARTICLE TWENTY FIVE—The government deems it its prime duty to provide the working people with appropriate shelter.

ARTICLE TWENTY SIX— The family, mother and child will be under the special protection of government. The latter will pay special attention to the health of mothers and children and adopt appropriate measures with regard to creating favourable conditions for women in connection with vocations and job opportunities. State organs, social organisations, and schools are obligated to help families in bringing up their children.

The government takes upon itself to take care of the youth and provide them with educational and vocational training and

help them to get jobs, create favourable conditions for their spiritual and moral education and their physical growth so that they could participate in large scale and in a creative manner in the building of a new society.

CHAPTER TWO

Fundamental Rights and Obligations of Citizens;

ARTICLE TWENTY SEVEN— Citizenship of the Democratic Republic of Afghanistan is shared equally by all the peoples of Afghanistan.

Granting and withdrawal of such citizenship is defined by law.

Afghan citizens abroad are entitled to protection and support by the Democratic Republic of Afghanistan. No citizen of the Democratic Republic of Afghanistan, shall be delivered to a foreign government.

ARTICLE TWENTY EIGHT—All Afghan citizens are equal before the law.

All Afghan citizens share equal rights and obligations irrespective of their racial, national, tribal and linguistic affiliations or sex, domicile, religion, education, parentage, assets and social status.

Equality of rights among citizens is ensured in all economic, political, social and cultural fields.

Nobody is permitted to use his democratic rights and freedoms against the interests of the Democratic Republic of Afghanistan and the rights of other citizens.

ARTICLE TWENTY NINE— The following democratic rights and freedoms are ensured and guaranteed for citizens of the Democratic Republic of Afghanistan:

1—The right to lead a secure life.

2—Full freedom of practice of Islam as a sacred religion for Moslems and freedom of religious rites in the case of followers of other faiths according to law.

3—The right to work. The government will adopt measures to ensure the right of all the people to socially useful work, control working conditions and legislate and implement progressive laws about work.

4—The right to health protection and social insurance. The government will adopt measures with regard to creation of networks of public health organizations and if possible, through free medical services, improve social insurance enjoyed by the working people in case of incapacity or old age and likewise when losing the breadearner in a family.

5—The right to education. The government will adopt measures to develop national progressive education, eradicate illiteracy, instruction in mother tongues, growth and expansion of free intermediate, high vocational and technical education.

6—Freedom of scientific, technical, cultural and artistic activities in accord with the objectives of the Saur Revolution.

7—The right to freely and openly express one's opinions, the right of assembly and of peaceful demonstrations and likewise the right to patriotically join democratic and progressive social organisations.

The extent of the advantage taken of the above rights will be defined by law commensurate with social order and national security and tranquility.

8—Security of domicile and of communications including telephonic, telegraphic and other communications except in cases provided otherwise by law.

9—The right to complain or to petition individually or collectively, to state organs.

ARTICLE THIRTY— Nobody could be accused of offence except under provisions of law.

Nobody could be arrested except according to a court warrant and under the provisions of the law valid at the time of committing the offence.

The accused is entitled to submit his defence.

The accused is considered innocent until definitely sentenced by court.

Offence is a personal affair and nobody else would be punished by its commitment.

Punishment runs counter to human dignity. Torturing and prosecution are not permissible.

ARTICLE THIRTY ONE—The citizens of the Democratic Republic of Afghanistan are obligated to respect and observe the

laws and standards of social conduct, human manners and morals, discharge their duties and obligations, respect the legal rights and interests of other persons and take pride as citizens of the Democratic Republic of Afghanistan.

ARTICLE THIRTY—TWO — Socially useful and honest work based on impeccable patriotic conscience is an important obligation and glorious action of each citizen of the Democratic Republic of Afghanistan who is able to work.

ARTICLE THIRTY THREE— Defence of the motherland and the gains of Saur Revolution, loyalty to its objectives and aspirations and service to the people comprize the lofty sacred obligation of each citizen. Serving the ranks of the armed forces of the Democratic Republic of Afghanistan is regarded a lofty, glorious patriotic obligation of each citizen of the Democratic Republic of Afghanistan.

ARTICLE THIRTY FOUR— The Democratic Republic of Afghanistan prepares the ground so that its citizens may effectively enjoy their democratic rights and freedoms.

CHAPTER THREE

Loya Jirga, the Supreme Council of the Democratic Republic of Afghanistan,

ARTICLE THIRTY FIVE — Loya Jirga, the Supreme Council, is the highest organ of state power of the Democratic Republic of Afghanistan. The composition of Loya Jirga, the completely democratic method in which delegates of the peoples of Afghanistan are elected, its authority and activities are defined by law.

Delegates of the peoples to Loya Jirga are elected on the basis of general, free secret, direct and equal ballots.

In its first session, the Loya Jirga will adopt the constitution of the Democratic Republic of Afghanistan.

Election time for the Loya Jirga delegates will be fixed and announced by the Revolutionary Council.

CHAPTER FOUR

The Revolutionary Council of the Democratic Republic of Afghanistan,

ARTICLE THIRTY SIX— Until conditions are ripe for free and secure election of delegates to the Loya Jirga, the Supreme

Council, the Revolutionary Council will act as the highest organ of state power in the Democratic Republic of Afghanistan.

ARTICLE THIRTY SEVEN—The Revolutionary Council of the Democratic Republic of Afghanistan enjoys the following powers:

1—Approve decrees and laws.

2—Endorse socio-economic development plans of the Democratic Republic of Afghanistan and reports on execution thereof.

3—Approve the state budget of the Democratic Republic of Afghanistan and reports on its execution.

4—Appoint Presidium members of the Revolutionary Council of the Democratic Republic of Afghanistan, the Council of Ministers, the Government of the Democratic Republic of Afghanistan, the Supreme Court of the Democratic Republic of Afghanistan and the Attorney General of the Democratic Republic of Afghanistan.

5—Establish and dissolve various ministries, appoint, replace and fire members of the Council of Ministers.

6—Approve the basic domestic and foreign policies of the Democratic Republic of Afghanistan and adopt the government action programmes.

7—Proclaim referendum or general elections.

8—Announce elections for the Loya Jirga, the Supreme Council, of the Democratic Republic of Afghanistan.

9—Declare war in case the Democratic Republic of Afghanistan is subjected to aggression and proclaim armistice.

10—Approve or abolish international agreements on behalf of the Democratic Republic of Afghanistan according to law.

11—Endorse the issuance of bank notes.

12—Make decisions concerning matters requiring approval of the Revolutionary Council.

ARTICLE THIRTY EIGHT— The Revolutionary Council will meet twice a year, the first session of the Revolutionary Council will be held in Sunbula (September) and its second in Hoot (February).

The extraordinary session of the Revolutionary Council shall be held at the initiative of its Presidium members on the proposal of at least one-third of its members.

Members of the Revolutionary Council elect president of the revolutionary council, its vice president or vice presidents.

ARTICLE THIRTY NINE— The Revolutionary Council meetings can be held with two thirds quorum.

The meetings of the Revolutionary Council will be open except protection of national interests call for holding these in camera.

ARTICLE FORTY— Laws, decrees and other documents are approved with a majority of votes at the Revolutionary Council.

Laws and decrees come into effect after publication thereof in the Official Gazette unless otherwise stipulated in the texts thereof.

Laws and decrees of the Revolutionary Council will be published in Pashtu and Dari languages and could also be printed in other languages of the people of Afghanistan.

ARTICLE FORTY ONE—The Revolutionary Council of the Democratic Republic of Afghanistan defines procedures concerning activities of the Revolutionary Council and its Presidium members.

ARTICLE FORTY TWO— The Revolutionary Council chooses its Presidium members from its members. The Presidium is composed of:

—President of the Revolutionary Council as the Presidium head.

Vice-President or Vice-Presidents of the Revolutionary Council.

—Secretary and members.

The Presidium of the Revolutionary Council will be always an active organ of the Council.

ARTICLE FORTY—THREE— The Presidium of the Revolutionary Council will enjoy the following powers:

1—To fix the date for holding ordinary or extraordinary sessions of the Revolutionary Council.

2—Interpret laws, implement legislative initiatives and, if necessary, organize public discussions on draft laws.

3—Supervise the observance of laws and decrees in connection with the performance of state organs.

4—Reorganise, change or modify the names and areas of pro-

vinces, towns, "woloswalis" and "alaqadaris".

5—Approve and award medals according to law.

6—Pardon or commute sentences.

7—Approve, appoint, replace, fire, retire the judges, officers of the armed forces and officials or accept their resignations according to provisions of law.

8—Award military titles and grant political ranks according to provisions of law.

9—Approve, appoint, replace or fire diplomatic envoys and permanent representatives of the Democratic Republic of Afghanistan abroad and in international organisations.

10—Proclaim martial law, emergency and general mobilization.

11—Settle matters related to citizenship and grant the right to asylum to aliens according to provisions of law.

12—Discharge other duties according to provisions of law.

ARTICLE FORTY FOUR—All powers of the Revolutionary Council are transferred to its Presidium during the interim period between two sessions.

ARTICLE FORTY FIVE— Choose or elect the Prime Minister, President of the Revolutionary Council will, in the meantime, be Prime Minister of the Democratic Republic of Afghanistan.

The President of the Revolutionary Council will enjoy the following powers:

1—Guide the activities of the Revolutionary Council, its Presidium and the Council of Ministers.

2—Command the armed forces.

3—Receive credentials of foreign envoys.

4—Endorse laws, decrees, decisions and other documents of the Revolutionary Council, its Presidium and the Council of Ministers.

5—Other powers provided by law.

CHAPTER FIVE

The Council of Ministers of the Democratic Republic of Afghanistan.

ARTICLE FORTY SIX—The Council of Ministers, that is the Government of the Democratic Republic of Afghanistan is the highest executive organ of state power composed of the Prime

Minister, his Deputy or Deputies and individual ministers.

The Council of Ministers is responsible for its performance before the Revolutionary Council and during its interim period, before its Presidium.

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ARTICLE FORTY SEVEN—The Council of Ministers enjoys the following powers:

1—Implement domestic and foreign policies.

2—Submit draft laws for assessment and approval to the Revolutionary Council, and during the interim period, to its Presidium.

3—Approve regulations and charters.

4—Organize matters related to national development, prepare and propose plans for socio-economic development and state budget and reports about the implementation thereof for the approval of the Revolutionary Council and submit these to the Presidium during the interim period.

5—Direct and supervise the performance of various ministries.

6—Direct and supervise the activities of local executive organs.

7—Adopt measures to ensure security, social order and tranquility and preserve the rights and freedoms of the citizens.

8—Direct national defence matters and organize the armed forces.

9—Direct foreign relations of the Democratic Republic of Afghanistan including negotiations and conclusion of international agreements as far as authorised.

10—Help the Religious Scholars Society to discharge its duties.

11—Other powers provided by law.

ARTICLE FORTY EIGHT— Implement the decisions and other documents of the Council of Ministers through organs, institutes and citizens throughout the territories of the Democratic Republic of Afghanistan as a matter of course.

ARTICLE FORTY NINE—The organisation, powers and mode of activities of various central and local agencies are organized by law.

ARTICLE FIFTY--Ministers heads various ministries in the Democratic Republic of Afghanistan.

The Ministers perform according to provisions of law and they are individually responsible for the performance of their respective ministries and development of relevant fields.

CHAPTER SIX

Local Organs of State Power and Administration.

ARTICLE FIFTY ONE--In provinces, towns, woloswalis, alaqadaris and villages, local jirgas, local councils, will be established to settle all relevant problems.

The method of electing people's representatives to local jirgas, local councils, and other matters related to organisation, powers, responsibilities and activities thereof will be defined by laws.

ARTICLE FIFTY TWO--In local executive committees of state power will be set up in provinces, towns, woloswalis and alaqadaris whose head and members shall be appointed according to provisions of law.

The local executive committee will enjoy the following powers.

1--Ensure the observance of laws, decrees, decisions and other documents of higher organs.

2--Ensure and preserve public order and security, rights and freedoms of citizens.

3--Implement government plans for socio-economic and cultural development.

4--Direct and coordinate activities of subordinate organs.

5--Make decisions as far as authorized.

ARTICLE FIFTY THREE-- Local organs of state power and administration will take into consideration during their performance the principles of collective work, initiative, assimilation of vast masses, legality and justice.

CHAPTER SEVEN

Legal System and Court activities.

ARTICLE FIFTY FOUR-- Judgement is passed in Democratic Republic of Afghanistan by courts in accordance with demo-

cratic principles. Sentences are passed by the Supreme court of the Democratic Republic of Afghanistan, provincial, city and woloswali courts and likewise through the armed forces tribunals.

Special courts are to be set up to assess specific cases according to law.

Organisation, mode of establishment and activities of such courts will be defined by law.

ARTICLE FIFTY FIVE— The Supreme Court is the highest judicial organ in the Democratic Republic of Afghanistan and is composed of the President, Vice-Presidents and members.

The Supreme Court will supervise the activities of various courts according to provisions of law and ensures a uniform application of laws by all courts.

The Supreme Court reports about its performance to the Revolutionary Council, and during the interim period, to its Presidium.

Judges of all courts are appointed by the Presidium of the Revolutionary Council.

ARTICLE FIFTY SIX— Courts are empowered to assess all civil and criminal cases.

Judges are entitled to independently assess cases as they are only subject to laws. Cases are assessed and verdicts passed by courts on the basis of equality of citizens before the law courts.

When assessing cases, the court applies the laws of the Democratic Republic of Afghanistan.

In cases when the law is not clear, the courts will settle cases in accordance with "Shariat" and the principles of democratic legality and justice.

Cases are assessed by courts in open sessions. Circumstances under which cases shall be discussed in camera will be anticipated by law.

However, the verdict must be declared openly in all cases.

ARTICLE FIFTY SEVEN— Cases are to be discussed and settled in courts in Pashtu, Dari or in the local majority language. In case both parties to the dispute fail to understand the language in which the case is discussed, their right to employ an interpreter to acquaint them with materials contained in the

documents and their right to converse in their mother tongue are guaranteed.

ARTICLE FIFTY EIGHT— All court verdicts are issued in the name of the Democratic Republic of Afghanistan.

Court verdicts must be based on arguments.

Court verdicts are final.

Execution sentences shall be carried out after the approval of the Revolutionary Council Presidium.

CHAPTER EIGHT

ARTICLE FIFTY NINE—The Attorney General of the Democratic Republic of Afghanistan directs the activities of attorney's organs in the whole country.

The Office of the Attorney General in the Democratic Republic of Afghanistan operates on the single principle of centralism and is composed of the Attorney General's Office, offices of various provincial attorneys, those in towns, woloswalis and alaqadaris.

A special attorney office can be established according to the provisions of law.

The attorney organs are independent of local organs as far as their performance is concerned and they are only answerable to the Office of the Attorney General.

ARTICLE SIXTY—The Attorney General and various attorneys supervise the uniform application of laws by all central and local organs of state power and administration, state organs, mixed and private agencies, social organisations, those responsible for public affairs and other citizens.

ARTICLE SIXTY ONE - The Attorney General is responsible to the Revolutionary Council, and during the interim period, to its Presidium for his performance.

The Attorney General regularly reports to the Revolutionary Council and its Presidium about his performance and legality in the country.

ARTICLE SIXTY TWO—Pending the appointment of the Attorney General, his powers are exercised by the Minister of Justice.

Organization, authority and mode of activity of various attorneys are defined by law.

CHAPTER NINE

Emblem, Flag and Capital

ARTICLE SIXTY THREE— The emblem of the Democratic Republic of Afghanistan is composed of an arch and a pulpit on a green background, an open book, rays of rising sun inside ears of corn surrounded by black, red and green ribbons and a five-tipped star on top between the two ends of the ears of corn.

ARTICLE SIXTY FOUR—The flag of the Democratic Republic of Afghanistan is a tri-colour in the form of black, red and green stripes divided into three equal horizontal slices.

In the fourth part of the flag from its mast lies the state emblem of the Democratic Republic of Afghanistan.

The flag's breadth is twice as much as its length.

ARTICLE SIXTY FIVE— Kabul is the capital of the Democratic Republic of Afghanistan.

CHAPTER TEN

Final Provisions

ARTICLE SIXTY SIX—These fundamental principles could be amended upon the proposals of the Revolutionary Council Presidium and approval of two-thirds of its members.

ARTICLE SIXTY SEVEN— All central and local organs of state power pending the establishment of new state organs provided in these principles will carry on according to these fundamental principles and related laws.

ARTICLE SIXTY SEVEN— These fundamental principles of the Democratic Republic of Afghanistan in accordance with the statement issued by the Revolutionary Council of the Democratic Republic of Afghanistan come into effect since Saur 1st, 1359, April 21, 1980 and will be valid pending the adoption of the constitution of the Democratic Republic of Afghanistan.

Decrees, laws and other documents issued prior to the enforcement of these fundamental principles shall be valid providing that these are not contrary to the above fundamental principles.