



## FN Art. 35

# Justice and the Rule of Law

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## TITLE 06 — RIGHTS DIGNITY AND THE RULE OF LAW · CHAPTER 04 — JUSTICE AND RULE OF LAW

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- 1** The State is founded upon the rule of law. All power must be exercised in accordance with law, and all persons are subject to law.

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- 2** No person may be deprived of life, liberty, or property except in accordance with law and the principles of fundamental justice.

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- 3** Criminal responsibility may be imposed only for conduct that is expressly prohibited by law at the time it was committed. No person may be punished except pursuant to law (*nullum crimen, nulla poena sine lege*).

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- 4** Criminal laws may not have retroactive effect to the detriment of the accused. Where laws differ at the time of the commission of the offence and at the time of judgment, the law more favourable to the accused applies.

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- 5** Every person accused of a criminal offence has the right:
  - a. to be presumed innocent until proven guilty according to law
  - b. to be informed promptly of the charge in a language they understand
  - c. to be tried without undue delay
  - d. to be present at the trial and to defend themselves in person or through legal assistance
  - e. to examine witnesses and to obtain the attendance and examination of witnesses on their behalf
  - f. not to be compelled to testify against themselves or to confess guilt
  - g. if convicted, to appeal to a higher tribunal.

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- 6** Every person has the right to have any dispute that can be resolved by law decided by a competent, independent, and impartial tribunal established by law, after a fair and public hearing.

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- 7** Court proceedings are public unless exclusion of the public is necessary to protect:
- public order or national security
  - the privacy or safety of parties or witnesses
  - the interests of justice.
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- 8** Judgments must be reasoned and must be made public.
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- 9** The judiciary is independent. Judges are subject only to the law and their conscience, and may not be subjected to direction or influence in the exercise of their judicial functions.
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- 10** Legal assistance shall be provided at State expense to persons of insufficient means where the interests of justice require it.
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- 11** No person may be tried twice for the same offence (ne bis in idem).
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- 12** Administrative action affecting persons must be lawful, reasonable, and procedurally fair. Every person has the right to:
- be given written reasons for administrative decisions that adversely affect them
  - have such decisions reviewed by a court or independent tribunal
  - be heard before a decision is made, where their rights or legitimate interests are affected.
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- 13** Nothing in this Article limits the sovereign prerogatives of clemency, mercy, or the administration of justice in the name of the Sovereign.
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