

APPENDIX 3 OF THE TRANSITION CONTROL COUNCIL

Article 01. An executive control body called the Transition Control Council (OCT) will be created with the mission of:

- Ensure the execution of the mandate entrusted to the CNT;
- Control the actions of the Government;
- Ensure respect for the laws and ethics in the management of public affairs;
- Ensure that popular demands are taken into account by executive power.

Article 02. During the transition period, the executive power reports to the Transition Control Council (TCC). The Monitoring Office collects the names of TCC members. The mandate of members of the TCC ends with the installation of elected parliamentarians.

TCC is made up of 63 members:

- a) Forty-two (42) members of the National Transitional Council
- b) Twenty-one (21) members including two (2) appointed by the Concertation Tables, in wide consultation of local civil society organizations from each of the 9 geographical departments, except the West, and the three (3) by organized sectors of the Haitian diaspora. Organized sectors nominate members of the TCC in a transparent and participatory manner.

Article 03. To be a member of the TCC, you must:

- a) Be Haitian or Haitian by origin and never have renounced their nationality;
- b) Be over thirty (3) years old;
- c) Enjoy their civil and political rights and never have been sentenced to an afflictive or infamous sentence for a common law crime
- d) Never have been sanctioned for fraud or corruption by a competent body or court;
- e) Not have been associated with blood crimes and financial crimes

Article 04. TCC occupies part of the premises reserved for the elected Parliament and benefits, in a reasonable proportion, from part of the administrative and logistical support allocated to it. TCC's operating budget is included in the Government budget. No extra budgetary privileges will be granted to members of the TCC.

Article 05. The OCT sits permanently. However, it may adjourn, in which case it leaves a standing committee to deal with current business. This committee cannot take any order, except for the convening of the TCC. In urgent cases, the Executive may also convene the TCC before the end of the adjournment.

Article 06. The Transition Control Council exercises the following attributions:

- a) Ratify the decrees taken by the Executive Power
- b) Contribute to the formation of the Electoral Council in accordance with the related article in this Agreement;
- c) Receive at the beginning of each quarter the report of the activities of the Government for the preceding quarter.

Article 07. The Transition Control Council elects at its head a President, a Vice-President, a First and a Second Secretaries. The Supervisory Council is chaired by its President, assisted by the Vice-President and the First Secretary.

Article 08. If the President is unable to attend, the Control Council is chaired by the Vice-President assisted by the Secretaries.

Article 09.-The sessions of the TCC are public. However, they can be closed at the request of ten (10) members and it will then be decided by an absolute majority whether the meeting should be resumed in public.

Article 10.-In case of emergency, when the TCC is not in session, the Executive Power can summon it to the extraordinary.

Article 11.-TCC cannot sit or take decisions and resolutions without the presence in its midst of the majority of its members.

Article 12.-TCC is headquartered in Port-au-Prince. Nevertheless, depending on the circumstances, this seat will be transferred elsewhere to the same place and at the same time as that of the Executive Power.

EXERCISE OF THE POWERS OF THE TRANSITION SUPERVISORY Council

Article 13.- In the event of an extraordinary convocation of the TCC, it cannot decide on any foreign object on the basis of the convocation. However, any member of the TCC can discuss matters of general interest.

Article 14.-The members of the TCC take the following oath: "I swear to fulfill my task, to maintain and safeguard the rights of the People and to be faithful to the Constitution."

Article 15.-The initiative of the Decrees on the Budget is the responsibility of the Executive Power. However, the budget of the Electoral Council is prepared by the latter, in consultation with the Executive Power, and submitted to the Supervisory Body. Decree projects must be voted on by the Control Body.

Article 16.-Under no circumstances can the Transition Control Council (TCC)be dissolved or postponed, or the mandate of its members extended.

Article 17.- TCC, at the end of its regulations, appoints its staff, sets its discipline and determines the mode in which it exercises its powers.

Article 18.-TCC may apply disciplinary penalties to its members for reprehensible conduct, by decision taken by a 2/3 majority.

Article 19.- Any member of the TCC who, during his term of office, has been condemned by a common law court which has acquired the authority of "res judicata" and entails his ineligibility.

Article 20.- The members of the TCC are inviolable from the day of their taking of the oath until the expiration of their mandate, subject to the provisions of the following article.

Article 21.- They cannot at any time be prosecuted and attacked for the opinions and votes expressed by them in the exercise of their function.

Article 22.- TCC will authorize that one of its members may, during his term of office, be arrested in criminal, correctional or police matters for common law offenses. This authorization is not necessary in cases of "flagrante delicto" for acts carrying an afflicting and infamous penalty. It is then referred to the TCC without delay.

Article 23.- TCC has the right to investigate matters referred to it.

Article 24.-The draft decree must be voted on Article by Article.

Article 25.-The draft decree may be withdrawn from the discussion as long as it has not been definitively voted on.

Article 26.-The decree voted by the Supervisory Council is immediately sent to the President of the Transition which, before promulgating it, has the right to object to it in whole or in part.

Article 27.-If the decree thus amended is voted by the TCC, it will be sent again to the President of the Republic to be promulgated.

Article 28.- If the objections are rejected by the TCC, the decree is returned to the President of the

Republic who is obliged to promulgate it.

Article 29.- The rejection of objections is voted by a majority of TCC members. In this case, the votes will be cast by secret ballot.

Article 30.- The right of objection must be exercised within eight (8) clear days from the date of receipt of the decree by the President of the Republic.

Article 31.- If within the prescribed time, the President of the Republic makes no objection, the decree must be promulgated.

Article 32.- Decrees and other acts of the Control Council will be made enforceable by their promulgation and publication in the Official Gazette of the Republic.

Article 33.- The Articles of a Decree are numbered, inserted in the printed and numbered bulletin with the title: BULLETIN OF LAWS AND ACTS.

Article 34.- The decree takes the date of its final adoption by the TCC

Article 35.- No one may present petitions in person to the TCC rostrum.

Article 36.-The interpretation of laws and decrees by authority, belongs only to the TCC, it is given in the form of a decree.

Article 37.-Each member of the TCC receives a monthly salary lower than the salaries of former elected officials from his swearing in.

Article 38.-The function of member of the TCC is incompatible with any other function remunerated by the Government, except that of teaching.

Article 39.-The right to question and challenge a member of the Government or the entire Government on the facts and acts of the Administration is recognized to any member of the TCC.

Article 40.-The request for interpellation must be supported by five (5) members of the TCC. It results in a vote of confidence or censure taken by the majority of this body.

Article 41.- When the request for interpellation results in a vote of censure on a question relating to the program or to a general policy statement of the Government, the Prime Minister must submit to the President of the Republic the resignation of his Government.

Article 42.-The President must accept this resignation and convene the National Transitional Council for the appointment of a new Prime Minister, in accordance with the provisions of the Agreement.

Article 43.-TCC cannot take more than one vote of censure per year on an issue relating to the program or to a general government policy statement.

INCOMPATIBILITIES

Article 44.-Cannot be elected members of the TCC:

- 1) concessionaire or contractor of the State for the operation of public services;
- 2) representatives or agents of State concessionaires or contracting parties, State concessionary or contracting companies or companies;
- 3) delegates, vice-delegates, judges, officers of the Public Prosecution whose functions have not ceased six (6) months before the date fixed for the elections;
- 4) any person who finds himself in the other cases of ineligibility provided for in the Agreement.

Article 45.-Members of the Executive Power and General Directors of Public Administration cannot be members of TCC.
