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# Algeria's Constitution of 1963 with Amendments through 2008

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# Preamble

The Algerian people is a free people, decided to remain free. Its history is a long chain of battles which have made Algeria forever a country of freedom and dignity. Placed in the heart of the great moments which the Mediterranean has known in the course of its history, Algeria has found in its sons, from the time of the Numidian Kingdom and the epic of Islam to the colonial wars, its heralds of liberty, unity and progress at the same time as the builders of democratic and prosperous states in the periods of grandeur and of peace.

November 1, 1954 was one of the crowns of its destiny, the result of its long resistance to the aggressions directed against its culture, its values and the fundamental components of its identity which are its Arab-ness and Amazighité; the first of November solidly anchored the battles waged in the glorious past of the Nation.

United in the national movement afterwards in the breast of the National Liberation Front, the people has spilled its blood in order to assume its collective destiny in the liberty and recovered cultural identity and to endow itself with authentically popular institutions.

Crowning the people's war by an independence paid for with the sacrifices of its best children, the National Liberation Front restores finally, in all its fullness, a modern and sovereign State.

Its faith in the collective choices has permitted its people to achieve decisive victories, marked by the recovery of national riches and the construction of a State for its exclusive service, exercising its powers in all independence and security against external pressure.

Having always fought for freedom and democracy, the people intends, by this Constitution, to endow itself with institutions based on the participation of citizens in the conduct of public affairs and which realize social justice, equality and liberty of each and all.

In approving this Constitution, the work of its own genius, reflection of its aspirations, fruit of its determination and product of profound social mutations, the people expresses and consecrates more solemnly than ever the primacy of law.

The Constitution is, above all, the fundamental law which guarantees the rights and the individual and collective liberties, protects the rule of free choice of the people and confers legitimacy on the exercise of powers. It helps to assure the juridical protection and the control of action by the public powers in a society in which legality reigns and permits the development of man in all dimensions.

Strong in its spiritual values, deeply ingrained, and its traditions of solidarity and justice, the people is confident of its capacities to work fully for the cultural, social and economic progress of the world, today and tomorrow.

Algeria, land of Islam, integral part of the Great Maghreb Arab country, Mediterranean and African, is honored by the radiance of its Revolution of November 1 and the respect which the country has sought to achieve and preserve by reason of its commitment to all the just causes of the world.

The pride of the people, its sacrifices, its sense of responsibilities, its ancestral attachment to liberty and social justice are the best guarantees of the respect for the principles of this Constitution which it adopts and passes on to future generations, the worthy inheritors of the pioneers and the builders of a free society.

## TITLE I

# THE GENERAL PRINCIPLES GOVERNING THE ALGERIAN SOCIETY

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## CHAPTER I ALGERIA

### Article 1

Algeria shall be a Democratic and People's Republic. It shall be one and indivisible.

### Article 2

Islam shall be the religion of the State.

### Article 3

Arabic shall be the national and official language.

### Article 3bis

Tamazight is also a national language.

The State shall work for its promotion and its development in all its linguistic varieties in use throughout the national territory.

### Article 4

The capital of the Republic shall be Algiers.

### Article 5

The national emblem and the national anthem are achievements of the Revolution of November 1, 1954. They shall be unalterable.

These two symbols of the Revolution, having become those of the Republic, shall have the following characteristics:

1. The national emblem shall be green and white with a star and a crescent moon placed at the centre.
2. The national anthem shall be "Quassaman" with all its verses.

## CHAPTER II THE PEOPLE

### Article 6

The people shall be the source of all authority. National sovereignty shall vest exclusively in the people.

### Article 7

The constituent power shall belong to the people.

The people shall exercise its sovereignty through the institutions which it shall establish.

The people shall exercise its sovereignty by means of the referendum and through elected representatives.

The President of the Republic may have direct recourse to the expression of the will of the people.

## Article 8

The people shall establish institutions which have as their objective:

- the safeguarding and the consolidation of national independence;
- the safeguarding and consolidation of national identity and national unity;
- the protection of fundamental rights and the social and cultural development of the Nation;
- the suppression of the exploitation of man by man;
- the protection of the national economy against all forms of embezzlement or misappropriation, hoarding or illegal confiscation.

## Article 9

The institutions shall not indulge in:

- feudal, regionalist and nepotist practices;
- the establishments of relations of exploitation and bonds of dependency;
- practices contrary to Islamic morals and the values of the November Revolution.

## Article 10

The people shall choose their representatives freely.

The representation of the people shall have no other limits than those specified in the Constitution and the electoral law.

## CHAPTER III THE STATE

### Article 11

The State derives its legitimacy and its existence from the will of the people. Its motto shall be: "By the People and for the People."

It shall be at the exclusive service of the People.

### Article 12

The sovereignty of the State shall extend to its territory, its air space and its waters.

The State shall also exercise its sovereign right established by international law over each of its different zones of maritime space which belong to it.

### Article 13

In no case may it abandon or alienate a part of the national territory.

### Article 14

The State shall be founded on the principles of democratic organization and social justice.

The elected assembly shall constitute the framework within which the will of the people and the control of the action of the public powers shall be exercised.

## Article 15

The territorial communities are the commune and the wilaya. The commune is the basic community.

## Article 16

The elected assembly shall constitute the basis of decentralization and the place for participation of the citizens in the conduct of public affairs.

## Article 17

Public property shall be an asset of the national community.

It shall encompass the subsoil, the mines and quarries, the sources of natural energy, the mineral, natural and living resources of the different zones, the national maritime zone, the waters and the forests.

In addition, it shall be established with respect to railroad, maritime and air transports, the posts and telecommunications, as well as all other assets specified by an Act of Parliament.

## Article 18

The national domain shall be defined by Act of Parliament.

It shall comprise the public and private domains of the State, the wilaya and the commune.

The management of the national domain shall be carried out in conformity with statute.

## Article 19

The organization of external trade shall fall within the competence of the State.

An Act of Parliament shall determine the conditions of the exercise and control of foreign trade.

## Article 20

Expropriation cannot be undertaken except within the framework of an Act of Parliament.

It shall give rise to prior, just and equitable compensation.

## Article 21

The functions in State service institutions shall not constitute a source of enrichment or a means to serve private interests.

## Article 22

The abuse of authority shall be punished by statute.

## Article 23

The impartiality of the administration shall be guaranteed by statute.

## Article 24

The State shall be responsible for the security of persons and possessions. It shall ensure the protection abroad of every citizen.

## Article 25

The consolidation and the development of the potential for the defense of the Nation shall have its organizational focus in the National People's Army.

The National People's Army shall have the permanent mission to safeguard national independence and the defense of national sovereignty.

It is charged to ensure the defense of the unity and territorial integrity of the country, as well as the protection of the territory, its air space and the different zones of its maritime zone.

## Article 26

Algeria shall not resort to war to attack the legitimate sovereignty and the liberty of other peoples.

It shall endeavor to settle international differences by peaceful means.

## Article 27

Algeria shall extend its solidarity to all peoples who are fighting for political and economic liberation, for the right of self-determination and against all racial discrimination.

## Article 28

Algeria shall work for the reinforcement of international cooperation and for the development of amicable relations between the states on the basis of equality, mutual interest and noninterference in internal affairs. It recognizes the principles and objectives of the Charter of the United Nations.

## CHAPTER IV CONCERNING THE RIGHTS AND LIBERTIES

### Article 29

The citizens shall be equal before the law without any discrimination on the basis of birth, race, gender, opinion or any other personal or social condition or circumstances.

### Article 30

Algerian citizenship shall be defined in an Act of Parliament.

The conditions for the acquisition, retention, loss and revocation of Algerian citizenship shall be determined by statute.

### Article 31

The institutions shall seek to ensure the equality of rights and duties of all citizens in suppressing the obstacles which obstruct the development of the human personality and impede the effective participation of all in the political, economic, social and cultural life.

### Article 31bis

The State shall work for the promotion of political rights of women by increasing their chances of access to representation in elected assemblies.

The modalities of application of this Article shall be determined by an Institutional Act.

### Article 32

The fundamental liberties and the rights of man and of the citizen shall be guaranteed.

They shall constitute the common heritage of all Algerians, who have the task of transmitting it from generation to generation in its integrity and inviolability.

## Article 33

The individual and collective defense of the fundamental Rights of Man and of individual and collective liberties shall be guaranteed.

## Article 34

The State shall guarantee the inviolability of the human person.

Any form of physical or moral violence or infringement of dignity shall be prohibited.

## Article 35

The infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human person shall be punished by statute.

## Article 36

The freedom of conscience and the freedom of opinion shall be inviolable.

## Article 37

The freedom of commerce and of industry shall be guaranteed. It shall be exercised within the statutory framework.

## Article 38

The freedom of intellectual, artistic and scientific creativity shall be guaranteed to the citizen.

The rights of authorship shall be protected by statute.

The seizure of any publication, recording or other means of communication and information may only be carried out on the basis of a judicial warrant.

## Article 39

The private life and the honor of the citizen shall be inviolable and protected by statute.

The secrecy of correspondence and private communications, in all their forms, shall be guaranteed.

## Article 40

The State shall guarantee the inviolability of the domicile.

No search can be made, except on the basis of a statute and in conformity with its provisions.

A search may only be carried out on the basis of a warrant from the competent judicial authority.

## Article 41

The freedoms of expression, association and assembly shall be guaranteed to the citizen.

## Article 42

The right to establish political parties shall be recognized and guaranteed.

However, this right may not be invoked in order to undermine fundamental liberties, the values and main elements of national identity, national unity, the security and integrity of the national territory, the independence of the country and the sovereignty of the people or the democratic and republican character of the State.

In accordance with the provisions of the present Constitution political parties may not be founded on a religious, linguistic, racial, sexual, corporatist or regional basis.

Political parties may not have recourse to party political propaganda using the elements referred to in the previous paragraph.

Any submission of political parties, under whatever form, to foreign interests or parties shall be forbidden.

No political party may resort to violence or constraint, of whatever nature or form.

Other obligations and duties shall be determined by statute.

## **Article 43**

The right to form associations shall be guaranteed by statute.

The State shall encourage the flourishing of the associative movement.

Statute shall determine the conditions and the modalities pertaining to the creation of associations.

## **Article 44**

Every citizen enjoying all civil and political rights shall have the right to choose freely the place of residence and to move about on the national territory.

The right of entry and exit from the national territory shall be guaranteed.

## **Article 45**

Every person shall be presumed to be innocent until he or she has been found guilty by a regular court in accordance with all the guarantees required by statute.

## **Article 46**

No one may be considered guilty except by virtue of a statute duly promulgated before the commission of the incriminating act.

## **Article 47**

No one may be pursued, arrested or detained except in the cases determined by statute and in accordance with the forms prescribed by it.

## **Article 48**

In the case of a criminal investigation detention shall be subject to judicial control and may not exceed forty-eight hours.

The person detained shall have the right to get in touch with his family immediately.

An extension of the detention may take place only exceptionally and in accordance with the conditions specified by statute.

At the end of the detention a medical examination shall be performed on the detained person if the latter so requests; in any case he or she has to be informed of this right.

## **Article 49**

Judicial error shall give rise to compensation by the State.

The statute shall determine the conditions and modalities of the compensation.



## Article 50

Every citizen meeting the legal requirements shall have the right to vote and to be elected.

## Article 51

Equal access to functions and employment in the State shall be guaranteed to all citizens, without conditions other than those established by statute.

## Article 52

Private property shall be guaranteed.

The right of inheritance shall be guaranteed.

The holdings of the religious (wakf) and other foundations shall be recognized. Their use for the established purposes shall be protected by statute.

## Article 53

The right to education shall be guaranteed. Instruction shall be free within the conditions fixed by statute.

Primary education shall be compulsory.

The State shall organize the educational system.

The State shall protect equal access to schooling and professional training.

## Article 54

All citizens shall have the right to the protection of their health.

The State shall ensure the prevention and the fight against epidemic and endemic illnesses.

## Article 55

All citizens shall have the right to work.

The right to protection, security and hygiene at work shall be guaranteed by statute.

The right to rest shall be guaranteed. Statute shall determine the modalities of its exercise.

## Article 56

The right to establish trade unions shall be recognized for all citizens.

## Article 57

The right to strike shall be recognized. It shall be exercised within the framework established by statute.

The law may prohibit or restrict the exercise of the right to strike in the fields of national defense and security, or for services and public activities which are of vital interest to the community.

## Article 58

The family shall enjoy the protection of the State and of the society.

## Article 59

The living conditions of the citizens who cannot yet work or can no longer or never again work shall be guaranteed.

## CHAPTER V THE DUTIES

### Article 60

No one is excused as a result of ignorance of the law.

Every person is under a duty to respect the Constitution and to conform to the laws of the Republic.

### Article 61

Every citizen has the duty to protect and safeguard the independence of the country, its sovereignty and the integrity of its national territory, as well as all the attributes of the State.

Treason, espionage, defection to the enemy, as well as all infractions committed against the security of the State shall be punished with all the rigor of the law.

### Article 62

Every citizen must loyally discharge his obligations toward the national community.

The dedication of the citizen to his fatherland and the obligation to contribute to its defense shall be sacred and permanent duties.

The State shall guarantee respect for the symbols of the Revolution, the memory of the chouhada and the dignity of their rightful claimants and of the moudjahidine.

Moreover, the State shall work for the promotion of the writing of history and its teaching to the younger generations.

### Article 63

All rights which a person enjoys shall be exercised in a manner which is respectful of the rights conferred by the Constitution on others, and in particular of the right to honor, to the intimacy and the protection of the family, of youth and childhood.

### Article 64

All citizens shall be equal with respect to taxation. Everyone must participate in the financing of public expenditure according to his or her abilities.

No tax may be levied except by virtue of a statute.

No tax, contribution, excise or right of any kind may be levied with retroactive effect.

### Article 65

Statute shall uphold the rights of parents with regard to the education and protection of their children as well as the duty of the children to aid and assist their parents.

### Article 66

Every citizen has the duty to protect public property and the interests of the national community and to respect the property of others.

### Article 67

Every foreigner who resides legally on the national territory shall enjoy for his person and his goods the protection of the law.

## Article 68

No one may be extradited except on the basis and application of an Extradition Act.

## Article 69

In no case may a political refugee who is lawfully claiming the right of asylum be handed over or extradited.

## TITLE II

# THE ORGANIZATION OF THE POWERS

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## CHAPTER I THE EXECUTIVE POWER

### Article 70

The President of the Republic, Head of the State, shall embody the unity of the Nation.

He shall be the guarantor of the Constitution.

He shall embody the State both within the country and abroad.

He shall appeal directly to the Nation.

### Article 71

The President of the Republic shall be elected by universal, direct and secret suffrage.

He shall be elected by an absolute majority of votes cast.

The other modalities of the presidential election shall be determined by statute.

### Article 72

The President of the Republic shall exercise the supreme authority of the State within the limits established by the Constitution.

### Article 73

To be eligible for the Presidency of the Republic, a candidate must:

- have solely native Algerian citizenship;
- be of Muslim faith;
- be at least forty (40) years old on election day;
- enjoy all civil and political rights;
- testify to the Algerian nationality of the spouse;
- provide proof of his participation in the Revolution of November 1, 1954 if he was born before July 1942;
- provide proof of the non-involvement of his parents in hostile acts against the Revolution of November 1, 1954 if he was born after July 1942;
- produce a public declaration of his mobile and immobile property in Algeria as well as abroad;  
and
- fulfill other conditions as specified by statute.

## Article 74

The presidential term shall be five years.

The President of the Republic may be re-elected.

## Article 75

The President of the Republic shall take an oath before the people and in the presence of all the high officials of the Nation in the week following his election.

He shall assume his office upon taking the oath.

## Article 76

The President of the Republic shall take the following oath:

In the name of God, most benevolent, ever merciful

"Faithful to the supreme sacrifices and the memory of our revered martyrs and the ideals of the eternal November Revolution, I swear by God All Mighty to respect and glorify the Islamic religion, to defend the Constitution, to work tirelessly for the continuity of the State, to work to insure the necessary conditions for the normal functioning of the institutions and the Constitutional system, and to strive to strengthen the democratic path, to respect the free choice of the people, as well as the institutions and laws of the Republic, to preserve the integrity of the national territory, the unity of the people and the nation, to protect the fundamental rights of man and citizen, to work relentlessly for the development and the prosperity of the people, and to pursue with all my strength the realization of the great ideals of justice, liberty and peace in the world."

and God is my witness.

## Article 77

In addition to the powers expressly conferred upon him by this Constitution, the President of the Republic shall enjoy the following powers and prerogatives:

1. He shall be the Commander-in-Chief of all the armed forces of the Republic.
2. He shall be responsible for National Defense.
3. He shall determine and conduct the foreign policy of the nation.
4. He shall chair the Council of Ministers.
5. He shall appoint the Prime Minister and put an end to his functions.
6. Subject to the provisions of Article 87 of the Constitution, the President of the Republic may delegate part of his powers to the Prime Minister so as to allow him to chair the meetings of the Government.
7. He may appoint one or several Deputy Prime Ministers to assist the Prime Minister in the exercise of his functions and shall terminate their functions.
8. He shall sign presidential decrees.
9. He shall have the right to grant pardons, and to reduce or to commute sentences.
10. He may refer any question of national importance to the people by way of referendum.
11. He shall conclude and ratify international treaties.
12. He shall confer decorations, distinctions and honorary titles of the State.

## Article 78

The President of the Republic shall appoint:

1. to posts and commissions (as) specified by the Constitution;
2. to civilian and military posts of the State;
3. to other posts determined by the Council of Ministers;

4. the President of the Conseil d'Etat;
5. the Secretary General of the Government;
6. the Governor of the Bank of Algeria;
7. the judges and prosecutors;
8. those responsible for the security organs;
9. the walis

The President shall appoint and recall the ambassadors and the special envoys of the Republic abroad.

## Article 79

The President of the Republic shall appoint the members of the Government after consultation with the Prime Minister.

The Prime Minister shall implement the program of the President of the Republic and shall coordinate the action of the Government to this effect.

## Article 80

The Prime Minister shall submit his action plan for approval to the People's National Assembly, which shall open a general debate to this end.

The Prime Minister may amend the action plan in the light of this debate, in agreement with the President of the Republic.

The Prime Minister shall submit to the Council of the Nation a statement on his action plan as it has been approved by the People's National Assembly.

The Council of the Nation may adopt a resolution.

## Article 81

In case of non-approval of his action plan by the People's National Assembly, the Prime Minister shall tender the resignation of his government to the President of the Republic.

The President of the Republic shall appoint a new Prime Minister under the same procedure.

## Article 82

If the approval of the People's National Assembly is not obtained on a new effort, the People's National Assembly shall be dissolved without further consideration.

The existing Government shall remain in office to conduct current affairs until the election of a new People's National Assembly which must take place within a maximum interval of three (3) months.

## Article 83

The Prime Minister shall implement and coordinate the program adopted by the People's National Assembly.

## Article 84

The Government shall submit annually to the People's National Assembly a declaration of general policy.

The declaration shall form the basis for a debate on the action of the Government.

The debate can be concluded by a resolution or may result in a motion of censure in conformity with the provisions of Articles 135, 136 and 137.

The Prime Minister may ask the People's National Assembly for a vote of confidence. If the motion of confidence is not voted, the Prime Minister shall tender the resignation of his Government.

In that case the President of the Republic may, before the acceptance of the resignation, make use of the provisions of Article 129 below.

The Government may also submit to the Council of the Nation a declaration of general policy.

## Article 85

In addition to the powers expressly conferred by other provisions of the Constitution, the Prime Minister shall exercise the following competences:

1. He shall assign the competences among the members of the Government in accordance with the constitutional provisions.
2. He shall supervise the execution of the laws and the regulations.
3. He shall sign the executive decrees, after approval by the President of the Republic.
4. He shall appoint the employees of the State, without prejudice to the provisions of Article 77 and 78 above.
5. He shall supervise the good functioning of the public administration.

## Article 86

The Prime Minister may tender the resignation of his Government to the President of the Republic.

## Article 87

The President of the Republic may not under any circumstances delegate the power to appoint the Prime Minister, the members of the Government, as well as the Presidents and members of the constitutional institutions for which no other mode of designation is specified by the Constitution.

Nor may he delegate his power to have recourse to referendum, to dissolve the People's National Assembly and to order fresh legislative elections, or to implement the provisions specified in Articles 77, 78, 91, 93 to 95, 97, 124, 126, 127 and 128 of the Constitution.

## Article 88

Whenever the President of the Republic, because of serious and enduring illness, finds himself in a total incapacity to exercise his functions, the Constitutional Council shall meet as of right and, after having verified by all appropriate means that the incapacity indeed exists, shall propose to the Parliament by unanimity to declare a state of incapacity.

The Parliament shall declare the state of incapacity of the President of the Republic in a joint session of both chambers by a two-thirds (2/3) majority of its members, and shall appoint the President of the Council of the Nation for a maximum period of forty-five (45) days as interim Head of State, who shall exercise his powers in accordance with the provisions of Article 90 of the Constitution.

If the incapacity continues beyond the period of forty-five (45) days, it shall proceed to a declaration of vacancy caused by legally mandated resignation according to the procedure stipulated in the paragraphs below and the provisions of the following paragraphs of this Article.

In case of resignation or death of the President of the Republic, the Constitutional Council shall meet as of right and declare the definitive vacancy of the Presidency of the Republic.

It shall communicate immediately the act of the declaration of definitive vacancy to the Parliament which meets as of right.

The President of the Council of the Nation shall assume the duties of Head of State for a maximum period of sixty (60) days, during which presidential elections shall be organized.

The Head of State so designated cannot be a candidate for the Presidency of the Republic.

In case of coincidence of the resignation or the death of the President of the Republic with a vacancy in the Presidency of the Council of the Nation, for whatever cause, the Constitutional Council shall meet as of right and declare by unanimity a definitive vacancy of the Presidency of the Republic and the incapacity of the President of the Council of the Nation. In that case the President of the Constitutional Council shall assume the duties of the Head of State on the conditions specified in the preceding paragraphs of the present Article and Article 90 of the Constitution. He cannot be a candidate for the Presidency of the Republic.

## Article 89

When one of the candidates taking part in the second round of the presidential elections dies, retires, or is incapacitated for any other reason, the acting President of the Republic or the person who assumes the function of the Head of State shall remain in office until the proclamation of election of the President of the Republic.

In that case, the Constitutional Council shall prolong the period for the organization of the elections up to a maximum of sixty (60) days.

An Institutional Act law shall determine the conditions and modalities for implementing the present provisions.

## Article 90

The Government in office at the time of the temporary incapacity, the death or the resignation of the President of the Republic cannot be dismissed from office or reshuffled before the new President of the Republic assumes his functions.

In a situation when the Prime Minister in office at the time is a candidate for the Presidency of the Republic he must resign as of right. The function of the Prime Minister shall be assumed by another member of the Government designated by the Head of State.

During the periods of forty-five (45) days and the sixty (60) days referred to in Articles 88 and 89, no application can be made of the provisions in paragraphs 9 and 10 of Article 77 and in Articles 79, 124, 129, 136, 137, 174, 176 and 177 of the Constitution.

During the same periods, Articles 91, 93, 94, 95 and 97 of the Constitution cannot be applied without the approval of the Parliament meeting in joint session, the Constitutional Council and the High Council of Security having been previously consulted.

## Article 91

In case of compelling necessity the President of the Republic, after having convened the High Council of Security and having consulted with the President of the People's National Assembly, the President of the Council of the Nation, the Prime Minister and the President of the Constitutional Council, shall decree the state of urgency or state of siege for a specified period and take all necessary measures for the restoration of the previous situation.

The state of urgency or the state of siege can only be prolonged after approval by the Parliament meeting in joint session.

## Article 92

The organization of the state of urgency and the state of siege is determined by an Institutional Act.

## Article 93

Whenever the country is threatened by an imminent danger to its institutions, its independence or its territorial integrity, the President of the Republic shall decree the state of emergency.

Such a measure shall be taken after consultation with the President of the People's National Assembly, the President of the Council of the Nation and the Constitutional Council and after hearing the High Council of Security and the Council of Ministers.

The state of emergency empowers the President of the Republic to take exceptional measures which are necessary for the safeguarding of the independence of the Nation and the institutions of the Republic.

The Parliament shall meet as of right.

The state of emergency shall be terminated in accordance with the same forms and procedures which have governed its proclamation.

## Article 94

The President of the Republic shall decree the general mobilization in the Council of Ministers after having heard the High Council of Security and having consulted with the President of the People's National Assembly and the President of the Council of the Nation.

## Article 95

The President of the Republic, after having convened the Council of Ministers, having heard the High Council of Security, and having consulted with the President of the People's National Assembly and the President of the Council of the Nation, shall declare war in case of an effective or imminent aggression in conformity with the relevant provisions of the Charter of the United Nations.

The Parliament shall sit as of right.

The President of the Republic shall inform the Nation by a message.

## Article 96

During the state of war the Constitution shall be suspended and the President of the Republic shall assume all powers.

When the term of the President of the Republic ends, it shall be extended as of right until the end of the war.

In case of the resignation or death of the President of the Republic or any other incapacity the President of the Council of the Nation shall assume in his role as Head of State in the same conditions as the President of the Republic all the powers required by the state of war.

In case of a coincidence of the vacancy in the Presidency of the Republic with a vacancy in the Presidency of the Council of the Nation, the President of the Constitutional Council shall assume the responsibilities of Head of the State in the conditions stated above.

## Article 97

The President of the Republic shall sign the armistice accords and the treaties of peace.

He shall obtain the advice of the Constitutional Council on the accords.

He shall submit them immediately for the express approval of each of the Houses of Parliament.



## CHAPTER II THE LEGISLATIVE POWER

### Article 98

The legislative power shall be exercised by a Parliament composed of two chambers, the People's National Assembly and the Council of the Nation.

The Parliament shall prepare and adopt the legislation autonomously.

### Article 99

The Parliament shall control the action of the government in the conditions specified by Articles 80, 84, 133 and 134 of the Constitution.

The control referred to in Articles 135 and 137 of the Constitution shall be exercised by the People's National Assembly.

### Article 100

Within the framework of its constitutional powers the Parliament must remain faithful to the mandate of the people and remain in constant touch with their aspirations.

### Article 101

The members of the People's National Assembly shall be elected by universal, direct and secret suffrage.

Two-thirds (2/3) of the members of the Council of the Nation shall be elected by indirect and secret suffrage from among and by the members of the Communal People's Assemblies and by the People's Assembly of the Wilaya.

One-third (1/3) of the members of the Council of the Nation shall be designated by the President of the Republic from among the personalities and national elites in the scientific, cultural, professional, economic and social fields.

The number of the members of the Council of the Nation shall be half, at the most, of the members of the People's National Assembly.

The modalities of the application of paragraph 2 above shall be determined by statute.

### Article 102

The People's National Assembly shall be elected for a term of five (5) years.

The mandate of the Council of the Nation shall be fixed at six (6) years.

The membership of the Council of the Nation shall be renewable by one-half (1/2) every three (3) years.

The mandate of the Parliament cannot be extended save in exceptionally serious circumstances which disturb the normal election process.

Such a situation is determined by a decision of a joint session of the chambers of Parliament convened upon proposal of the President of the Republic and in consultation with the Constitutional Council.

### Article 103

The modalities of the election of the deputies and those relative to the election or designation of the members of the Council of the Nation, the conditions of eligibility and the terms of disqualifications and of incompatibilities applying to them shall be determined by Institutional Act.

## Article 104

The validation of the mandates of the deputies and that of the members of the Council of the Nation shall fall within the competence of the respective chamber.

## Article 105

The mandate of the deputy and of the member of the Council of the Nation shall be national. It shall be renewable and incompatible with any other mandate or function.

## Article 106

The deputy or the member of the Council of the Nation who does not fulfill or no longer fulfills the conditions of eligibility shall forfeit his mandate.

This forfeiture shall be decided in each case by the People's National Assembly or the Council of the Nation by a majority of its members.

## Article 107

The deputy or the member of the Council of the Nation shall be responsible to his peers who can revoke his mandate if he commits an act unworthy of his mission.

The rules of procedure of each chamber shall establish the conditions in which a deputy or a member of the Council of the Nation may be excluded. The exclusion shall be declared in each case by a majority of the members of the People's National Assembly or the Council of the Nation without prejudice to other sanctions under the general law.

## Article 108

The conditions in which the Parliament accepts the resignation of one of its members shall be established by Institutional Act.

## Article 109

Parliamentary immunity shall be granted to the deputies and to the members of the Council of the Nation during their time in Parliament.

They may not be prosecuted or arrested, or in general be the object of any civil or criminal proceedings or pressures on account of the opinions expressed, the speeches delivered or the votes cast in the exercise of their mandate.

## Article 110

A deputy or a member of the Council of the Nation may not be prosecuted for a crime or an offense unless he waives his parliamentary immunity or the prosecution is authorized, depending on the case, by either the People's National Assembly or the Council of the Nation, which shall decide by a majority of its members on the lifting of the parliamentary immunity of its member.

## Article 111

If caught in the act of committing an offense or a crime the deputy or member of the Council of the Nation may be arrested. The bureau of the People's National Assembly or the Council of the Nation must be informed immediately.

The competent bureau may demand the suspension of the prosecution and the release of the deputy or the member of the Council of the Nation; in this case the procedure provided for in Article 110 above shall apply.

## Article 112

An Institutional Act shall determine the conditions of replacement of a deputy or a member of the Council of the Nation in case of vacancy of his seat.

## Article 113

The legislature shall meet as of right on the tenth day following the election of the People's National Assembly under the presidency of its oldest member assisted by the two youngest deputies.

It shall proceed to the election of its bureau and the constitution of its commissions.

The above provisions shall apply to the Council of the Nation.

## Article 114

The President of the People's National Assembly shall be elected for the term of the legislature.

The President of the Council of the Nation shall be elected after every partial renewal of the membership of the Council.

## Article 115

The organization and the functioning of the People's National Assembly and of the Council of the Nation, as well as the working relations between the chambers of the Parliament and the Government, shall be determined by Institutional Act.

The budget of the two chambers as well as the allowances of the deputies and the members of the Council of the Nation shall be determined by statute.

The People's National Assembly and the Council of the Nation shall draft and adopt their rules of procedure.

## Article 116

The meetings of the Parliament shall be public. A record of its proceedings shall be kept and be made available to the public in the conditions established by Institutional Act.

The People's National Assembly and the Council of the Nation may meet in closed session upon the request of their presidents, the majority of their members present, or the Prime Minister.

## Article 117

The People's National Assembly and the Council of the Nation shall establish permanent commissions within the framework of their rules of procedure.

## Article 118

The Parliament shall meet in two ordinary sessions each year, each with a minimum duration of four (4) months.

The Parliament may meet in extraordinary session on the initiative of the President of the Republic. It may also be summoned by the President of the Republic on the request of the Prime Minister or the request of two-thirds (2/3) of the members of the People's National Assembly.

The closing of the extraordinary session shall take place when the Parliament has completed the agenda for which it was summoned.

## Article 119

Both the Prime Minister and the deputies shall have the right to initiate legislation.

In order to be admissible Bills must be introduced by twenty (20) deputies.

Bills shall be submitted to the Council of Ministers after the advice of the Conseil d'Etat and then be transmitted by the Prime Minister to the bureau of the People's National Assembly.

## Article 120

In order to be adopted each Government Bill or Private Members' Bill must be the object of deliberation successively by the People's National Assembly and the Council of the Nation. Government Bills and Private Members' Bills shall be debated by the People's National Assembly in the form in which they have been tabled before it. The Council of the Nation shall debate the text which has been voted by the People's National Assembly and shall adopt it by a majority of three-fourths (3/4) of its members.

In case of disagreement between the two chambers a joint committee, composed of members from the two chambers, shall be convened at the request of the Prime Minister to propose a text on the provisions still under debate.

This text shall be submitted to the two chambers for approval by the Government; no amendment shall be admissible, except with the consent of the Government.

In case of the persistence of the disagreement the text shall be withdrawn.

The Parliament shall adopt the Finance Bill within a period of seventy-five (75) days, counting from the date of submission in conformity with the preceding paragraphs.

In case of non-adoption within the specified period, the President of the Republic shall promulgate the Government Bill by way of ordinance.

The other procedures shall be specified by the Institutional Act referred to in Article 115 of the Constitution.

## Article 121

Any Bill which aims at or has the effect of decreasing public revenue or increasing public expenditure shall be inadmissible unless it is accompanied by measures which seek to increase the revenue of the State or to achieve savings at least equal in size on other items of public expenditure.

## Article 122

The Parliament shall legislate on the subject matters assigned to it by the Constitution as well as the following fields:

1. The fundamental rights and duties of persons, particularly the system of public liberties, the safeguarding of individual liberties, and the obligations of citizens;
2. The general rules pertaining to personal status and family law and particularly to marriage, divorce, filiation, legal capacity and inheritance;
3. The conditions of the establishment of persons;
4. Basic legislation concerning nationality;
5. General rules pertaining to the condition of foreigners;
6. Rules concerning judicial organization and the creation of new categories of courts;
7. General rules of criminal law and criminal procedure and particularly the determination of crimes and misdemeanors, the institution of the corresponding penalties of any kind, amnesty, extradition and the penitentiary regime;
8. The general rules of civil procedure and the execution of judgments;
9. The system of civil and commercial obligations and property;
10. The territorial division of the country;

11. The adoption of the national plan;
12. The vote of the State budget;
13. The introduction of the base and rates of taxes, contributions, duties and fees of every kind;
14. The customs system;
15. The general regulations concerning the issuing of money, the banking regime, credit and insurance;
16. General rules relating to education and scientific research;
17. General rules relating to public health and the population;
18. General rules relating to the right to work, social security, and the exercise of the right to establish trade unions;
19. General rules relating to the environment, the standard of life and land management;
20. General rules relating to the protection of the fauna and flora;
21. The protection and safeguarding of the cultural and historic heritage;
22. The general system of forests and pasture lands;
23. The general water system;
24. The general system of mines and hydrocarbons;
25. Real estate;
26. The fundamental guarantees accorded to public officials and the general statute of Public Service;
27. The general rules relative to National Defense and the use of the Armed Forces by civil authorities;
28. The rules governing the transfer of property from the public to the private sector;
29. The setting up of categories of legal entities;
30. The creation of decorations, distinctions and honorific titles of the State.

## Article 123

In addition to the matters reserved by the Constitution for regulation by Institutional Act the following matters shall be subject to regulation by Institutional Act:

- the organization and functioning of the public authorities;
- the electoral system;
- the Political Parties Act;
- the Information Act;
- the status of judges and prosecutors and the judicial organization;
- the framework legislation concerning Finance Bills;
- the National Security Act.

The Institutional Act shall be adopted by absolute majority of the deputies and three-quarters (3/4) of the members of the Council of the Nation.

It shall be submitted for review of its conformity to the Constitutional Council before its promulgation.

## Article 124

In case of the non-functioning of the People's National Assembly or in the periods between parliamentary sessions, the President of the Republic may legislate by ordinance.

The President of the Republic shall submit the texts adopted by him to the approval of each of the chambers of Parliament at their next session.

Ordinances not adopted by the Parliament shall be void.

In case of a state of emergency defined in Article 93 of the Constitution, the President of the Republic may legislate by ordinances.

The ordinances shall be adopted in the Council of Ministers.

## Article 125

Matters other than those reserved to statutory legislation shall fall within the regulatory power of the President of the Republic.

The implementation of the laws shall be a matter for the regulatory power of the Prime Minister.

## Article 126

The Act of Parliament shall be promulgated by the President of the Republic within thirty (30) days counted from the date of its transmittal.

However, when an Act has been submitted to the Constitutional Council before its promulgation by one of the authorities referred to in Article 166 below, this time limit shall be suspended until the Constitutional Council gives its ruling in the conditions specified in Article 167 below.

## Article 127

The President of the Republic may ask for the re-opening of the parliamentary debate on an Act voted by Parliament within thirty (30) days following its adoption.

In that case, a majority of two-thirds (2/3) of the members of the People's National Assembly shall be required for the adoption of the Act.

## Article 128

The President of the Republic can direct a message to the Parliament.

## Article 129

After consulting the President of the People's National Assembly, the President of the Council of the Nation and the Prime Minister, the President of the Republic can decide on the dissolution of the People's National Assembly or on anticipated legislative elections.

In both cases legislative elections must take place within a maximum limit of three (3) months.

## Article 130

Upon request of the President of the Republic or one of the Presidents of one of the two chambers, the Parliament may initiate a debate on foreign policy.

This debate can be concluded with a resolution of the Parliament meeting in joint session of the two chambers, which shall be communicated to the President of the Republic.

## Article 131

Armistice accords, treaties of peace, of alliances and union, treaties relating to the borders of the State as well as treaties concerning the status of person and those which involve expenditures not foreseen in the budget of the State shall be ratified by the President of the Republic after explicit approval by each of the two chambers of Parliament.

## Article 132

The treaties ratified by the President of the Republic in the conditions specified by the Constitution shall prevail over Acts of Parliament.

## Article 133

The members of Parliament can ask the Government to explain its action on matters of current concern.

The commissions of Parliament may hear the members of the Government.

## Article 134

The members of Parliament may address orally or in written form any question to any member of the Government.

The written question must receive a reply in the same form within a maximum period of thirty (30) days.

The oral questions shall require a response in the session.

If one of the two chambers believes that the oral or written response by the member of the Government justifies it, a debate shall be opened in the conditions specified in the rules of procedure of the People's National Assembly and the Council of the Nation.

The questions and answers are published in accordance with the same conditions as the records of the parliamentary debates.

## Article 135

On the occasion of the debate on the general policy declaration, the People's National Assembly can hold the Government to account by voting a motion of censure.

Such a motion is not admissible unless it is signed by at least a seventh (1/7) of the number of deputies.

## Article 136

The motion of censure must be approved by a majority vote of two-thirds (2/3) of the deputies. The vote may only take place three (3) days after the tabling of the motion of censure.

## Article 137

When the motion of censure is approved by the People's National Assembly, the Prime Minister must tender the resignation of his government to the President of the Republic.

## CHAPTER III THE JUDICIAL POWER

### Article 138

The judicial authority shall be independent. It shall be exercised within the framework of the law.

### Article 139

The judicial authority shall protect society and the liberties. It shall guarantee to all and everyone the protection of their fundamental rights.

### Article 140

Justice shall be founded on the principles of legality and equality.

It shall be equal for all and accessible to all, and shall find its expression in respect of the law.

## **Article 141**

Justice shall be rendered in the name of the people.

## **Article 142**

Criminal sanctions shall conform to the principles of legality and personal responsibility.

## **Article 143**

The judiciary shall rule on appeals brought against unlawful measures of the administrative authorities.

## **Article 144**

Judicial decisions shall give reasons and shall be pronounced in public session.

## **Article 145**

All competent organs of the State are required to ensure at all times and in every place and in every circumstance the execution of judicial decisions.

## **Article 146**

Justice shall be rendered by the judges. They can be assisted by people's assessors under conditions specified by statute.

## **Article 147**

The judge shall obey only the law.

## **Article 148**

The judge shall be protected against all forms of pressures, interventions or maneuver of any nature that could be harmful to the accomplishment of his mission or to the respect for his free judgment.

## **Article 149**

A judge or prosecutor shall be accountable to the High Council of the Judiciary in the forms specified by statute for the manner in which he performs his mission.

## **Article 150**

The law shall protect the parties to judicial proceedings against any abuse or misconduct by the judge.

## **Article 151**

The right to defense shall be recognized.

In criminal matters it shall be guaranteed.

## **Article 152**

The Supreme Court shall be the organ which regulates the activity of the courts and tribunals.

A Conseil d'Etat shall be established as a regulatory body of the activity of the administrative courts.



The Supreme Court and the Conseil d'Etat shall ensure the uniform development of jurisprudence throughout the country and shall oversee the respect for the law.

A Tribunal des Conflits shall be established in order to determine conflicts of jurisdiction between the Supreme Court and the Conseil d'Etat.

### **Article 153**

The organization, the functioning and the other functions of the Supreme Court, the Conseil d'Etat and the Tribunal des Conflits shall be determined by Institutional Act.

### **Article 154**

The High Council of the Judiciary shall be chaired by the President of the Republic.

### **Article 155**

The High Council of the Judiciary decides, in the conditions determined by statute, the appointments, the transfers, and the promotion of judges and prosecutors.

It shall oversee the respect for the provisions on the status of the judiciary and the observance of discipline by judges and prosecutors under the chairmanship of the first President of the Supreme Court.

### **Article 156**

The High Council of the Judiciary shall provide a consultative opinion to the President of the Republic prior to the exercise of the right of pardon.

### **Article 157**

The composition, the functioning and the other attributions of the High Council of the Judiciary shall be determined by Institutional Act.

### **Article 158**

A High Court of State shall be established to review the acts which can be qualified as high treason of the President of the Republic and the crimes and misdemeanors of the Prime Minister which are committed in the exercise of their functions.

The composition, the organization and the functioning of the High Court of State, as well as the applicable procedures, shall be established by Institutional Act.

## **TITLE III**

# **CONCERNING THE INSTITUTIONS OF CONTROL AND CONSULTATION**

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## **CHAPTER I CONTROL**

### **Article 159**

The elected assemblies shall assume the control function in its popular dimension.

## Article 160

The Government shall give an account to each chamber of the Parliament on the use of budgetary credits which it has voted for each budgetary period. The budgetary period shall be closed, as far as the Parliament is concerned, by the vote of each chamber of an Act settling the accounts for the budgetary period under consideration.

## Article 161

Each of the two chambers may, at any time, establish within the framework of its powers a commission of inquiry on any matter of general interest.

## Article 162

The institutions and organs of control shall have the task of verifying the conformity of legislative and executive action(s) with the Constitution and of verifying the conditions of the use and management of material resources and public funds.

## Article 163

A Constitutional Council shall be established to monitor the observance of the Constitution. The Constitutional Council shall monitor, among other matters, the propriety of referendum operations, of the election of the President of the Republic and of legislative elections. It shall announce the results of these proceedings.

## Article 164

The Constitutional Council shall consist of nine (9) members: three (3) shall be appointed by the President of the Republic, two (2) shall be elected by the People's National Assembly, two (2) shall be elected by the Council of the Nation, one (1) shall be elected by the Supreme Court, and one (1) shall be elected by the Conseil d'Etat.

As soon as they are elected or designated, the members of the Council shall cease any other mandate, function, task or mission.

The President of the Republic shall appoint the President of the Constitutional Council for a single six-year term. The other members of the Constitutional Council shall serve a single term of six (6) years; the membership of the Council shall be renewed by one-half (1/2) every three (3) years.

## Article 165

Aside from the other functions which are expressly conferred on it by other provisions of the Constitution, the Constitutional Council shall rule on the constitutionality of treaties, statutes and regulations, either by an opinion if these are not yet subject to execution or by a decision in the opposite case.

Upon request by the President of the Republic, the Constitutional Council shall issue a binding opinion on the constitutionality of Institutional Acts after their adoption by Parliament.

The Constitutional Council shall also rule in the same form as specified in the preceding paragraph on the conformity of the rules of procedure of each chamber of Parliament with the Constitution.

## Article 166

A matter may be submitted to the Constitutional Council by the President of the Republic, the President of the People's National Assembly or the President of the Council of the Nation.

## Article 167

The Constitutional Council shall deliberate in closed session and give its opinion or decision within twenty (20) days after a matter has been submitted to it.

The Constitutional Council shall establish its rules of procedure.

## Article 168

When the Constitutional Council rules that a treaty, accord or convention is unconstitutional, it shall not be ratified.

## Article 169

When the Constitutional Council rules that a statutory or regulatory provision is unconstitutional, it ceases to be effective from the day of the decision of the Council.

## Article 170

A Court of Accounts shall be established which shall be in charge of the ex post control of the finances of the State, the territorial communities and public law entities.

The Court of Accounts shall prepare a report which it shall address to the President of the Republic.

Statute shall determine the competences, organization and functioning of the Court of Accounts and the sanctioning of its investigations.

## CHAPTER II THE CONSULTATIVE INSTITUTIONS

### Article 171

A High Islamic Council shall be established under the auspices of the President of the Republic in order to: encourage and promote ijthihad; to provide its opinion on the matters submitted to it with regard to the religious rules; to present a periodic report of its activity to the President of the Republic.

### Article 172

The High Islamic Council shall be composed of fifteen (15) members, including the President, who shall be selected by the President of the Republic from among the national elites in the different sciences.

### Article 173

A High Council of Security shall be established under the chairmanship of the President of the Republic. This body shall have the task of providing advice to the President on all questions relating to national security.

The modalities of the organization and functioning of the High Council of Security shall be determined by the President of the Republic.

## TITLE IV

# CONCERNING CONSTITUTIONAL REVISION

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### Article 174

A constitutional revision shall be undertaken on the initiative of the President of the Republic. It shall be voted in identical terms by the People's National Assembly and the Council of the Nation in the same conditions as a statutory text.

It shall be submitted by referendum to the approval of the people within fifty (50) days of its adoption.

The constitutional revision, approved by the people, shall be promulgated by the President of the Republic.

### Article 175

An Act containing a revision of the Constitution which was rejected by the people shall become inoperative.

It cannot be submitted again to the people during the same legislature.

### Article 176

If according to the reasoned opinion of the Constitutional Council the draft constitutional revision in no way infringes upon the general principles governing the Algerian society, the rights and liberties of man and of the citizen, and does not alter in any manner the fundamental balance of the powers and the institutions, the President of the Republic may directly promulgate the law containing the constitutional revision without submitting it to referendum, if it has been approved by three-quarters (3/4) of the votes of the members of the two chambers of the Parliament.

### Article 177

Three-fourths (3/4) of the members of the two chambers of the Parliament, meeting in joint session, may propose a constitutional revision and present it to the President of the Republic, who may submit it to a referendum.

If its approval is obtained, it shall be promulgated.

### Article 178

None of the following shall be the object of a constitutional amendment:

1. the Republican character of the State;
2. the democratic order based on a multi-party system;
3. the role of Islam as the religion of the State;
4. the role of Arabic as the national and official language;
5. the fundamental liberties and the rights of man and of the citizen;
6. the integrity and unity of the national territory;
7. the national emblem and the national anthem as symbols of the Revolution and the Republic.

# TRANSITORY PROVISIONS

## Article 179

The legislative body which is in place at the time of the promulgation of the present Constitution until the end of its mandate and, following the end of its mandate, the President of the Republic until the election of the People's National Assembly shall have authority to legislate through ordinances, including in areas which are now subject to regulation by Institutional Act.

## Article 180

Pending the establishment of the institutions provided for in the present Constitution:

- the statutes in force which relate to matters now subject to regulation by Institutional Act shall remain in force until their modification or replacement in accordance with the procedures provided for by the Constitution.
- the Constitutional Council in its present composition shall exercise the powers conferred upon it by the present Constitution until the election of new members from among its midst. Any modification or addition shall be effected subject to Article 164 (paragraph 3) of the present Constitution, making use of drawing by lots, in case of need.
- the elected People's National Assembly shall exercise the totality of legislative powers until the installation of the Council of the Nation. However, the President of the Republic may postpone the promulgation of statutes passed on the initiative of the deputies until their adoption by the Council of the Nation.

## Article 181

The renewal of one-half (1/2) of the members of the Council of the Nation in the course of the first mandate shall take place at the beginning of the third year by the drawing of lots. The replacement of the members of the Council of the Nation selected by the drawing of lots shall take place in the same conditions and following the same procedure which governed their election or appointment.

However, the drawing of lots shall not apply to the President of the Council of the Nation, who shall exercise the first mandate for six (6) years.

## Article 182

The President of the Republic shall promulgate the text of the constitutional revision, approved by the people, which shall be executed as the fundamental law of the Republic.