

Verfassungsgeschichte

Verfassungsvergleich

Verfassungsrecht

Rechtsphilosophie

Overview

Countries

Keys

Persons

Organizations

Links

Download

Synonyms

# Angola Constitution

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*The text is based on a version presented to the public at <http://www.angola.org/referenc/constitution/constit.htm>. Formatting and hypertext n changed to the ICL standard. Article titles and cross-references are still under prep "Clauses" have been renamed "paragraphs" and numbers have been added. }*

## Part I Fundamental Principles

### Article 1 []

The Republic of Angola shall be a sovereign and independent nation whose primary objective is to build a free and democratic society of peace, justice and social progress.

### Article 2 []

The Republic of Angola shall be a democratic State based on the rule of law, national unity, the individual, pluralism of expression and political organization, respecting and guaranteeing the rights and freedoms of persons, both as individuals and as members of organized social groups.

### Article 3 []

- (1) Sovereignty shall be vested in the people, who shall exercise it in the manner provided in the present Law.
- (2) The Angolan people shall exercise political power through periodic universal suffrage and through their representatives, by means of referendums and other forms of democratic participation in the management of the State.
- (3) Special laws shall regulate the process of general elections.

### Article 4 []

- (1) Political parties, within the framework of the present law and statutory laws, shall compete for a project for society and a political program, to organize and express the will of citizens in the political life and the exercise of universal suffrage by democratic and peaceful means.
- (2) Political parties shall, in their objectives, program and activity, contribute to:
  - (a) The consolidation of the Angolan nation, national independence and strengthened national unity;
  - (b) The safeguarding of territorial integrity;
  - (c) The defense of national sovereignty and democracy;
  - (d) The protection of fundamental freedoms and the rights of the individual;
  - (e) The defense of the republican form and unitary and secular nature of the State.

(3) Political parties shall be entitled to equal treatment by those exercising public power, and equal treatment by the press, in accordance with the law.

(4) The constitution and functioning of parties shall, in accordance with the law, comply with the following fundamental principles:

(a) National in character and scope;

(b) Free constitution;

(c) Public pursuance of aims;

(d) Freedom of membership and single membership;

(e) Exclusive use of peaceful means in pursuing their aims, prohibiting the creation or use of paramilitary or militarized organizations;

(f) Democratic organization and functioning;

(g) Prohibition to receive contributions of monetary or economic value from foreign governments and governmental institutions.

#### **Article 5** []

The Republic of Angola shall be a unitary and indivisible State whose inviolable and inalienable territory shall be that defined by the present geographical limits of Angola, and any attempt at secession or dismemberment of its territory shall be vigorously combated.

#### **Article 6** []

The State shall exercise its sovereignty over the territory, internal and territorial waters, air and sub-soil.

#### **Article 7** []

Economic, social and cultural solidarity between all regions of the Republic of Angola shall be promoted and intensified, with a view to the common development of the Angolan nation as a whole.

#### **Article 8** []

(1) The Republic of Angola shall be a secular State, and there shall be separation between the State and churches.

(2) Religions shall be respected and the State shall protect churches and places and objects of religious interest provided they abide by the laws of the State.

#### **Article 9** []

The State shall guide the development of the national economy, with a view to guaranteeing the balanced and efficient growth of all sectors and regions of the country, and rational and efficient use of productive capacity and national resources, as well as heightening the well-being and quality of life of its citizens.

#### **Article 10** []

The economic system shall be based on the coexistence of diverse forms of property - public, mixed, cooperative and family - and all shall enjoy equal protection. The State shall encourage the economic process of all agents and forms of property, creating conditions for them to operate efficiently in the interests of national economic development and satisfying the needs of citizens.

#### **Article 11** []

(1) Sectors and activities that remain the preserve of the State shall be determined by law.

(2) In the use and exploitation of public property, the State shall guarantee efficiency and transparency in accordance with the proposed aims and objectives.

(3) The State shall encourage the development of private, mixed, cooperative and family forms of property, creating conditions for them to operate, and shall give special support to small and medium-sized business activity, in accordance with the law.

(4) The State shall protect foreign investment and foreign property, in accordance with the

#### **Article 12 []**

(1) All natural resources existing in the soil and subsoil, in internal and territorial waters, continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine what terms they are used, developed and exploited.

(2) The State shall promote the protection and conservation of natural resources guiding the use thereof for the benefit of the community as a whole.

(3) Land, which is by origin the property of the State, may be transferred to individuals or corporations with a view to rational and full use thereof, in accordance with the law.

(4) The State shall respect and protect people's property, whether individuals or corporate property and ownership of land by peasants, without prejudice to the possibility of expropriation of public interest, in accordance with the law.

#### **Article 13 []**

Any nationalization or confiscation carried out under the appropriate law shall be considered irreversible for all legal purposes, without prejudice to the provisions of specific legislation on reprivatization.

#### **Article 14 []**

(1) The fiscal system shall aim at meeting the economic, social and administrative needs of the State, ensuring the fair distribution of income and wealth.

(2) Taxes may be created or abolished only by law, which shall determine applicability, rates and guarantees for taxpayers.

#### **Article 15 []**

The Republic of Angola shall respect and implement the principles of the United Nations Charter, the Charters of the Organization of African Unity and the Movement of Non-Aligned Countries, and shall establish relations of friendship and cooperation with all States, based on the principles of equality, sovereignty and territorial integrity, non-interference in the internal affairs of each country and mutual advantages.

#### **Article 16 []**

The Republic of Angola shall support and be in solidarity with the struggles of peoples for liberation and shall establish relations of friendship and cooperation with all democratic forces in the world.

#### **Article 17 []**

The Republic of Angola shall not join any international military organization or permit the establishment of foreign military bases on its national territory.

## **Part II Fundamental Rights and Duties**

#### **Article 18 []**

(1) All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, education or economic or social status.

(2) All acts aimed at jeopardizing social harmony or creating discrimination or privileges based on race, color, sex, place of birth, religion, ideology, education or economic or social status shall be severely punishable by law.

#### **Article 19 []**

- (1) Angolan nationality may be by origin or acquired.
- (2) The requirements for the attribution, acquisition, loss or re-acquisition of Angolan nationality shall be determined by law.

**Article 20 []**

The State shall respect and protect the human person and human dignity. Every citizen shall have the free development of his or her personality, with due respect for the rights of other citizens and the highest interests of the Angolan nation. The life, freedom, personal integrity, good name and honor of every citizen shall be protected by law.

**Article 21 []**

- (1) The fundamental rights provided for in the present Law shall not exclude others stemming from the principles and applicable rules of international law.
- (2) Constitutional and legal norms related to fundamental rights shall be interpreted and applied in keeping with The Universal Declaration of the Rights of Man, the African Charter on the Rights and Welfare of Peoples and other international instruments to which Angola has adhered.
- (3) In the assessment of disputes by Angolan courts, those international instruments shall be applied where not invoked by the parties.

**Article 22 []**

- (1) The State shall respect and protect the life of the human person.
- (2) The death penalty shall be prohibited.

**Article 23 []**

No citizen may be subjected to torture or any other cruel, inhuman or degrading treatment or punishment.

**Article 24 []**

- (1) All citizens shall have the right to live in a healthy and unpolluted environment.
- (2) The State shall take the requisite measures to protect the environment and national species and fauna throughout the national territory and maintain ecological balance.
- (3) Acts that damage or directly or indirectly jeopardize conservation of the environment shall be punishable by law.

**Article 25 []**

- (1) Any citizen may move freely and reside in any part of the national territory, and shall not be prevented from so doing for political or any other reasons, except in cases provided for under Article 26 of the Law, and where for the protection of the economic interests of the nation the law determines that citizens having access to or residing in reserve or mining areas.
- (2) All citizens shall be free to leave and enter the national territory, without prejudice to limitations stemming from the fulfillment of legal duties.

**Article 26 []**

Any foreign or expatriate citizen shall be guaranteed the right to ask for asylum in the event of persecution for political reasons, in accordance with the laws in force and international instruments.

**Article 27 []**

- (1) The extradition or expulsion of Angolan citizens from the national territory shall not be permitted for political reasons.
- (2) The extradition of foreign citizens for political motives or for charges punishable by the laws of the applicant country shall not be permitted.
- (3) In accordance with the law, Angolan courts shall know the charges made against citizens. Extradition is not permitted under the foregoing paragraphs of the present Article.

**Article 28 []**

(1) It shall be the right and duty of all citizens aged over 18, other than those legally deprived of civil rights, to take an active part in public life, to vote and stand for election to any State office and to fulfill their offices with full dedication to the cause of the Angolan nation.

(2) No citizen shall suffer discrimination in respect of employment, education, placement, career or social benefits to which he or she is entitled owing to political posts held or to the exercise of political rights.

(3) The law shall establish limitations in respect of the non-party affiliations of soldiers on active service, judges and the police forces, as well as the electoral incapacity of soldiers on active service.

**Article 29 []**

(1) The family, the basic nucleus of social organization, shall be protected by the State, whether by marriage or de facto union.

(2) Men and women shall be equal within the family, enjoying the same rights and having the same duties.

(3) The family, with special collaboration by the State, shall promote and ensure the all-round development of children and young people.

**Article 30 []**

(1) Children shall be given absolute priority and shall therefore enjoy special protection from the State and society with a view to their all-round development.

(2) The State shall promote the harmonious development of the personality of children and create conditions for their integration and active participation in the life of society.

**Article 31 []**

The State, with the collaboration of the family and society, shall promote the harmonious development of the personality of young people and create conditions for fulfillment of the economic, social and cultural rights of the youth, particularly in respect of education, vocational training, culture, access to employment, labor, social security, physical education, sport and use of leisure time.

**Article 32 []**

(1) Freedom of expression, assembly, demonstration and all other forms of expression shall be guaranteed.

(2) The exercise of the rights set out in the foregoing paragraph shall be regulated by law.

(3) Groupings whose aims or activities are contrary to the fundamental principles set out in the Constitution and penal laws, and those that, even indirectly, pursue political objectives, secret organizations of a military, paramilitary or militarized character, secret organizations and those that promote fascist or tribalist ideologies shall be prohibited.

**Article 33 []**

(1) The right to professional and trade union organization shall be free, and the forms in which it shall be exercised shall be guaranteed by law.

(2) All citizens shall have the right to organize and take part in trade union activity, which shall be exercised in accordance with the right to constitute and freely join trade unions.

(3) Adequate protection for the elected representatives of workers against any form of restriction or limitation on the performance of their duties shall be established by law.

**Article 34 []**

(1) Workers shall have the right to strike.

(2) A specific law shall regulate the exercise of the right to strike and limitations thereto in respect of essential services and activities, in the pressing public interest.

(3) Lockouts shall be prohibited.

**Article 35 []**

Freedom of the press shall be guaranteed and may not be subject to any censorship, esp ideological or artistic. The manner of the exercise of freedom of the press and adequate prevent and punish any abuse thereof shall be regulated by law.

**Article 36 []**

(1) No citizen may be arrested or put on trial except in accordance with the law, and all are guaranteed the right to defense and the right to legal aid and counsel.

(2) The State shall make provision to ensure that justice shall not be denied owing to insurmountable means.

(3) No one shall be sentenced for an act not considered a crime at the time when it was committed.

(4) The penal law shall apply retroactively only when beneficial to the accused.

(5) The accused shall be presumed to be innocent until a judicial decision is taken by the court.

**Article 37 []**

Preventive detention shall be permitted only in cases provided for by the law, which shall specify the limits and periods thereof.

**Article 38 []**

Any citizen subject to preventive detention shall be taken before a competent judge to legitimize the detention and be tried within the period provided for by law or released.

**Article 39 []**

No citizen shall be arrested without being informed of the charge at the time of arrest.

**Article 40 []**

Any arrested citizen shall have the right to receive visits from family members and friends and to correspond therewith, without prejudice to the conditions and restrictions provided for by law.

**Article 41 []**

Any citizen sentenced shall have the right to appeal to the competent court or to the Supreme Court against the judicial decision taken in accordance with the law.

**Article 42 []**

(1) To prevent any abuse of power through imprisonment or illegal detention, a writ of *habeas corpus* shall be presented to the competent legal court by the person concerned or any other citizen.

(2) The right to *habeas corpus* shall be regulated by law.

**Article 43 []**

Citizens shall have the right to contest and take legal action against any acts that violate the provisions set out in the present Constitutional Law and other legislation.

**Article 44 []**

The State shall guarantee the inviolability of the home and the secrecy of correspondence, especially provided for by law.

**Article 45 []**

Freedom of conscience and belief shall be inviolable. The Angolan State shall recognize and guarantee its exercise, provided it does not conflict with public order and the law.

**Article 46 []**

- (1) Work shall be the right and duty of all citizens.
- (2) Every worker shall have the right to fair pay, rest, holidays, protection, health and security in accordance with the law.
- (3) Citizens shall have the right freely to choose and exercise an occupation, apart from restrictions established by law.

**Article 47 []**

- (1) The State shall promote the measures needed to ensure the right of citizens to medical care, as well as child, maternity, disability and old-age care, and care in any situation causing illness.
- (2) Private and cooperative enterprise in health, social welfare and social security shall be practiced in accordance with the law.

**Article 48 []**

Disabled combatants of the national liberation struggle, the minor children of citizens who were disabled and those physically or mentally handicapped as a result of war shall have special protection established by law.

**Article 49 []**

- (1) The State shall promote access to education, culture and sports for all citizens, guaranteeing the participation by various private agents in the provision thereof, in accordance with the law.
- (2) Private and cooperative enterprise in education shall be practiced in accordance with the law.

**Article 50 []**

The State shall create the requisite political, economic and cultural conditions to enable citizens to enjoy their rights and fully perform their duties.

**Article 51 []**

The State shall protect Angolan citizens abroad or resident abroad, who shall enjoy the rights and freedoms subject to duties that are not incompatible with their absence from the country, without prejudice to the effects of unjustified absence provided for by law.

**Article 52 []**

- (1) The exercise of the rights, freedoms and guarantees of citizens may be restricted or suspended in accordance with the law if such constitute a threat to public order, community interests, individual freedoms and guarantees, or in the event of the declaration of a state of siege or emergency. Such restrictions shall always be limited to necessary and adequate measures to maintain public order and the restoration of constitutional normality.
- (2) On no account shall the declaration of a state of siege or state of emergency affect the personal integrity, personal identity, civil capacity, citizenship, the non-retroactive nature of laws, or the right of the accused to defense or freedom of conscience and religion.
- (3) A state of siege and state of emergency shall be regulated by a specific law.

**Part III State Bodies****Chapter I Principles****Article 53 []**

- (1) The President of the Republic, the National Assembly, the Government and the Court: sovereign bodies.
- (2) The formation, composition, powers and functioning of the sovereign bodies shall be s present Law.

**Article 54 []**

State bodies shall be organized and function in keeping with the following principles:

- (a) Members of representative bodies shall be elected in accordance with the appropriate
- (b) State bodies shall be subject to the law, which they shall obey;
- (c) The functions of sovereign bodies shall be separate and interdependent;
- (d) There shall be local autonomy;
- (e) There shall be administrative decentralization and devolution, without prejudice to gov administrative unity of action;
- (f) Holders of political posts shall be civilly and criminally answerable for actions and omis in the discharge of their duties;
- (g) Decisions of collegial bodies shall be taken in keeping with the principles of free discu and acceptance of the will of the majority.

**Article 55 []**

The territory of the Republic of Angola shall, for political and administrative purposes, be Provinces, Municipalities, Communes and Neighborhoods or Villages.

**Chapter II Office of the President of the Republic****Section I President of the Republic****Article 56 []**

- (1) The President of the Republic shall be the Head of State, symbolize national unity, rep domestically and internationally, ensure compliance with the Constitutional Law, and shall in-Chief of the Angolan Armed Forces.
- (2) The President of the Republic shall define the country's political policy, ensure the pro State bodies and guarantee national independence and the country's territorial integrity.

**Article 57 []**

- (1) The President of the Republic shall be elected by universal, direct, equal, secret and p by citizens resident in the national territory, in accordance with the law.
- (2) The President of the Republic shall be elected by an absolute majority of valid votes. l obtains one, there shall be a second vote in which only the two candidates who obtained number of votes in the first and who have not withdrawn may compete.

**Article 58 []**

Natural born Angolan citizens of over 35 years of age and enjoying full civil and political ri eligible to the post of President of the Republic.

**Article 59 []**

The President of the Republic shall serve a five-year term of office which shall end on the the new elected President. The President of the Republic may be re-elected for two consi



discontinuous terms of office.

#### **Article 60 []**

- (1) Candidacies to the post of President of the Republic shall be presented by legally constituted parties or coalitions of political parties or by at least five thousand and no more than ten thousand voters.
- (2) Candidacies shall be presented to the President of the Supreme Court no less than sixty days before the scheduled election date.
- (3) In the event of the definitive incapacity of any presidential candidate, a new candidate may be nominated to substitute the incapacitated candidate, in accordance with the law.

#### **Article 61 []**

- (1) The election of the President of the Republic shall take place within thirty days of the end of the term of office of the incumbent President.
- (2) In the event of the post of President of the Republic falling vacant, the election of the President of the Republic shall take place within ninety days of the date of the vacancy.

#### **Article 62 []**

- (1) The President of the Republic shall be sworn in before the Supreme Court, on the last day of the term of office of the outgoing President.
- (2) In the event of an election owing to a vacancy, the swearing in shall take place within ten days of the publication of the election results.
- (3) At the swearing in ceremony the elected President of the Republic shall take the following oath: *"I swear on my honor to perform with full dedication the duties with which I have been invested, to ensure fulfillment of the Constitution of the Republic of Angola, to defend the unity of the Republic, the integrity of the national soil, to promote and consolidate peace, democracy and social progress."*

#### **Article 63 []**

- (1) The President of the Republic may renounce the term of office in a message addressed to the National Assembly and on informing the Supreme Court.
- (2) Renunciation shall take effect when the National Assembly is acquainted with the message and there is no prejudice to its subsequent publication in the *Díario da República*.

#### **Article 64 []**

- (1) In the event of a temporary disability or vacancy, the post of President of the Republic shall be exercised in the interim by the President of the National Assembly or, if unable to do so, by the deputy President of the National Assembly.
- (2) The President of the National Assembly's office as a member of parliament, and that of the deputy President of the National Assembly, shall be automatically suspended for the duration of the interim powers of the President of the Republic.

#### **Article 65 []**

- (1) The President of the Republic shall not be responsible for acts carried out during the discharge of his duties, except in the case of bribery or treason.
- (2) Proceedings shall be initiated by the National Assembly, on the proposal of one-fifth of its Members, approved by a two-thirds majority of Members present, and the trial shall be conducted by the Supreme Court.
- (3) Sentencing shall imply dismissal from the post and impossibility of standing as a candidate for the next term of office.
- (4) The President of the Republic shall be answerable to the ordinary courts after the end of his term of office for offenses unrelated to the discharge of his duties.

#### **Article 66 []**

The President of the Republic shall have the following powers:

- (a) To appoint the Prime Minister, after hearing the political parties represented in the National Assembly;
- (b) To appoint and dismiss the other members of the Government and the Governor of the provinces of Angola, on the proposal of the Prime Minister;
- (c) To end the term of office of the Prime Minister and dismiss the Government, after consulting the Council of the Republic;
- (d) To preside over the Council of Ministers;
- (e) To decree the dissolution of the National Assembly after consultation with the Prime Minister, the President of the National Assembly and the Council of the Republic;
- (f) To preside over the Council of the Republic;
- (g) To appoint and dismiss ambassadors and receive the credentials of foreign diplomatic representatives;
- (h) To appoint Supreme Court judges after hearing the High Council of the Judiciary;
- (i) To appoint and dismiss the Attorney General, the Deputy Attorney General and the Assistant Attorneys General, on the proposal of the High Council of the Ministry of Justice;
- (j) To appoint members of the High Council of the Judiciary, in accordance with Article 167 of the Constitutional Law;
- (k) To call elections of the President of the Republic and Members of the National Assembly in accordance with the present Law and the Electoral Law;
- (l) To preside over the National Defense Council;
- (m) To appoint and dismiss the Chief of General Staff of the Angolan Armed Forces and the Chiefs of Staff thereof, where applicable, and the Chiefs of Staff of the different branches of the Armed Forces;
- (n) To appoint generals of the Angolan Armed Forces, after hearing the National Defense Council;
- (o) To call referendums, in accordance with Article 73 of the present Law;
- (p) To declare war and make peace, after hearing the Government and following authorization of the National Assembly;
- (q) To issue pardons and commute sentences;
- (r) To declare a state of siege or state of emergency, in accordance with the law;
- (s) To sign and promulgate laws approved by the National Assembly and executive laws approved by the Government;
- (t) To address messages to the National Assembly and convene it in special session;
- (u) To make statement on serious emergencies in national life and, in this event, to the members of the National Assembly in the following article of the present Law;
- (v) To award decorations, in accordance with the law;
- (w) To ratify international treaties, when duly approved, and sign the instruments of approval and ratification of international treaties in simplified form;
- (x) To request of the Constitutional Court prior assessment or declaration of the unconstitutionality of laws, administrative acts and judicial rules and verify whether they are unconstitutional by omission.

### **Article 67 []**

- (1) The President of the Republic, after consultation with the Prime Minister and the President of the National Assembly, shall take appropriate measures whenever the independence of the nation, territorial integrity or the fulfillment of international commitments are seriously and immediately threatened and the regular activity of constitutional public office is interrupted;
- (2) The President of the Republic shall inform the nation of all these factors through a message;
- (3) For the duration of the special powers, the Constitution shall not be amended and the National Assembly shall not be dissolved.

### **Article 68 []**

- (1) In presiding over the Council of Ministers, the President of the Republic shall:
  - (a) Convene the Council of Ministers and set its agenda, after hearing the Prime Minister;
  - (b) Direct and guide meetings and sessions of the Council of Ministers.
- (2) The President of the Republic may expressly delegate the Prime Minister to preside over the Council of Ministers.

**Article 69 []**

- (1) The President of the Republic shall promulgate laws thirty days after receiving them in the National Assembly.
- (2) Within this period, the President of the Republic may request the National Assembly to amend or any of its provisions.
- (3) If after reconsideration a two-thirds majority of the Members of the National Assembly approving the law, the President of Republic shall promulgate the law within fifteen days.

**Article 70 []**

After they have been signed by the Prime Minister, the President of the Republic shall sign decrees thirty days after receiving them and shall inform the Government of the reasons for them.

**Article 71 []**

The laws referred to in Article 66 (s) not promulgated by the President of the Republic, and decrees not signed by the President of the Republic, shall be null and void.

**Article 72 []**

The interim President of the Republic shall not dissolve the National Assembly or call referendums.

**Article 73 []**

- (1) The President of the Republic may, on the proposal of the Government or the National Assembly, submit to a referendum draft laws or the ratification of international treaties which, without the Constitution, affect the organization of public department and the functioning of institutions.
- (2) The holding of constitutional referendums shall be prohibited.
- (3) The President of the Republic shall promulgate draft laws and ratify international treaties and referendums within fifteen days.

**Article 74 []**

In the exercise of his powers, the President of the Republic shall issue presidential decrees that shall be published in the *Díario da República*.

**Section II Council of the Republic****Article 75 []**

- (1) The Council of the Republic shall be the political consultative body of the President of the Republic and shall:
  - (a) State its views on the dissolution of the National Assembly;
  - (b) State its views on the resignation of the Government;
  - (c) State its views on the declaration of war and making of peace;
  - (d) State its views on acts of the interim President of the Republic in respect of the appointment and dismissal of the Prime Minister, the resignation of the Government, the appointment and dismissal of the President of the Republic, the Chief of General Staff of the Angolan Armed Forces and the deputies thereof, and the organization of the different branches of the Armed Forces;
  - (e) Advise the President of the Republic in the exercise of his powers when so requested by the President of the Republic;
  - (f) Approve the regulations of Council of the Republic.
- (2) In exercising its powers, the Council of the Republic shall issue reports that shall be read at an appropriate ceremony.

**Article 76 []**

The Council of the Republic shall be presided over by the President of the Republic and shall consist of the following members:

- (a) The President of the National Assembly;
- (b) The Prime Minister;
- (c) The President of the Constitutional Court;
- (d) The Attorney General;
- (e) Former President of the Republic;
- (f) The Presidents of Political Parties represented in the National Assembly;
- (g) Ten citizens appointed by the President of the Republic.

**Article 77 []**

- (1) The members of the Council of the Republic shall be sworn in by the President of the Republic.
- (2) The members of the Council of the Republic shall enjoy the privileges and immunities granted to the members of the National Assembly.

**Chapter III The National Assembly****Article 78 []**

- (1) The National Assembly shall be the representative assembly of all Angolans and express the will of the Angolan people.
- (2) The National Assembly shall be regulated by the provisions of the present Law and by the regulations approved by itself.

**Article 79 []**

- (1) The National Assembly shall be composed of two hundred and twenty-three Members elected by universal, equal, direct, secret and periodic suffrage for a four-year term of office.
- (2) Members of the National Assembly shall be elected through the system of proportional representation based on the following criteria:
  - (a) Each province shall by right be represented in the National Assembly by five Members. Each province shall for this purpose constitute an electoral college;
  - (b) The remaining one hundred and thirty Members shall be elected at national level, and for this purpose be considered a single electoral college;
  - (c) For Angolan communities abroad, there shall be constituted a single electoral college consisting of two in the Africa region and one in the rest of the world.

**Article 80 []**

Candidates shall be presented by political parties individually or in coalition, and the list must include the names of citizens who are not members of the parties concerned, in accordance with the Electoral Law.

**Article 81 []**

The term of office of a Member shall start at the first session of the National Assembly after the elections and end with the first session after subsequent elections, without prejudice to suspension or the ending of term of office.

**Article 82 []**

- (1) The term of office of a Member shall be incompatible with:
  - (a) A ministerial post;
  - (b) Paid employment by foreign companies or international organizations;

- (c) Being president and member of the administrative board of a limited company, a share of a company, director general or deputy director general of a public enterprise;
- (2) The following may not be Members:
  - (a) Judicial or Ministry of Justice judges;
  - (b) Members of military or militarized forces on active service.
- (3) Citizens who have acquired Angolan nationality may be candidates seven years after nationality.

**Article 83 []**

Members of the National Assembly shall have the right, in accordance with the Constitutional Regulations of the National Assembly, to question the Government or any of the member obtain from all public bodies and enterprises the cooperation needed to discharge their duties.

**Article 84 []**

- (1) No Member of the National Assembly shall be detained or arrested without authorization of the National Assembly or the Standing Commission thereof, unless caught in *flagrante delicto* committing a crime punishable by imprisonment.
- (2) Members shall not be held responsible for views they express in the discharge of their duties.

**Article 85 []**

A Member may lose his or her seat for any of the following reasons:

- (a) The incapacities or incompatibilities provided for by law;
- (b) Not taking his or her seat in the National Assembly or exceeding the number of absences provided for in the Regulations;
- (c) Joining a party other than the one from whose list or she was elected.

**Article 86 []**

A Member may renounce his or her seat through a written statement with notarized signature handed to the President of the National Assembly.

**Article 87 []**

- (1) The temporary substitution of a Member shall be accepted under the following circumstances:
  - (a) For holding a public post incompatible with the office of a Member under the present Law;
  - (b) Owing to an illness of more than forty-five days duration.
- (2) In the event of the temporary situation of a Member, the vacancy shall be filled in accordance with the order of precedence by the following candidate on the list to which the office holder of the vacant seat belongs who is not unable to assume the seat.
- (3) In the event of a vacancy caused by a Member elected by a coalition, the seat shall be filled by the unelected candidate proposed by the political party to which the substituted Member belongs.
- (4) If the list to which the holder of the vacant seat belonged has no unelected candidates, the seat shall not be filled.

**Article 88 []**

The National Assembly shall:

- (a) Amend the current Constitutional Law and approve the Constitution of the Republic of Angola;
- (b) Approve laws on all matters, except those reserved by the Constitutional Law for the Council of Ministers;
- (c) Confer legislative authorizations on the Government;
- (d) Approve, on the proposal of the Government, the National Plan and the General State Budget;
- (e) Approve, on the proposal of the Government, the reports on the execution of the National Plan and the General State Budget;
- (f) Authorize the Government to contract and grant loans and perform other credit operations, including the contracting of a floating debt, setting out the general terms thereof and establishing the maximum limits.

- be granted annually by the Government;
- (g) Establish and alter the political and administrative division of the country;
  - (h) Grant amnesties and general pardons;
  - (i) Authorize the President of the Republic to declare a state of siege or state of emergency, extension, suspension of constitutional guarantees and monitor the implementation thereof;
  - (j) Authorize the President of the Republic to declare war and make peace;
  - (k) Approve international treaties on matters within its absolute legislative powers, as well as peace, Angola's participation in international organizations, the rectification of borders, frontier military matters and any others submitted to it by the Government;
  - (l) Ratify decrees;
  - (m) Promote proceedings against the President of the Republic for the crimes of bribery and corruption;
  - (n) Vote motions of confidence or no confidence in the Government;
  - (o) Draft and approve the Regulations of the National Assembly;
  - (p) Elect the President and Vice-Presidents of the National Assembly and other members of the Commission by an absolute majority of Members present;
  - (q) Constitute the Working Commissions of the National Assembly in accordance with the law of parties in the Assembly;
  - (r) Perform other duties assigned to it by the Constitution and the law.

#### **Article 89 []**

The National Assembly shall have full and sole legislative powers on the following matters:

- (a) Acquisition, loss and re-acquisition of nationality;
- (b) Rights, freedoms and basic guarantees of citizens;
- (c) Elections and the status of office holders in sovereign bodies, local government and other public bodies;
- (d) Ways and means of organizing and running local government bodies;
- (e) System of referendum;
- (f) Organization, functioning and proceedings of the Constitutional Court;
- (g) Organization of national defense and general basis of organization, functioning and discipline of the Angolan Armed Forces;
- (h) System of state of siege and state of emergency;
- (i) Associations and political parties;
- (j) Judicial organization and status of judicial and Ministry of Justice judges;
- (k) Monetary system and system of weights and measures;
- (l) Definition of limits of territorial waters, exclusive economic area and Angola's rights to continental shelves;
- (m) Definition of sectors reserved for the State in respect of the economy, and the basis for granting concessions for the exploitation of natural resources and alienation of State property;
- (n) Definition and system of national symbols;

#### **Article 90 []**

The National Assembly shall have relative sole legislative powers on the following matters: authorization is granted to the Government:

- (a) Status and capacity of individuals;
- (b) General organization of the public administration;
- (c) Status of functionaries and civil responsibility in the public administration;
- (d) General system of requisition and expropriation in the public interest;
- (e) Ways and means of intervention and nationalization of means of production and establishment of criteria for setting compensation, as well as re-privatization of title or exploration rights of natural resources in accordance with the basic legislation referred to in (m) of the foregoing article;
- (f) Definition of the taxation system and creation of taxes;
- (g) General basis of the education system, national health service and social security;

- (h) Basis of the system of protecting nature, ecological balance and the cultural heritage;
- (i) General system of rural and urban leasing;
- (j) System of land ownership and establishment of criteria for fixing the maximum limits of agricultural units;
- (k) Participation of traditional authorities and citizens in local government;
- (l) Status of public enterprises;
- (m) Definition of the system of public property;
- (n) Definition of crimes, penalties and security measures, and of criminal proceedings.

#### **Article 91 []**

- (1) The National Assembly shall, in respect of laws of legislative authorization, define the extension and duration of the authorization.
- (2) The authorization referred to in the foregoing paragraph shall be forfeited on the signature of the Government that granted it, the end of the legislature or the dissolution of the National Assembly.

#### **Article 92 []**

- (1) The National Assembly shall, in the exercise of its powers, issue laws for the constitution of the Republic of Angola, organic laws, laws, motions and resolutions.
- (2) Acts provided for in Article 88 (a) shall take the form of a law on constitutional amendment of the Constitution of the Republic of Angola.
- (3) Acts provided for in Article 89 (c), (d), (e), (f), (g), (h) and (i) shall take the form of laws.
- (4) Other acts provided for in Articles 89 and 90 and those provided for in Article 88 (d), (f) and (g) shall take the form of laws.
- (5) Acts provided for in Article 88 (n) shall take the form of motions.
- (6) Other acts of the National Assembly, namely those provided for in Article 88 (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (o), (p) and (q) and acts of the Standing Commission, shall take the form of resolutions.

#### **Article 93 []**

- (1) Members, parliamentary groups and the Government shall have the right to propose laws.
- (2) Members and parliamentary groups shall not in the course of the economic year present draft laws that involve an increase in the expenditure or decrease in the State revenue established in the budget.
- (3) Draft laws that are definitively rejected shall not be assessed in the same legislative session. There is a new election of the National Assembly.
- (4) Draft laws presented by the Government shall be forfeited on its resignation.

#### **Article 94 []**

- (1) The National Assembly shall consider executive laws approved by the Council of Ministers. It may propose amendment or refusal to ratify, except those falling within the Government's sole competence. A request of ten Members at the ten first plenary meetings of the National Assembly following the publication of the law may request consideration.
- (2) Following the consideration request and in the event that amendment proposals are rejected, the National Assembly may wholly or partly suspend the executive law until the publication of the law that even rejects all those proposals.
- (3) When ratification is refused, the executive law shall cease to be in force on the day when it is published in the *Díario da República* and shall not be re-published in the course of that session.
- (4) Executive laws that are not subject to a request for consideration by the National Assembly shall be in force from the day of their publication and in accordance with the proceedings set out in this article shall be deemed to have been ratified.

#### **Article 95 []**

- (1) The National Assembly may not be dissolved within the six months subsequent to its election or during the quarter of the term of office of the President of the Republic, during the term of office of the President of the Republic or during a state of siege or state of emergency.

(2) Failure to observe provisions of the foregoing paragraph shall render the dissolution and void.

(3) When the National Assembly is dissolved, the term of office of Members and the function of the Standing Commission shall continue until the first meeting of the Assembly following its dissolution.

#### **Article 96 []**

(1) The legislature shall comprise four legislative sessions.

(2) Each legislative session shall last one year and shall start on 15 October.

(3) The normal period in which the National Assembly shall function shall be eight months from 15 October, without prejudice to intervals provided for in the Regulations of the National Assembly and suspensions determined by a two-thirds majority of Members present.

(4) The National Assembly shall meet in ordinary session when convened by its President.

(5) The National Assembly may meet in special session whenever necessary on the decision of the President or on the initiative of the Standing Commission or of more than half of its Members.

(6) The National Assembly may meet in special session outside its normal session on the decision of the President, on the initiative of the Standing Commission or more than half of its Members, when convened by the President of the Republic.

#### **Article 97 []**

(1) The National Assembly shall function with a simple majority of Members present.

(2) Decisions of the National Assembly shall be taken by a simple majority of Members present, unless where the present law sets out other rules of decision.

#### **Article 98 []**

(1) The agenda of plenary meetings of the National Assembly shall be drafted by its President, without prejudice to the right of appeal of the Assembly plenary meeting.

(2) The Internal Regulations of the National Assembly shall set out the priority of items to be included in the day's agenda.

(3) Messages from the President of the Republic to the National Assembly shall have absolute priority over all other matters.

(4) The Government may request priority for matters the urgent solution of which is in the public interest.

#### **Article 99 []**

(1) Ministers and Secretaries of State shall be entitled to attend plenary meetings of the National Assembly and may be assisted or substituted by Deputy Ministers and take the floor in accordance with the Regulations of the National Assembly.

(2) The Prime Minister and members of the Government shall appear before the National Assembly at its plenary meetings the regularity of which shall be set out in the Regulations of the National Assembly to answer Members' questions and requests for clarification, made verbally or in writing.

(3) The Prime Minister and members of the Government shall attend a plenary meeting of the National Assembly whenever there is a debate on motions of censure or no confidence in the Government, on the approval of the National Plan and General State Budget and the reports on the execution of the Government's programme.

(4) The working commissions of the National Assembly may request the participation of members of the Government in their proceedings.

#### **Article 100 []**

(1) The National Assembly shall constitute working commissions, in accordance with the Regulations of the National Assembly, and may set up ad hoc commissions.

(2) The composition of the commissions shall reflect the representation of parties in the National Assembly and their presidency shall be shared by the parliamentary groups in proportion to the number of Members.

(3) The commissions shall examine petitions addressed to the National Assembly and make recommendations to the Assembly thereon.



testimony of any citizen.

#### **Article 101 []**

(1) Members of the National Assembly may constitute parliamentary commissions of inquiry into acts of the Government and administration.

(2) A commission of inquiry shall be requested by any Member and, on a mandatory basis, by a fifth of Members present, and shall be limited to one per Member per legislative session.

(3) Parliamentary commissions of inquiry shall have the investigating powers of judicial bodies.

#### **Article 102 []**

(1) The National Assembly shall, outside the period when it is effectively functioning, during when it is dissolved and in other cases provided for in the Constitutional Law, be substituted by a Standing Commission.

(2) The Standing Commission shall be composed as follows:

(a) The President of the National Assembly, who shall preside over it, appointed by the parties that obtains a majority in the elections;

(b) Two vice-presidents appointed by political parties or coalitions of parties in proportion to the seats they have in the National Assembly;

(c) Twelve Members appointed by parties and coalitions of parties in proportion to the number of seats they have in the National Assembly.

(3) The Standing Commission shall:

(a) Accompany the work of the Government and administration;

(b) Convene the National Assembly in special session;

(c) Discharge the Assembly's duties in respect of the office of Members;

(d) Authorize the President of the Republic to declare a state of siege or state of emergency;

(e) Exceptionally authorize the President of the Republic to declare war and make peace, when the National Assembly is not in normal session and in the event of the pressing urgency to convene the Assembly;

(f) Prepare the opening of the legislative session.

#### **Article 103 []**

(1) Members elected by each party or coalition of parties may form parliamentary groups.

(2) Without prejudice to the right of Members provided for in the present Law, parliamentary groups shall be entitled to do the following:

(a) Participate in the Assembly's working commissions in accordance with their respective constituencies, nominating their representatives thereto;

(b) State their views on the establishment of the agenda;

(c) Propose through a formal demand to the Government for explanations, the opening of each legislative session on matters of general or sectorial policy;

(d) Request the Standing Commission to move the convening of the Assembly;

(e) Propose legislation;

(f) Table motions of censure of the Government;

(g) Be informed by the Government, regularly and directly, of progress in respect of the public interest;

(h) Request the constitution of parliamentary commissions of inquiry.

(3) The right provided for in (b), (f), (g) and (h) shall be exercised through the President of the parliamentary group.

(4) Each parliamentary group shall have the right to office space in the seat of the National Assembly, as well as expert and administrative staff of its choice, in accordance with the law.

#### **Article 104 []**

The National Assembly and the commissions thereof shall be assisted by a permanent body of experts.

administrative staff and specialists requisitioned or temporarily contracted, in accordance

## Chapter IV The Government

### Article 105 []

- (1) The Government shall conduct the country's general policy and shall be the highest administrative body.
- (2) The Government shall be politically responsible to the President of the Republic and the National Assembly, in accordance with the present Law.

### Article 106 []

- (1) The composition of the Government shall be established by an executive law.
- (2) The numbers and designations of Ministers, Secretaries of State and Deputy Ministers shall be determined by the decrees nominating the respective office holders.
- (3) The powers of Ministries and State Secretariats shall be determined by an executive law.

### Article 107 []

- 1, The office of Prime Minister, Minister, Secretary of State and Deputy Minister shall be incompatible with the office of Member of the National Assembly.
- (2) The incompatibilities set out in Article 82 (b) and (c) shall apply to the offices set out in this paragraph.

### Article 108 []

- (1) The Council of Ministers shall be presided over by the President of the Republic and shall include the Prime Minister, Ministers and Secretaries of State.
- (2) The Council of Ministers shall meet at intervals established by law.
- (3) Deputy Ministers may be summoned to attend meetings of the Council of Ministers.
- (4) The Council of Ministers may constitute specialized commissions to prepare papers or reports to be considered by the Council of Ministers.

### Article 109 []

The duties of the Prime Minister shall start with the swearing in thereof and cease with the swearing in of the new Prime Minister. The duties of other members of the Government shall start with the swearing in thereof and cease when they are dismissed or the Prime Minister is dismissed. In the event of the resignation of the Government, the Prime Minister of the outgoing Government shall be deemed to have resigned on the date of the appointment and swearing in of the new Prime Minister.

### Article 110 []

In the discharge of the political duties, the Government shall:

- (a) Attest to acts of the President of the Republic, in accordance with the provisions of Article 82;
- (b) Set out the general lines of Government policy and the implementation thereof;
- (c) Negotiate and conclude international treaties and approve treaties that do not fall within the competence of the National Assembly or have not been submitted thereto;
- (d) Present draft laws on the National Assembly;
- (e) Deliberate on motions of confidence presented to parliament;
- (f) State its views on the declaration of a state of siege or state of emergency;
- (g) Propose to the President of the Republic the declaration of war or the making of peace;
- (h) Perform other duties assigned to it by the Constitution or the law.

### Article 111 []

- (1) In the discharge of its legislative duties, the Government shall:
  - (a) Establish by an executive law the composition, organization and functioning of the Government;
  - (b) Draft and pass executive laws on legislative matters related to the National Assembly, with the appropriate legislative authorization;
- (2) The Government shall have full legislative power on matters related to its own composition and functioning.
- (3) The executive laws provided for in (b) shall specifically cite the legal document conferring authorization.

#### **Article 112 []**

In the discharge of its administration duties, the Government shall:

- (a) Draft and promote implementation of the country's economic and social development plan;
- (b) Draft, approve and direct the execution of the State Budget;
- (c) Approve acts of the Government involving increased or decreased public revenue or expenditure;
- (d) Draft regulations needed for the proper application of laws;
- (e) Direct the services and activity of the State administration, superintend indirect administration, oversee autonomous local administration and other autonomous institutions;
- (f) Carry out action and take all necessary measures to promote economic and social development and satisfy collective needs.

#### **Article 113 []**

The Government, meeting in the Council of Ministers, shall discharge its duties through executive decrees and resolutions on general and sectorial policies and measures within the framework of Government activity.

#### **Article 114 []**

- (1) The Prime Minister shall in general direct, conduct and coordinate the general activity of the Government.
- (2) The Prime Minister shall, in particular:
  - (a) Coordinate and guide the activity of all Ministries and State Secretariats;
  - (b) Represent the Government in the National Assembly and domestically and abroad;
  - (c) Direct the functioning of the Government and its general relations with other State bodies;
  - (d) Substitute the President of the Republic in presiding over the Council of Ministers, in accordance with Article 68 (2);
  - (e) Sign executive laws of the Council of Ministers and send them for promulgation by the President of the Republic;
  - (f) Sign executive laws of the Council of Ministers and send them for subsequent signature by the President of the Republic;
  - (g) Sign resolutions of the Council of Ministers;
  - (h) Discharge other duties assigned to him by the Constitution and the law.
- (3) In the discharge of their duties, the Prime Minister, Ministers and Secretaries of State shall sign executive decrees and dispatches that shall be published in the *Díario da República*.

#### **Article 115 []**

- (1) The Government shall draft its program which shall include the major political, economic and social guidelines and measures to be taken or proposed in the various spheres of Government activity.
- (2) Members of the Government shall be bound by the Government program and other decisions of the Council of Ministries.

#### **Article 116 []**

- (1) The Government shall start its duties immediately after being sworn in.
- (2) The Government may be subject to votes of censure by the National Assembly on the proposal of the President of the Republic.

of its program or other fundamental issues of Government policy, on the proposal of a pair or one quarter of Members present.

(3) A vote of censure of the Government shall be passed by an absolute majority of members.

(4) If the vote of censure is not passed, its signatories shall not table another during the session.

(5) The Government may ask the National Assembly for a vote of confidence that shall be passed by an absolute majority of Members present.

#### **Article 117 []**

(1) The Prime Minister shall be responsible to the President of the Republic, whom he shall directly inform of matters related to the conduct of the country's policy.

(2) The Prime Minister shall represent the Government in the National Assembly and shall bear the Government's political responsibility to the National Assembly.

#### **Article 118 []**

The following shall cause the resignation of the Government:

(a) The end of the legislature;

(b) The election of a new President of the Republic;

(c) The resignation of the Prime Minister;

(d) The acceptance by the President of the Republic of the Prime Minister's resignation;

(e) The death or lasting disability of the Prime Minister;

(f) A vote of censure against the Government;

(g) Failure to pass a vote of confidence in the Government.

#### **Article 119 []**

The Prime Minister, Ministers, Secretaries of State and Deputy Ministers may be arrested for an offense punishable by imprisonment and following suspension of the office thereof of the Republic.

## **Chapter V Justice**

### **Section I The Courts**

#### **Article 120 []**

(1) Courts shall be Sovereign bodies with powers to administer justice on behalf of the people.

(2) The Supreme Court and other courts instituted by law shall discharge jurisdictional duties.

(3) In the discharge of their jurisdictional duties, the courts shall be independent and subject only to the law and they shall be entitled to the assistance of other authorities.

#### **Article 121 []**

(1) The courts shall guarantee and ensure compliance with the Constitutional Law, laws and administrative provisions in force, protection of the rights and legitimate interest of citizens and institutions. They shall decide on the legality of administrative acts.

(2) It shall be mandatory for all citizens and other legal entities to comply with decisions of the courts. These shall prevail over those of other authorities.

#### **Article 122 []**

Courts shall as a rule be collegiate and shall include professional judges and citizen assis have the same rights and duties in respect of the trial concerned.

**Article 123 []**

It shall be the duty of all public and private entities to cooperate with the courts in the disc duties.

**Article 124 []**

Court hearings shall be public, unless the court itself deems otherwise in a well-founded r of the dignity of individuals or public morality, or to ensure the functioning thereof.

**Article 125 []**

(1) Apart from the Constitutional Court, courts shall be structured, in accordance with the

- (a) Municipal courts;
- (b) Provincial courts; and
- (c) The Supreme Court.

(2) The organization and functioning of military justice shall be set out in an appropriate la

(3) Military, administrative, auditing, fiscal. maritime and arbitration courts may be constitu accordance with the law.

**Article 126 []**

Without prejudice to the provisions of the foregoing article, the constitution of courts with : determined offenses shall be prohibited.

**Article 127 []**

In the discharge of their duties, judges shall be independent and shall owe obedience onl

**Article 128 []**

Judges shall not be removable from office and shall not be transferred, promoted, susper dismissed except in accordance with the law.

**Article 129 []**

Judges shall be responsible for decisions they make in the discharge of their duties, exce imposed by law.

**Article 130 []**

(1) The Presiding Judge of the Supreme Court, Vice President of the Supreme Court and the Supreme Court and Constitutional Court may be arrested only if charged for an offens prison sentence.

(2) Trial court judges may not be arrested without being charged unless caught in *flagran* committing a felony punishable by imprisonment.

**Article 131 []**

Judges shall not discharge any public or private duties other than teaching or scientific re

**Section II High Council of the Judicial Bench****Article 132 []**

(1) The High Council of the Judicial Bench shall be the highest body managing and discipl bench, and shall, in general:

- (a) Consider the professional ability of and take disciplinary action in respect of judges;
  - (b) Propose the appointment of judges to the Supreme Court in accordance with the pres
  - (c) Order investigations, inspections and inquires into the legal services and propose the to ensure the efficiency and improvement thereof;
  - (d) Appoint, place, transfer and promote judges, without prejudice to the provisions of the
- (2) The High Council of the Judicial Bench shall be presided over by the President of the and shall be composed of the following:
- (a) Three lawyers nominated by the President of the Republic, at least one of whom shall judge;
  - (b) Five lawyers nominated by the National Assembly;
  - (c) Ten judges elected by judicial judges from among their own numbers,
- (3) Members of the High Council of the Judicial Bench shall enjoy the same immunities as judges.

### **Article 133 []**

The manner of judges joining the bench shall be established by law.

## **Section III Constitutional Court**

### **Article 134 []**

The Constitutional Court shall in general administer justice on legal and constitutional ma

- (a) Prevent unconstitutionality, in accordance with the provisions of Article 154;
- (b) Consider whether laws, executive laws, ratified international treaties and any rules are in accordance with the provisions of Article 155;
- (c) Verify and consider non-compliance with the Constitutional Law owing to failure to take measures to make constitutional rules executable;
- (d) Consider appeals in respect of the constitutional nature of all decisions of other courts apply any rule on the grounds that it is unconstitutional;
- (e) Consider appeals in respect of the constitutional nature of all decisions of other courts the constitutional nature of which has been evoked during the trial.

### **Article 135 []**

- (1) The Constitutional Court shall be composed of seven judges, nominated from among judges as follows:
- (a) Three judges nominated by the President of the Republic, including the President of th
  - (b) Three judges elected by the National Assembly by a two-thirds majority of Members p
  - (c) One judge elected by a full session of the Supreme Court.
- (2) Judges of the Constitutional Court shall be appointed for a non-renewable seven-year guaranteed the same independence, irremovability from office, impartiality and nonliability other Courts.
- (3) Other rules related to the powers, organization and functioning of the Constitutional C established by an appropriate law.

## **Section IV The Attorney General's Office**

### **Article 136 []**

1 The Attorney General's Office shall be represented in the courts by the Ministry of Justi

accordance with the respective Statutes.

(2) The Attorney General's Office shall defend Democratic legality and, especially, represent the State, taking penal action and defending the interests assigned to it by law.

#### **Article 137 []**

(1) The Attorney General's Office shall be presided over by the Attorney General and shall be assisted by the High Council of the Ministry of Justice Bench, which shall be composed of members elected by the National Assembly and members elected by the Ministry of Justice judges from among their colleagues in a manner to be set out by law.

(2) The Attorney General's Office shall have its own statutes, enjoy autonomy in accordance with the law and be governed by the statutes of judicial and Ministry of Justice judges.

(3) The organization, structure and functioning of the Attorney General's Office and the Ministry of Justice Bench shall be established in an appropriate law.

#### **Article 138 []**

Ministry of Justice judges shall be responsible to the law and shall follow hierarchical authority.

#### **Article 139 []**

(1) The Attorney General, Deputy Attorney General and assistants of the Attorney General shall be held responsible only when charged for an offense punishable by imprisonment.

(2) Ministry of Justice trial court judges and the equivalent may not be arrested without being caught in *flagrant delicto* committing a felony punishable by imprisonment.

#### **Article 140 []**

Ministry of Justice judges shall not be transferred, suspended, promoted, dismissed or subjected to a change of position except in accordance with the appropriate statute.

#### **Article 141 []**

The office of Ministry of Justice judge shall be incompatible with the discharge of public office except for teaching, scientific research or bench associations.

### **Chapter VI Judicial Proctorate**

#### **Article 142 []**

(1) The Judicial Proctorate shall be an independent public body the purpose of which shall be to protect the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legal administration.

(2) Citizens may present the Judicial Proctorate with complaints concerning acts or omissions of the Administration. It authorizes that it shall consider with no power of decision, submitting to the appropriate bodies recommendations to prevent and remedy injustices.

(3) The activity of the Judicial Proctorate shall be independent of the means to rule on appeals provided for in the Constitutional Law and the law.

(4) The other duties and statutes of the Judicial Proctorate shall be established by law.

#### **Article 143 []**

(1) The Judicial Proctorate shall be nominated by the National Assembly on the decision of a majority of its Members present and shall be sworn in by the President of the National Assembly.

(2) The Judicial Proctorate shall be appointed for a four-year term of office and may be reappointed for another four-year term.

**Article 144 []**

It shall be the duty of public administration bodies and agents to cooperate with the Judiciary in the discharge of its duties.

**Chapter VII Local Government****Article 145 []**

State organization at local level shall comprise local government agencies and local administration.

**Article 146 []**

(1) Local government agencies shall be territorial corporate bodies for the purpose of providing services to the population, and shall for this purpose have elected representative bodies and freed their communities.

(2) The constitution, organization, powers, functioning and regulatory powers of local agencies shall be specified by an appropriate law.

**Article 147 []**

(1) Local administrative bodies shall be local administrative units decentralized from central government for the purpose of achieving the specific attributes of the State administration at local level, promoting economic and social development and ensure the provision of communal services in the respective area.

(2) The type of local administrative bodies, organization, powers and functioning shall be specified by appropriate law.

**Article 148 []**

(1) The Provincial Governor shall be the Government representative in the respective province, shall ensure the normal functioning of local administrative bodies, and shall be answerable to the Government and the President of the Republic.

(2) The Provincial Governor shall be appointed by the President of the Republic after hearing the Provincial Minister.

**Part IV National Defense****Article 149 []**

(1) The State shall ensure national defense.

(2) The objectives of national defense shall be to guarantee national independence, territorial integrity, the freedom and security of the population against any aggression or external threat, with respect for the instituted constitutional order and international law.

**Article 150 []**

(1) The National Defense Council shall be presided over by the President of the Republic and composed as follows:

- (a) Prime Minister;
- (b) Minister of Defense;
- (c) Minister of the Interior;
- (d) Minister of External Relations;
- (e) Minister of Finance;



(f) Chief of General Staff of the Angolan Armed Forces.

(2) The President of the Republic may summon other entities, by virtue of their expertise, meetings of the National Defense Council.

(3) The National Defense Council shall be the consultative body for matters related to the organization, functioning and discipline of the Armed Forces, and shall have the administrative powers conferred on it by law.

#### **Article 151 []**

(1) The Angolan Armed Forces, under the supreme authority of their Commander in Chief, shall be obedient to the appropriate sovereign bodies, in accordance with the present Law and other legislation, and shall defend the nation militarily.

(2) The Angolan Armed Forces, as a State institution shall be permanent, regular and non-political.

(3) The Angolan Armed Forces shall be solely composed of national citizens and the general organization and preparation thereof shall be established by law.

#### **Article 152 []**

(1) The defense of the country shall be the right and the highest indeclinable duty of every citizen.

(2) Military service shall be compulsory. The manner in which it is fulfilled shall be established by law.

(3) Citizens shall not lose permanent employment or other social benefits by virtue of their military service.

## **Part V Guarantee and Amendment of the Constitutional Law**

### **Chapter I Monitoring of Unconstitutionality**

#### **Article 153 []**

(1) Rules in breach of the Constitutional Law or the principles set out therein shall be unconstitutional.

(2) The Constitutional Court shall declare the unconstitutional nature of acts of commission or omission.

#### **Article 154 []**

(1) The President of the Republic and one-fifth of the Members of the National Assembly shall request the Constitutional Court prior consideration of the constitutional nature of any rule subject to its signature or ratification by the President of the Republic, namely statutory legal acts, executive decrees or international treaties.

(2) Rules in respect of which prior consideration has been requested of the Constitutional Court shall not be promulgated, signed or until the Constitutional Court has given its ruling.

(3) Where rules referred to in the foregoing paragraph are declared to be unconstitutional, they shall be vetoed by the President of the Republic and returned to the body that approved it for reconsideration, if deemed unconstitutional.

#### **Article 155 []**

(1) The President of the Republic, one-fifth of the Members of the National Assembly, the Prime Minister and the Attorney General may request of the Constitutional Court prior consideration of the constitutional nature of any rule.

(2) The declaration of the unconstitutional nature of rules referred to in the foregoing paragraph shall take effect with the entry into force of the rule declared unconstitutional and shall entail that the rule may have revoked.

(3) In the event of unconstitutionality through a breach of the foregoing constitutional rule, the rule shall be deemed unconstitutional.

shall take effect only on the entry into force thereof.

(4) Exceptions shall be tried cases, unless the Constitutional Court decides otherwise, which complies with penal, disciplinary or mere infringement of company regulations charge, and the content is unfavorable to the accused.

#### **Article 156 []**

1 The President of the Republic, one-fifth of Members present and the Attorney General request the Constitutional Court to declare unconstitutionality by omission.

(2) If unconstitutionality by omission is verified, the Constitutional Court shall inform the legislative body accordingly, so that the omission may be remedied.

#### **Article 157 []**

The Constitutional Court shall state its views on the constitutionality of rules submitted to consideration within no more than forty-five days.

## **Chapter II Amendment of the Constitution**

#### **Article 158 []**

(1) The National Assembly may review the Constitutional Law and approve the Constitution of Angola on the decision of two-thirds of Members present.

(2) No less than ten Members or the President of the Republic may propose amendment of the Constitution.

(3) The Constitutional Law may be amended at any time.

(4) The National Assembly shall determine the manner of proposing the drafting of the Constitution of the Republic of Angola.

(5) The President of the Republic shall not refuse to promulgate the Law Amending the Constitution of the Republic of Angola adopted in accordance with the first paragraph of the present article.

#### **Article 159 []**

Amendments to and approval of the Constitution of Angola shall comply with the following:

- (a) Independence, territorial integrity and national unity;
- (b) The fundamental rights and freedoms and guarantees of citizens;
- (c) A State based on the rule of law and party political pluralism;
- (d) Universal, direct, secret and periodic suffrage for the appointment of the elected office holders of sovereign bodies and local government;
- (e) The secular nature of the State and the principle of separation between the State and the churches;
- (f) The separation and interdependence of the courts.

#### **Article 160 []**

During a state of siege or state of emergency, no amendment of the Constitution shall be made.

## **Part VI Symbols of the Republic of Angola**

#### **Article 161 []**

The symbols of the Republic of Angola shall be the Flag, the Insignia and the National Anthem.

#### **Article 162 []**

The National Flag shall consist of two colors in horizontal bands. The upper band shall be the lower one black and they shall represent:

Bright red - The blood shed by Angolans during colonial oppression, the national liberation defense of the country.

Black - The African continent.

In the center there shall be a composition formed by a segment of a cog wheel, symbolizing industrial production, a machete, symbolizing the peasants, agricultural production and struggle, and a star, symbolizing international solidarity and progress. The cog wheel, the star shall be yellow, symbolizing the country's wealth.

#### **Article 163 []**

The insignia of the Republic of Angola shall be formed by a segment of a cog wheel and a coffee and cotton, representing respectively the workers and industrial production, the peasant agricultural production. At the foot of the design, an open book shall represent education and the rising sun shall represent the new country. In the center shall be a machete and a hoe work and the start of the armed struggle. At the top shall be a star symbolizing international progress. In the lower part of the emblem shall be a golden band with the inscription 'Rep

#### **Article 164 []**

The National Anthem shall be "ANGOLA AVANTE" (Forward Angola).

### **Part VII Final and Transitional Provisions**

#### **Article 165 []**

The laws and regulations in force in the Republic of Angola shall be applicable unless amended or repealed, provided they do not conflict with the letter and spirit of the present Law.

#### **Article 166 []**

All treaties, agreements and alliances to which Portugal committed Angola and which are in the interests of the Angolan people shall be reviewed.

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