

## Constitution of the Republic of Angola

*25 August 1992*

### **Part I Fundamental Principles**

#### **Article 1**

The Republic of Angola shall be a sovereign and independent nation whose primary objective shall be 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 dignity of the individual, pluralism of expression and political organization, respecting and guaranteeing the basic 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 for in the present Law.

(2) The Angolan people shall exercise political power through periodic universal suffrage to choose their representatives, by means of referendums and other forms of democratic participation in national life.

(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, on the basis of a project for society and a political program, to organize and express the will of citizens, participating in 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, as well as to 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 military, paramilitary or militarized organizations;
- (f) Democratic organization and functioning;
- (g) Prohibition to receive contributions of monetary or economic value from foreign governments or 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 separatism 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 space, soil 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 worship, 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 harmonious and balanced growth of all sectors and regions of the country, and rational and efficient use of all productive capacity and national resources, as well as heightening the well-being and quality of life of citizens.

## **Article 10**

The economic system shall be based on the coexistence of diverse forms of property - public, private, mixed, cooperative and family - and all shall enjoy equal protection. The State shall encourage participation in the economic process of all agents and forms of property, creating conditions for them to function 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 profitability, in accordance with the proposed aims and objectives.
- (3) The State shall encourage the development of private, mixed, cooperative and family enterprises, creating conditions for them to operate, and shall give special support to small and medium-scale economic activity, in accordance with the law.
- (4) The State shall protect foreign investment and foreign property, in accordance with the law.

## **Article 12**

- (1) All natural resources existing in the soil and subsoil, in internal and territorial waters, on the continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine under what terms they are used, developed and exploited.
- (2) The State shall promote the protection and conservation of natural resources guiding the exploitation and 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 corporate bodies, 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 bodies, and the property and ownership of land by peasants, without prejudice to the possibility of expropriation in the public interest, in accordance with the law.

## **Article 13**

Any nationalization or confiscation carried out under the appropriate law shall be considered valid and 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 and ensuring the fair distribution of income and wealth.

(2) Taxes may be created or abolished only by law, which shall determine applicability, rates, tax benefits 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 mutual respect for sovereignty and territorial integrity, non-interference in the internal affairs of each country and reciprocal advantages.

### **Article 16**

The Republic of Angola shall support and be in solidarity with the struggles of peoples for national 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, level of education or economic or social status.

(2) All acts aimed at jeopardizing social harmony or creating discrimination or privileges based on those factors 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 be entitled to 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 reputation 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 laws and applicable rules of international law.

(2) Constitutional and legal norms related to fundamental rights shall be interpreted and incorporated in keeping with The Universal Declaration of the Rights of Man, the African Charter on the Rights of Man and Peoples and other international instruments to which Angola has adhered.

(3) In the assessment of disputes by Angolan courts, those international instruments shall apply even 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 of flora 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 impeded from so doing for political or any other reasons, except in cases provided for under Article 50 of the present Law, and where for the protection of the economic interests of the nation the law determines restrictions on 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 nations territory shall not be permitted.

(2) The extradition of foreign citizens for political motives or for charges punishable by the death penalty under the laws of the applicant county shall not be permitted.

(3) In accordance with the law, Angolan courts shall know the charges made against citizens whose 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 political and civil rights, to take an active part in public life, to vote and stand for election to any State body, 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, professional 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 and police forces.

## **Article 29**

(1) The family, the basic nucleus of social organization, shall be protected by the State, whether based on 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 education of children and young people.

## **Article 30**

(1) Children shall be given absolute priority and shall therefore enjoy special protection from the family, 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 young people 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 a first job, 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 Article 158 of the Constitutional Law and penal laws, and those that, even indirectly, pursue political objectives through organizations of a military, paramilitary or militarized character, secret organizations and those with racist, 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 is exercised shall be guaranteed by law.

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

(3) Adequate protection for the elected representatives of workers against any form of restriction, constraint 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 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, especially political, ideological or artistic. The manner of the exercise of freedom of the press and adequate provisions to 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 accused shall be 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 insufficient economic 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 establish the limits and periods thereof.

### **Article 38**

Any citizen subject to preventive detention shall be taken before a competent judge to legalize 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 may 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 their rights as 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, with limitations especially provided for by law.

#### **Article 45**

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

#### **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 at work, in accordance with the law.

(3) Citizens shall have the right freely to choose and exercise an occupation, apart from requirements established by law.

#### **Article 47**

(1) The State shall promote the measures needed to ensure the right of citizens to medical and health care, as well as child, maternity, disability and old-age care, and care in any situation causing incapacity to work.

(2) Private and cooperative enterprise in health, social welfare and social security shall be exercised in accordance with the law.

#### **Article 48**

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

#### **Article 49**

(1) The State shall promote access to education, culture and sports for all citizens, guaranteeing 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 effectively 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 be 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 only in accordance with the law if such constitute a threat to public order, community interests, individual rights, freedoms and guarantees, or in the event of the declaration, a state of siege or emergency, and such restrictions shall always be limited to necessary and adequate measures to maintain public order, in the interest of the community and the restoration of constitutional normality.

(2) On no account shall the declaration of a state of siege or state of emergency affect the right to life, personal integrity, personal identity, civil capacity, citizenship, the non-retroactive nature of penal law, 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 Courts shall be sovereign bodies.

(2) The formation, composition, powers and functioning of the sovereign bodies shall be set out in the 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 Electoral Law;
- (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 governmental and administrative unity of action;
- (f) Holders of political posts shall be civilly and criminally answerable for actions and omissions committed in the discharge of their duties;
- (g) Decisions of collegial bodies shall be taken in keeping with the principles of free discussion and criticism and acceptance of the will of the majority.

## **Article 55**

The territory of the Republic of Angola shall, for political and administrative purposes, be divided into 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, represent the nation domestically and internationally, ensure compliance with the Constitutional Law, and shall be Commander-in-Chief of the Angolan Armed Forces.

(2) The President of the Republic shall define the country's political policy, ensure the proper functioning of 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 periodic suffrage 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. If no candidate obtains one, there shall be a second vote in which only the two candidates who obtained the greatest 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 rights shall be 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 swearing in of the new elected President. The President of the Republic may be re-elected for two consecutive or discontinuous terms of office.

### **Article 60**

(1) Candidacies to the post of President of the Republic shall be presented by legally constituted political 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 prior to 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 expire 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 new 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 day 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 fifteen 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 fulfill and ensure fulfillment of the Constitution of the Republic of Angola, to defend the unity of the nation, 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, without 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 filled in the interim by the President of the National Assembly or, if unable to do so, by the deputy thereof.

(2) The President of the National Assembly's office as a member of parliament, and that of the deputy thereof, shall be automatically suspended for the duration of the interim powers of 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 and a decision 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 another 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 National Bank 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 consultation with 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 Judicial Bench;
- (i) To appoint and dismiss the Attorney General, the Deputy Attorney General and the Assistants to the Attorney General. on the proposal of the High Council of the Ministry of Justice Bench;
- (j) To appoint members of the High Council of the Judicial Bench, in accordance with Article 132 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 deputies 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 by 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 measures provided for 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 of other treaties in simplified form;
- (x) To request of the Constitutional Court prior assessment or declaration of the unconstitutional nature of 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 institutions of the Republic, 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 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 consider the law or any of its provisions.

(3) If after reconsideration a two-thirds majority of the Members of the National Assembly are in favor of approving the law, the President of Republic shall promulgate the law within fifteen days of receiving it.

#### **Article 70**

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

#### **Article 71**

The laws referred to in Article 66 (s) not promulgated by the President of the Republic, and Government 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 being contrary to 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 approved by referendum within fifteen days.

## **Article 74**

In the exercise of his powers, the President of the Republic shall issue presidential decrees and dispatches 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 of the Prime Minister, the resignation of the Government, the appointment and dismissal of the Attorney General, the Chief of General Staff of the Angolan Armed Forces and the deputies thereof, and the Chiefs of Staff 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 made public at the appropriate ceremony.

### **Article 76**

The Council of the Republic shall be presided over by the President of the Republic and shall be composed 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 of 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 sovereign will of the Angolan people.

(2) The National Assembly shall be regulated by the provisions of the present Law and by 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, and 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 the country shall for this purpose be considered a single electoral college;
- (c) For Angolan communities abroad, there shall be constituted a single electoral college of three Members, 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 may include 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 individual ending of term of office.

#### **Article 82**

(1) The term of office 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 shareholding manager 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 the acquisition of nationality.

### **Article 83**

Members of the National Assembly shall have the right, in accordance with the Constitutional Law and the Regulations of the National Assembly, to question the Government or any of the members thereof, and to 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 by the National Assembly or the Standing Commission thereof, unless caught in flagrante delicto committing a felony 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 incapacitates or incompatibilities provided for by law;
- (b) Not taking his or her seat in the National Assembly or exceeding the number of absences stipulated 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 personally 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 order of precedence by the following candidate on the list to which the office holder of the vacancy belonged and 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 given to the next unelected candidate proposed by the political party to which the substituted Member belonged.

(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 Government;
- (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 not involving a floating debt, setting out the general terms thereof and establishing the maximum limits of suretyships to 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, setting out the 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 treaties on peace, Angola's participation in international organizations, the rectification of borders, friendship, defense, 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 or treason;
- (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 Standing Commission by an absolute majority of Members present;
- (q) Constitute the Working Commissions of the National Assembly in accordance with the representativity 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 constitutional 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 contiguous sea beds;
- (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 except where 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 State property, 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 private 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 scope, sense, extension and duration of the authorization.
- (2) The authorization referred to in the foregoing paragraph shall be forfeited on the signal 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 constitutional amendment of 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 or amendment of the Constitution of the Republic of Angola.
- (3) Acts provided for in Article 89 (c), (d), (e), (f), 4. (g), (h) and (i) shall take the form of organic laws.
- (4) Other acts provided for in Articles 89 and 90 and those provided for in Article 88 (d), (f) (g) and (h) 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), (i), (j), (k) (1), (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 legislation.
- (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 unless 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 for purposes of amendment or refusal to ratify, except those falling within the Government's sole

competence, at the request of ten Members at the ten first plenary meetings of the National Assembly following its publication.

(2) Following the consideration request and in the event that amendment proposals are made, the Assembly may wholly or partly suspend the executive law until the publication of the law that amends or even rejects all those proposals.

(3) When ratification is refused, the executive law shall cease to be in force on the day when the resolution is published in the *Díario da República* and shall not be re-published in the course of that legislative session.

(4) Executive laws that are not subject to a request for consideration by the National Assembly within the period 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, in the last quarter of the term of office of the President of the Republic, during the term of office of the interim 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 decree legally null and void.

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

#### **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 and shall start on 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 a plenary meeting 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 a plenary meeting, on the initiative of the Standing Commission or more than half of its Members or 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, except 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 put on 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 national 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 Assembly plenum at meetings the regularity of which shall be set out in the Regulations of the National Assembly to reply to 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 and approval of the National Plan and General State Budget and the reports on the execution thereof.
- (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, 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 their Members.

(3) The commissions shall examine petitions addressed to the National Assembly and may request the testimony of any citizen.

#### **Article 101**

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

(2) A commission of inquiry shall be requested by any Member and, on a mandatory basis, comprise one-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 the provided 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 party or coalition of parties that obtains a majority in the elections;
- (b) Two vice-presidents appointed by political parties or coalitions of parties in proportion to the number of 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 a special meeting;
- (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 members, 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 two debates in 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 principal matters of 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 technicians, administrative staff and specialists requisitioned or temporarily contracted, in accordance with the law.

### **Chapter IV The Government**

#### **Article 105**

(1) The Government shall conduct the country's general policy and shall be the highest public 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 the foregoing paragraph.

### **Article 108**

(1) The Council of Ministers shall be presided over by the President of the Republic and shall comprise 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 on specific matters 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 dismissed 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 70;
- (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 sole 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, in accordance with the appropriate legislative authorization;
- (2) The Government shall have full legislative power on matters related to its own composition, organization and functioning.
- (3) The execution laws provided for in (b) shall specifically cite the legal document conferring legislative 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 and 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 laws, 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 issue executive decrees and dispatches that shall be published in the Diário 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 taken in 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 implementation of its program or other fundamental issues of Government policy, on the proposal of a parliamentary group or one quarter of Members present.
- (3) A vote of censure of the Government shall be passed by an absolute majority of members present.
- (4) If the vote of censure is not passed, its signatories shall not table another during the same legislative session.
- (5) The Government may ask the National Assembly for a vote of confidence that shall be passed by a majority of Members present.

#### **Article 117**

- (1) The Prime Minister shall be responsible to the President of the Republic, whom he shall regularly and 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 ensure 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 only if charged for an offense punishable by imprisonment and following suspension of the office thereof by the President 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 other legal provisions in force, protection of the rights and legitimate interest of citizens and institutions, and 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 and these shall prevail over those of other authorities.

#### **Article 122**

Courts shall as a rule be collegiate and shall include professional judges and citizen assistants who shall 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 discharge of their duties.

#### **Article 124**

Court hearings shall be public, unless the court itself deems otherwise in a well-founded ruling, for reasons 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 law, as follows:

- (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 law.

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

#### **Article 126**

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

#### **Article 127**

In the discharge of their duties, judges shall be independent and shall owe obedience only to the law.

#### **Article 128**

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

#### **Article 129**

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

#### **Article 130**

(1) The Presiding Judge of the Supreme Court, Vice President of the Supreme Court and other judges of the Supreme Court and Constitutional Court may be arrested only if charged for an offense punishable by a prison sentence.

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

### **Article 131**

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

## **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 disciplining the judicial 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 present Law;
- (c) Order investigations, inspections and inquires into the legal services and propose the measures needed to ensure the efficiency and improvement thereof;
- (d) Appoint, place, transfer and promote judges, without prejudice to the provisions of the present Law.

(2) The High Council of the Judicial Bench shall be presided over by the President of the Supreme Court and shall be composed of the following:

- (a) Three lawyers nominated by the President of the Republic, at least one of whom shall be a judicial 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 Supreme Court 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 matters, and shall:

- (a) Prevent unconstitutionality, in accordance with the provisions of Article 154;

- (b) Consider whether laws, executive laws, ratified international treaties and any rules are unconstitutional, in accordance with the provisions of Article 155;
- (c) Verify and consider non-compliance with the Constitutional Law owing to failure to take the requisite measures to make constitutional rules executable;
- (d) Consider appeals in respect of the constitutional nature of all decisions of other courts that refuse to 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 that apply a rule 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 lawyers and judges as follows:

- (a) Three judges nominated by the President of the Republic, including the President of the Court;
- (b) Three judges elected by the National Assembly by a two-thirds majority of Members present;
- (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 term and shall be guaranteed the same independence, irremovability from office, impartiality and nonliability as judges of other Courts.

(3) Other rules related to the powers, organization and functioning of the Constitutional Court shall be 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 Justice Bench, in accordance with the respective Statutes.\$

(2) The Attorney General's Office shall defend Democratic legality and, especially, represent the State in 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 comprise the High Council of the Ministry of Justice Bench, which shall be composed of members elected by the National Assembly and members elected by Ministry of Justice judges from among their own numbers, 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 manner of joining 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 may be arrested 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 charged unless caught in flagrant delicto to committing a felony punishable by imprisonment.

#### **Article 140**

Ministry of Justice judges shall not be transferred, suspended, promoted, dismissed or subject to any other 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 or private duties, 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 defend the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of the public administration.

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

(3) The activity of the Judicial Proctorate shall be independent of the means to rule on appeals or disputes 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 two-thirds of 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 re-appointed for another four-year term.

### **Article 144**

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

## **Chapter VII Local Government**

### **Article 145**

State organization at local level shall comprise local government agencies and local administrative bodies.

### **Article 146**

(1) Local government agencies shall be territorial corporate bodies for the purpose of pursuing the interests of the population, and shall for this purpose have elected representative bodies and freedom to administer their communities.

(2) The constitution, organization, powers, functioning and regulametary powers of local government 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, guide economic and social development and ensure the provision of communal services in the respective geographical area.

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

### **Article 148**

(1) The Provincial Governor shall be the Government representative in the respective province, shall in general direct the governance of the 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 Prime 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 and the freedom and security of the population against any aggression or external threat, within the framework of 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 shall be 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, to attend meetings of the National Defense Council.

(3) The National Defense Council shall be the consultative body for matters related to national defense and 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 owe obedience to the appropriate sovereign bodies, in accordance with the present Law and other statutory legislation, and shall defend the nation militarily.

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

(3) The Angolan Armed Forces shall be solely composed of national citizens and the general rules of 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 doing national 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 may request of the Constitutional Court prior consideration of the constitutional nature of any rule subject to promulgation, signature or ratification by the President of the Republic, namely statutory legal acts, executive laws, decrees or international treaties.

(2) Rules in respects 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, the rule shall be vetoed by the President of the Republic and returned to the body that approved it for removal of the part deemed unconstitutional.

#### **Article 155**

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

(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 redrafting of the rules it may have revoked.

(3) In the event of unconstitutional through a breach of the foregoing constitutional rule, the declaration shall take effect only on the entry into force thereof.

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

#### **Article 156**

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

(2) If unconstitutionality by omission is verified, the Constitutional Court shall inform the appropriate 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 it for 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 the Republic 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 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 bright red and the lower one black and they shall represent:

Bright red - The blood shed by Angolans during colonial oppression, the national liberation struggle and the 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 the workers and industrial production, a machete, symbolizing the peasants, agricultural production and the armed struggle, and a star, symbolizing international solidarity and progress. The cog wheel, the machete and 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 sheaves of maize, coffee and cotton, representing respectively the workers and industrial production, the peasants and agricultural production. At the foot of the design, an open book shall represent education and culture, and the rising sun shall represent the new country. In the center shall be a machete and a hoe symbolizing work and the start of the armed struggle. At the top shall be a star symbolizing international solidarity and progress. In the lower part of the emblem shall be a golden band with the inscription 'Republic of Angola'.

### **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 contrary to the interests of the Angolan people shall be reviewed.