



**THE CONSTITUTION**

**OF THE PEOPLE'S  
DEMOCRATIC REPUBLIC  
OF ALGERIA**

**Edition 2016**

**Algerian Constitutional Council**  
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**In the Name of Allah the Most Merciful the  
Most Compassionate**

**Preamble**

The Algerian people are a free people; and they are resolved to remain so.

Stretching back over thousands of years, their history is marked by a progression of exertion and struggle that has turned Algeria into an everlasting seedbed of freedom and a land of glory and dignity.

Ever since the Numidian era and the Islamic Conquest, and up until the wars of liberation against colonialism, Algeria has always known at the epic moments witnessed in the Mediterranean basin how to find amongst her children pioneers of freedom, unity and progress, as well as builders of prosperous democratic states throughout the epochs of grandeur and peace.

The 1st November 1954 was a turning point in determining her future and a tremendous crowning of a ferocious resistance during which she withstood

the diverse onslaughts on her culture and values, as well as the fundamental constituents of her identity, namely Islam, Arabism and Amazighism that the State has been relentlessly endeavouring to promote and develop each one of them; the roots of her current exertion in the various domains stretch back to the glorious past of her Nation.

The Algerian people rallied round the national movement and subsequently the National Liberation Front, and made the ultimate sacrifice in order to assume their collective destiny under the banner of their recovered freedom and national cultural identity and to build their authentic people's constitutional institutions.

Under the leadership of the National Liberation Front and the National Liberation Army, the Algerian people crowned what their preeminent children made in terms of ultimate sacrifices during the people's war of liberation with independence, and built a modern and fully sovereign state.

The belief in the collective choices has enabled the people to achieve a host of momentous victories marked by the reclaiming of national riches and the making of a state devoted exclusively to serving the masses and exercising its powers in total independence and free of any foreign pressure.

However, the Algerian people had experienced a genuine national tragedy that jeopardised the very existence of the homeland. Hence, they decided, armed with their unwavering belief and integrity, and in full sovereignty, to effectuate the Peace and National Reconciliation policy, which has eventually blossomed and which they are determined to preserve.

The Algerian people shall be determined to keep Algeria immune from Fitna, violence and all forms of extremism by establishing their spiritual and civilisational values which call for dialogue, reconciliation and fraternity within the framework of respect for the Constitution and the laws of the Republic.

The Algerian people have always been struggling for freedom and democracy and they are resolved to uphold their national sovereignty and independence. With this Constitution, they are determined to establish a host of institutions based on the participation of every single Algerian man and woman in conducting public affairs and the capacity to achieve social justice, equality and freedom for everyone within the framework of a democratic and republican state.

By approving this Constitution, which is the manifestation of their proper genius, the reflection of their aspirations, the fruit of their determination and the

outcome of the profound social mutations they have occasioned, the Algerian people shall substantiate with full appreciation and resoluteness more than ever before the ascendancy of the law.

The Constitution stands above all; it shall be the fundamental law safeguarding the individual and collective rights and freedoms. It shall protect the principle of the people's freedom of choice, lend legitimacy to the exercise of powers and consecrate the democratic alternation of power through free and fair elections.

The Constitution shall ensure the separation of powers, the independence of the judiciary, the legal protection and the monitoring of public authorities' performance in a society where legitimacy shall be prevalent and man shall prosper in all aspects of life.

The Algerian people shall remain committed to their choices in order to restrain class differences and abolish all aspects of regional disparities. They shall work towards building a productive and competitive economy within the framework of sustainable development and environmental protection.

The youth shall be at the heart of national commitment by rising to the economic, social and cultural

challenges. They shall, together with future generations, be the main beneficiaries of such a commitment.

The People's National Army, successor of the National Liberation Army, shall assume its constitutional duties with utmost commitment and valiant preparedness to sacrifice whenever national duty demands. The Algerian people are proud of their National Army and grateful for all the efforts it has exhausted to protect the country from any foreign threat and for its quintessential role in protecting the citizens, institutions and properties from the plague of terrorism; those efforts have contributed to strengthening the nationalistic bond and consecrating the spirit of solidarity between the people and their army.

The State shall attend to the professionalism of the People's National Army and to its modernisation in the manner that enables it to acquire the requisite capabilities to preserve national independence, defend Algeria's national sovereignty, her unity and territorial integrity and protect her land, sea and air boundaries.

Armed with their deeply-ingrained spiritual values and loyal to their traditions of solidarity and justice, the people are confident in their ability to contribute effectively to the cultural, social and economic pro-

gress in the world of today and tomorrow.

Algeria, land of Islam, an integral part of the Great Arab Maghreb and an Arab, Mediterranean and African country is proud of her radiant Revolution of November 1 and is honoured by the respect she has gained and known how to preserve owing to its commitment to all the just causes of the world.

The Algerian diplomacy shall endeavour to consolidate its presence and influence on the international scene through partnerships based upon the balanced interests that are totally concordant with Algeria's political, economic, social and cultural national choices.

The pride of the Algerian people, their sacrifices, sense of responsibility and inveterate adherence to freedom and social justice reflect the optimum guarantees of their respect for the principles of this Constitution which they shall adopt and bequeath to the future generations, the successors of the pioneers of freedom and the founders of the free society.

This preamble shall be part and parcel of this Constitution.



**Title 1**  
**THE GENERAL PRINCIPLES GOVERNING**  
**THE ALGERIAN SOCIETY**

**CHAPTER I**  
**Algeria**

**Article 1** -Algeria shall be a People's Democratic Republic. It shall be one and indivisible.

**Art. 2** - Islam shall be the religion of the State.

**Art. 3** - Arabic shall be the national and official language.

Arabic shall remain the official language of the State.

A High Council for the Arabic Language shall be established under the auspices of the President of the Republic.

The High Council for the Arabic Language shall be assigned the special task of working towards the affluence of the Arabic language, the generalisation of its use in scientific and technological fields and promoting the translation into it for this purpose.

**Art. 4** - Tamazight shall also be a national and an official language.

The State shall endeavour to promote and develop it in all its linguistic varieties in use throughout the national territory.

An Algerian academy for the Tamazight language shall be established under the authority of the President of the Republic.

It shall be supported by the work of the experts and assigned the task of providing the necessary requirements to develop the Tamazight language in order to integrate it as an official language in the future.

The modalities of implementing this Article shall be stipulated by an organic law.

**Art. 5** - The capital of the Republic shall be Algiers.

**Art. 6** - The national emblem and the national anthem are conquests of the Revolution of November 1, 1954. They shall be unalterable.

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

1. The national emblem shall be green and white with a red star and crescent moon placed at the centre.

2. The national anthem shall be «Qassaman» with all its stanzas.

The seal of the State shall be determined by law.

## **CHAPTER II**

### **The People**

**Art. 7** - The people shall be the source of all powers.

National sovereignty shall belong exclusively to the people.

**Art. 8** - The constituent power shall belong to the people.

The people shall exercise their sovereignty through the institutions they establish.

The people shall exercise this sovereignty by means of referenda and through their elected representatives.

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

**Art. 9** - The people shall establish institutions with the objective of:

- safeguarding and consolidating national sovereignty and independence;
- safeguarding and consolidating the national identity and unity;
- protecting the basic freedoms of the citizens and the social and cultural flourishing of the Nation;
- promoting social justice;
- eradicating regional disparities in the domain of development;
- encouraging the building of a diversified economy that appreciates all the country's faculties, be they natural, human or scientific.
- protecting the national economy against all forms of misappropriation, speculation, bribery, illegal trading, abuse, unlawful acquisition and arbitrary confiscation.

**Art. 10** - The institutions shall not indulge in:

- feudal, regionalist and nepotistic practices;
- establishing relations of exploitation and bonds of dependency;
- infringing the Islamic morals and the values of the November Revolution.

**Art. 11** - The people shall be free to choose their representatives.

The representation of the people shall have no restrictions save for those specified in the Constitution and the electoral law.

### **CHAPTER III**

#### **The State**

**Art. 12** - The State shall derive its legitimacy and *raison d'être* from the volition of the people.

«By the people and for the people» shall be the motto of the State.

The State shall exclusively be in the service of the people.

**Art. 13** - The sovereignty of the State shall extend to its territory, airspace and territorial waters.

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

**Art. 14** - It shall be emphatically prohibited to relinquish or forsake any part of the national territory.

**Art. 15** - The State shall be founded on the principles of organisational democracy, the separation of powers and social justice.

The elected Assembly shall constitute the framework within which the people shall express their volition and monitor the action of public authorities.

The State shall promote participatory democracy at local governments' level.

**Art. 16** - The local authorities of the State shall be the Municipality and the Wilaya.

The Municipality shall be the basic authority.

**Art. 17** - The elected Assembly shall epitomise the basis of decentralisation and the setting where citizens partake in running public affairs.

**Art. 18** - Public property shall be an asset of the national community.

It shall encompass the subsoil, mines and quarries, natural energy sources, and the mineral, natural and living resources in the various areas of the national maritime properties, waters and forests.

It shall also encompass the railways, maritime and air transports, the post and telecommunications, as well as all other assets stipulated by the law.

**Art. 19** - The State shall ensure the rational use of natural resources and their preservation for the benefit of future generations.

The State shall protect agricultural lands.

The State shall also conserve public water domain.

The law shall determine the modalities of implementing this provision.

**Art. 20** - The national domain shall be defined by the law.

It shall comprise the public and private domains of the State, the Wilaya and the Municipality.

The management of the national domain shall be in conformity with law.

**Art. 21** - The organisation of foreign trade shall be the competency of the State.

The law shall determine the stipulations pertaining to foreign trade practice and control.

**Art. 22** - Expropriation shall only be effectuated within the framework of the law.

It shall give rise to a fair and equitable compensation.

**Art. 23** - Positions and tenures in the civil service shall not constitute a source of enrichment or a means to serve private interests.

Any person appointed to a senior government position, elected to a local assembly, appointed or elected to a national assembly or a national institution, shall disclose their assets before assuming office and at the end of their tenure.

The modalities of implementing these provisions shall be stipulated by the law.

**Art. 24** - Abuse of authority shall be punishable by law.

**Art. 25** - The impartiality of the administration shall be guaranteed by law.

**Art. 26** - The State shall be responsible for the security of people and properties.

**Art. 27** - The State shall endeavour to protect the rights and the interests of its citizens abroad in compliance with international law, the conventions concluded with the host countries, national legisla-



tion and the legislation of the countries of residence.

The State shall attend to preserving the identity of its citizens residing abroad, consolidating their ties with the Nation and mobilising their contribution to the development of their motherland.

**Art. 28** - The consolidation and development of the Nation's defensive potential shall be regulated by the National People's Army.

The National People's Army shall assume the permanent task of preserving national independence and defending national sovereignty.

It shall also assume the task of protecting the unity of the country and the integrity of its land, as well as defending its land, airspace and the various zones of its maritime domain.

**Art. 29** - Algeria shall not resort to war to impinge on the legitimate sovereignty and the freedom of other peoples.

She shall endeavour to settle international differences through peaceful means.

**Art. 30** - Algeria shall extend her solidarity to all

the peoples struggling for political and economic liberation, for the right of self-determination and against all forms of racial discrimination.

**Art. 31** - Algeria shall work towards strengthening international cooperation and promoting amicable relations between the states on the basis of equality, mutual interest and non-interference in domestic affairs. She shall adopt the principles and objectives of the United Nations' Charter.

#### **CHAPTER IV**

#### **Rights and Freedoms**

**Art. 32** - All citizens shall be equal before the law. No pretext for discrimination on the basis of birth, race, gender, opinion or any other personal or social condition or situation shall be admissible.

**Art. 33** - Algerian nationality shall be defined by the law.

The conditions for the acquisition and retention of the Algerian nationality, its loss, or revocation shall be determined by law.

**Art. 34** - The institutions shall seek to ensure equality of rights and duties of all citizens by removing

the obstacles impeding the development of the human personality and preventing the effectual participation of all in the political, economic, social and cultural life.

**Art. 35** - The State shall work towards promoting the political rights of women by increasing their chances of access to representation in elected assemblies.

The modalities of implementing this Article shall be determined by an organic law.

**Art. 36** - The State shall work towards promoting equity in terms of opportunities between men and women in the job market.

The State shall encourage the promotion of women to positions of responsibility in public institutions and administrations, as well as in the enterprises.

**Art. 37** - Youth shall be a living force in building the country.

The State shall attend to generating all the conditions that guarantee the development of their capabilities and stimulate their energies.

**Art. 38** - Fundamental freedoms, human rights and rights of the citizen shall be guaranteed.

They shall constitute the common heritage of all Algerian men and women, who shall assume the task of transmitting it from generation to generation so that they may preserve its integrity and inviolability.

**Art. 39** - Individual and associative defence of the fundamental Human Rights and the individual and collective freedoms shall be guaranteed.

**Art. 40** - The State shall guarantee the inviolability of the human person.

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

Brutal, inhumane or degrading treatment shall be punishable by law.

**Art. 41** - Infringements of rights and freedoms as well as any physical or moral attack on the integrity of the human being shall be punishable by law.

**Art. 42** - Freedom of conscience and freedom of opinion shall be inviolable.

Freedom of worship shall be guaranteed in compliance with the law.

**Art. 43** - Freedom of investment and trading shall be acknowledged. It shall be exercised within the statutory framework.

The State shall work towards improving the business environment. It shall encourage the growth of businesses without any discrimination in the service of national economic development.

The State shall regulate the market. The law shall protect the rights of the consumers.

The law shall prohibit monopoly and unfair competition.

**Art. 44** - Freedom of intellectual, artistic and scientific creativity shall be guaranteed to the citizen.

Intellectual property shall be protected by law.

The seizure of any publication, recording or other means of communication and information shall only be effectuated by virtue of a judicial warrant.

Academic freedom and the freedom of scientific research shall be guaranteed and practised within the framework of the law.

The State shall work towards promoting and valorising scientific research to further the Nation's sustainable development.

**Art. 45** - The right to culture shall be guaranteed for all citizens.

The State shall protect and work towards preserving the tangible and intangible national cultural heritage.

**Art. 46** - The private life and the honour of the citizen shall be inviolable and protected by law.

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

It shall be emphatically forbidden to infringe these rights without a reasoned requisition by the judicial authority. The breach of this provision shall be punishable by law.

The protection of individuals when handling personal data shall be a fundamental right guaranteed by law; its violation shall be punishable by law.

**Art. 47** - The State shall guarantee the inviolability of the domicile.

No search can be made, except in compliance with a law and in conformity with its provisions.

A search may only be effectuated by virtue of a warrant issued by the competent judicial authority.

**Art. 48** - Freedoms of expression, association and assembly shall be guaranteed to the citizen.

**Art. 49** - Freedom of peaceful assembly shall be guaranteed to the citizen within the framework of the law stipulating the modalities of its practice.

**Art. 50** - Freedom of the press, be it written, audiovisual or on information networks shall be guaranteed. It shall not be restricted by any form of prior censorship.

This freedom shall not be exploited to infringe upon the dignity, liberty and rights of the others.

The free dissemination of information, ideas, images and opinions shall be guaranteed within the framework of the law and the respect for the basics and religious, moral and cultural values of the Nation.

Press offences shall not incur a custodial sentence.

**Arte. 51** - The acquisition and transmission of information, documents and statistics shall be guaranteed to the citizen.

The exercising of this right shall not infringe on the private life and the rights of others, and on the legitimate interests of businesses, as well as the exigencies of national security.

The law shall determine the modalities of exercising this right.

**Art. 52** - The right to establish political parties shall be acknowledged and guaranteed.

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

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



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

Political parties shall be forbidden from having any form of affiliation to foreign interests or parties.

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

Other obligations and duties shall be determined by the organic law.

**Art. 53** - In compliance with the provisions of the abovementioned Article 52, the registered political parties shall without any discrimination benefit especially of the following rights:

- freedom of opinion, expression and assembly;
- airtime in public media outlets proportional to their representation at national level;
- public funding, if appropriate, based on their representation in Parliament, as determined by the law;
- exercising power at local and national levels through democratic alternation in accordance with the provisions of this Constitution.

The law shall determine the modalities of implementing this provision.

**Art. 54** -The right to form associations shall be guaranteed.

The State shall encourage the flourishing of associative movements.

An organic law shall determine the conditions and the modalities pertaining to the creation of associations.

**Art. 55** - Every citizen enjoying all civil and political rights shall have the right to freely choose the place of residence and to move within the national territory.

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

Any restriction of these rights shall only be enforced for a specific period and by virtue of a reasoned decision by the judicial authority.

**Art. 56** - Every person shall be presumed innocent until proven guilty by an ordinary jurisdiction in accordance with a fair trial that ensures all the requisite guarantees for his defence.

**Art. 57** - Underprivileged persons shall have access to legal aid.

The law shall determine the conditions for the implementation of this provision.

**Art. 58** - No person shall be held guilty except by virtue of a law duly promulgated before the perpetration of the incriminated act.

**Art. 59** - No person shall be prosecuted, arrested or detained except in the cases determined by law and in accordance with the forms prescribed by it.

Provisional detention shall be an exceptional measure for which the reasons, period and conditions of its extension are defined by law.

Acts and facts of arbitrary arrest shall be punishable by law.

**Art. 60** - Detention pending a criminal investigation shall be subject to judicial control and shall not exceed forty-eight (48) hours.

Any person remanded in custody shall have the right to get in touch with his family immediately.

Any person remanded in custody shall be informed of his right to contact his lawyer. The exercise of this right may be restricted by the judge in exceptional circumstances specified by law.

Extended pre-charge detention shall only be effectuated as an exceptional measure in accordance with the conditions specified by law.

When the term of custody expires an obligatory medical examination shall be carried out on the person on remand should he so requests; in any case, he shall be informed of this right.

Medical examination shall be mandatory for minors.

The law shall determine the modalities of implementing this provision.

**Art. 61** - Miscarriage of justice shall give rise to compensation by the State.

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

**Art. 62** - Every citizen meeting the legal requirements shall have the right to vote and to be elected.

**Arte. 63** - All citizens shall have equal access to functions and employment in the State, without any conditions other than those stipulated by law.

Exclusive Algerian nationality shall be a prerequisite for access to senior executive positions in government and in politics.

The law shall determine the list of the abovementioned high office and political positions.

**Art. 64** - Private property shall be guaranteed.

The right to inheritance shall be guaranteed.

The holdings of the «waqf» and the foundations shall be acknowledged; their purposes shall be protected by law.

**Art. 65** -The right to education shall be guaranteed.

Public education shall be free within the conditions fixed by law.

Primary education shall be compulsory.

The State shall organise the national education system.

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

**Art. 66** - All citizens shall have the right to health-care.

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

The State shall work towards generating the conditions of healthcare for the underprivileged.

**Art. 67** - The State shall encourage housing projects.

The State shall work towards facilitating the access to housing for disadvantaged categories.

**Art. 68** - Citizens shall have the right to a healthy environment.

The State shall work towards preserving the environment.

The law shall determine the obligations of natural and legal persons pertaining to the protection of the environment.

**Art. 69** - All citizens shall have the right to work.

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

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

The right to social security for workers shall be guaranteed by law.

Employment of children below the age of sixteen (16) shall be punishable by law.

The State shall work towards promoting apprenticeship and putting in place the policies that support job creation.

**Art. 70** - The right to belong to a trade union shall be acknowledged for all citizens.

**Art. 71** - The right to strike shall be acknowledged. It shall be exercised within the framework of the law.

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

**Art. 72** - The family shall enjoy the protection of the State and society.

The family, society and the State shall protect the rights of children.

The State shall take responsibility for abandoned or non-affiliated children.

The law shall punish violence against children.

The State shall work towards assisting vulnerable persons with special needs in enjoying all the acknowledged rights of the citizens and in gaining social integration.

The family and the State shall protect the elderly.

The conditions and modalities of implementing the current provisions shall be fixed by law.

**Art. 73** - The living conditions of citizens below the legal working age and those who cannot work or can never work again shall be guaranteed.



## **CHAPTER V**

### **Duties**

**Art. 74** - Ignorance of the law is no excuse.

Every person shall respect the Constitution and the laws of the Republic.

**Art. 75** - Every citizen shall assume the duty of protecting and safeguarding the country's independence and sovereignty, the integrity of its national territory, the unity of its people and all the attributes of the State.

Treason, espionage, defection to the enemy, and all offences committed against the security of the State, shall be punished to the fullest extent of the law.

**Art. 76** - Every citizen shall faithfully undertake his obligations vis-à-vis the national community.

The commitment of the citizen towards his Mother Country and the obligation to contribute to its defence shall be sacred and permanent duties.

The State shall guarantee the respect for the symbols of the Revolution, the memory of the Shouhada' and the dignity of their dependants and that of the Mujahidin.

The State, furthermore, shall endeavour to promote the writing of history and its teaching to the younger generations.

**Art. 77** - All individual freedoms shall be exercised within the respect of the rights of others recognised by the Constitution; in particular, the respect of the right to honour, privacy and the protection of the family, the youth and childhood.

**Art. 78** - Citizens shall be equal in respect of taxation.

Everyone should participate in the financing of public expenditure according to his ability to contribute.

No tax may be imposed except by reason of a law.

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

Any action to circumvent the equality of citizens and legal persons as regards taxation is an infringement of the interests of the national community. It shall be punishable by law.

The law shall punish tax evasion and capital flight.

**Art. 79** - Under penalty of prosecution, parents shall have the obligation to ensure the education of their children, and children shall have the duty to provide help and assistance to their parents.

**Art. 80** - The duty of every citizen is to protect public property and the interests of the national community and to respect the property of others.

**Art. 81** - Any foreigner entering the national territory legally shall have his life and property protected in accordance with the law.

**Art. 82** - None shall be extradited except according to and in implementation of the extradition law.

**Art. 83** - In no case shall a political refugee having legally the right of asylum be delivered or extradited.

## **Title 2**

### **ORGANISATION OF POWERS**

#### **CHAPTER I**

##### **The Executive Power**

**Art. 84** - The President of the Republic, Head of State, shall embody the unity of the Nation.

He shall be the guarantor of the Constitution.

He shall embody the State within the country and abroad.

He shall reserve the right to address the Nation directly.

**Art. 85** - The President of the Republic shall be elected by universal, direct and secret suffrage.

The election shall be won by an absolute majority of votes cast.

The other terms of the presidential election shall be prescribed by an organic law.

**Art. 86** - The President of the Republic shall exercise the supreme magistracy within the limits defined by the Constitution.

**Art. 87** - To be eligible for the Presidency of the Republic, the candidate shall:

- not have acquired a foreign nationality;
- have, solely, the native Algerian nationality and certify the native Algerian nationality of the father and mother;
- be Muslim;
- be forty (40) years old on election day;
- enjoy full civil and political rights;

- prove the exclusive native Algerian nationality of the spouse;
- justify a permanent residence only in Algeria for a minimum of ten (10) years preceding the submission of the candidacy;
- justify his participation in the Revolution of 1 November 1954 for the candidates born before July 1942;
- justify the non-involvement of the parents of the candidate born after July 1942, in hostile acts against the Revolution of 1st November 1954;
- submit a public declaration of his movable and immovable property, both inside and outside Algeria.

Other conditions shall be prescribed by an organic law.

**Art. 88** - The presidential term shall be five (5) years.

The President of the Republic may be re-elected once.

**Art. 89** - The President of the Republic shall take an oath before the people and in the presence of the high authorities of the Nation, in the week following his election.

He shall take office after being sworn in.

**Art. 90** - The President of the Republic shall take the Oath in the following terms:

”بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ،

وفاء للتضحيات الكبرى، ولأرواح شهدائنا الأبرار، وقيم ثورة نوفمبر الخالدة، أقسم بالله العلي العظيم، أن أحترم الدين الإسلامي وأمجده، وأدافع عن الدستور، وأسهر على استمرارية الدولة، وأعمل على توفير الشروط اللازمة للسير العادي للمؤسسات والنظام الدستوري، وأسعى من أجل تدعيم المسار الديمقراطي، وأحترم حرية اختيار الشعب، ومؤسسات الجمهورية وقوانينها، وأحافظ على سلامة التراب الوطني، ووحدة الشعب والأمة، وأحمي الحريات والحقوق الأساسية للإنسان والمواطن، وأعمل بدون هوادة من أجل تطوّر الشعب وازدهاره، وأسعى بكل قواي في سبيل تحقيق المثل العليا للعدالة والحرية والسلم في العالم. والله على ما أقول شهيد“.

**Art. 91** - In addition to the powers explicitly conferred upon him by other provisions of the Constitution, the President of the Republic shall have the following powers and prerogatives:

- 1- he shall be the Commander-in-Chief of the Armed Forces of the Republic;
- 2- he shall be responsible for National Defence;
- 3- he shall decide and conduct the foreign policy of the Nation;
- 4- he shall chair the Council of Ministers;
- 5- he shall appoint the Prime Minister, after

consultation with the parliamentary majority, and terminate his functions;

6- he shall sign the presidential decrees;

7- he shall have the right to grant pardons, the right to remission or commutation of punishment;

8- he may refer, on any issue of national importance, to the people by means of referendum;

9- he shall conclude and ratify international treaties;

10- he shall award decorations, distinctions and honorary titles of the State.

**Art. 92** - The President of the Republic shall appoint:

1- to posts and mandates provided by the Constitution;

2- to civil and military posts of the State;

3- to posts decided by the Council of Ministers;

4- the First President of the Supreme Court;

5- the President of the Council of State;

6- the Secretary General of the Government;

7- the Governor of the Bank of Algeria;

8- the judges;

9- the officials of security organs;

10- the Walis.

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

He shall receive the letters of credence and recall of foreign diplomatic representatives.

In addition to the functions set out in paragraphs 4 and 5 above, an organic law shall determine the other judicial functions to which the President of the Republic shall appoint.

**Art. 93** - The President of the Republic shall appoint the members of the Government after consultation with the Prime Minister.

The Prime Minister shall coordinate Government action.

The Government shall develop its action plan and present it in the Council of Ministers.

**Art. 94** - The Prime Minister shall submit the action plan of the Government for the approval of the People's National Assembly. The latter shall hold a general debate for this purpose.

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

The Prime Minister shall submit a statement to the Council of the Nation on the action plan of the Go-



vernment as approved by the People's National Assembly.

The Council of the Nation may adopt a resolution.

**Art. 95** - In case of non-approval of the action plan of the Government by the People's National Assembly, the Prime Minister shall tender the resignation of the Government to the President of the Republic.

The latter shall appoint a new Prime Minister pursuant to the same modalities.

**Art. 96** - If the approval of the People's National Assembly is not obtained, the People's National Assembly shall be dissolved de jure.

The Government in office shall be kept in position in order to manage daily affairs until a new People's National Assembly is elected within a maximum period of three (3) months.

**Art. 97** - The Prime Minister shall execute and coordinate the action plan adopted by the People's National Assembly.

**Art. 98** - The Government shall annually present to the People's National Assembly, a statement of general policy.

The statement of general policy shall lead to a debate on Government action.

This debate may end up with a resolution.

It can also lead to the filing of a motion of censure by the People's National Assembly in accordance with the provisions of Articles 153, 154 and 155 below.

The Prime Minister may ask the People's National Assembly for a vote of confidence.

If the motion of confidence is not passed, the Prime Minister shall tender the resignation of the Government.

In this case, the President of the Republic may, before accepting the resignation, make use of the provisions of Article 147 below.

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

**Art. 99** - In addition to the powers explicitly conferred upon him by other provisions of the Constitution, the Prime Minister shall exercise the following functions:

1- he shall allocate the functions to the members of the Government in accordance with the constitutional

provisions;

2- he shall ensure the implementation of laws and regulations;

3- he shall chair the meetings of the Government;

4- he shall sign the executive decrees;

5- he shall appoint employees in State jobs, after the approval of the President of the Republic and without prejudice to the provisions of Articles 91 and 92 above;

6- he shall ensure the good functioning of the public administration.

**Art. 100** - The Prime Minister may tender to the President of the Republic the resignation of the Government.

**Art. 101** - The President of the Republic may not, in any case, delegate the power to appoint the Prime Minister, the members of the Government as well as the Presidents and members of constitutional institutions for which no other mode of designation is stipulated by the Constitution.

Similarly, he may not delegate his power to call for referendum, dissolve the People's National Assembly, decide on anticipated legislative elections and implement the provisions of Articles 91, 92, 105, 107-109, 111, 142, 144, 145 and 146 of the Constitution.

**Art. 102** - When the President of the Republic, because of a serious and lasting illness, is totally unable to perform his functions, the Constitutional Council shall meet de jure and, after having verified the reality of the impediment by all appropriate means, it shall propose, unanimously, to Parliament to declare the state of impediment.

Parliament, convened in a joint session of both Chambers, shall declare the state of impediment of the President of the Republic, by a majority of two thirds (2/3) of its members and assign, as an acting Head of State, for a maximum period of forty-five (45) days, the President of the Council of the Nation who shall exercise his prerogatives in accordance with the provisions of Article 104 of the Constitution.

If the impediment continues at the expiry of the period of forty-five (45) days, there shall be a declaration of vacancy by a resignation de jure, in pursuance to the procedure referred to in the paragraphs above and the provisions of the following paragraphs of this Article.

In case of resignation or death of the President of the Republic, the Constitutional Council shall meet de jure and declare the permanent vacancy of the Presidency of the Republic.

It shall immediately communicate the act of declaration of definitive vacancy to Parliament, which shall meet de jure.

The President of the Council of the Nation shall assume the function of the Head of State for a maximum period of ninety (90) days, during which presidential elections shall be organized.

The Head of State, so designated, may not be a candidate for the Presidency of the Republic.

In case of coincidence of the resignation or death of the President of the Republic with the vacancy of the Presidency of the Council of the Nation, for any reason whatsoever, the Constitutional Council shall meet de jure and declare unanimously the permanent vacancy of the Presidency of the Republic and the incapacity of the President of the Council of the Nation. In this case, the President of the Constitutional Council shall assume the function of the Head of State, in pursuance to the terms provided in the preceding paragraphs of this Article and Article 104 of the Constitution.

He cannot be candidate for the Presidency of the Republic.

**Art. 103** - If a candidacy for the presidential election has been validated by the Constitutional Council, the withdrawal can only occur in cases of serious impediment duly noted by the Constitutional Council or the death of the candidate concerned.

If one of the two candidates for the second round withdraws, the electoral process shall continue without taking the withdrawal into account.

In case of death or legal incapacity of one of the two candidates in the second round, the Constitutional Council shall declare that the whole electoral process must be held again. It shall extend, in this case, the period for the organisation of new elections for a maximum of sixty (60) days.

When applying the provisions of this Article, the President of the Republic in office or who assumes the function of Head of State shall remain in office until the President of the Republic takes the oath.

An organic law shall determine the conditions and modalities of implementation of these provisions.

**Art. 104** - The Government in office at the time of the impediment, death or resignation of the President of the Republic cannot be dismissed or reshuffled until

the new President of the Republic undertakes his duties.

If the Prime Minister in office becomes a candidate for the Presidency of the Republic, he shall resign de jure. The function of the Prime Minister shall be assumed by another member of the Government appointed by the Head of State.

During the periods stipulated in Articles 102 and 103 above, the provisions in paragraphs 7 and 8 of Article 91 and Articles 93, 142, 147, 154, 155, 208, 210 and 211 of the Constitution may not be applied.

During these same periods, the provisions of Articles 105, 107, 108, 109 and 111 of the Constitution cannot be implemented without the approval of Parliament, convened in a joint session of both Chambers. The Constitutional Council and the High Council of Security ought to be consulted beforehand.

**Art. 105** - In case of urgent necessity, after convening the High Council of Security, and consulting the President of the Council of the Nation, the President of the People's National Assembly, the Prime Minister and the President of the Constitutional Council, the President of the Republic shall decree the state of emergency or the state of siege, for a definite

period, and take all necessary measures to restore the situation.

The duration of the state of emergency or the state of siege can be extended only after approval of Parliament, convened in joint session of both Chambers.

**Art. 106** - The organisation of the state of emergency and the state of siege shall be defined by an organic law.

**Art. 107** - When the country is threatened by an imminent danger to its institutions, its independence or its territorial integrity, the President of the Republic shall decree the state of exception.

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

The state of exception shall empower the President of the Republic to take exceptional measures that are fundamental to safeguarding the independence of the Nation and the institutions of the Republic.

Parliament shall be convened de jure.



The state of exception shall be terminated according to the same aforementioned forms and procedures that led to its proclamation.

**Art. 108** - The President of the Republic shall decree the general mobilization in the Council of Ministers after having heard the High Council of Security and having consulted with the President of the Council of the Nation and the President of the People's National Assembly.

**Art. 109** - The President of the Republic shall declare war in case of actual or imminent aggression, in accordance with the relevant provisions of the United Nations Charter, after having convened the Council of Ministers, having heard the High Council of Security and having consulted the President of the Council of the Nation, the President of the People's National Assembly and the President of the Constitutional Council.

Parliament shall be convened de jure.

The President of the Republic shall deliver a speech to inform the Nation.

**Art. 110** - During the period of the state of war, the Constitution shall be suspended; the President of the Republic shall assume all the powers.

When the mandate of the President of the Republic comes to expiry, it shall be extended de jure until the end of the war.

In case the President of the Republic resigns or dies or any other impediment, the President of the Council of the Nation shall assume, as Head of State and within the same conditions as that of the President of the Republic, all the prerogatives required by the state of war.

In case there is a conjunction of the vacancy of the Presidency of the Republic and the Presidency of the Council of the Nation, the President of the Constitutional Council shall assume the functions of the Head of State within the conditions provided for above.

**Art. 111** - The President of the Republic shall sign armistice agreements and peace treaties.

He shall obtain the opinion of the Constitutional Council on the relevant agreements.

He shall submit the agreements immediately to be approved explicitly by each Chamber of Parliament.

## **CHAPTER II**

### **The Legislative Power**

**Art. 112** - The legislative power shall be exercised by a Parliament, consisting of two Chambers, the People's National Assembly and the Council of the Nation.

Parliament shall draft and vote the laws in a sovereign manner.

**Art. 113** - Parliament shall monitor the action of the Government within the conditions defined by Articles 94, 98, 151 and 152 of the Constitution.

The monitoring, prescribed in Articles 153 to 155 of the Constitution, shall be carried out by the People's National Assembly.

**Art. 114** - The parliamentary opposition shall have rights enabling effective participation in parliamentary activities and in political life, including:

- 1- the freedom of opinion, expression and assembly;
- 2- the benefit of financial aid granted to the elected members of Parliament;
- 3- the effective participation in legislative activities;
- 4- the effective participation in monitoring the Government's action;

5- an appropriate representation in the organs of both Chambers of Parliament;

6- the referral to the Constitutional Council in accordance with the provisions of Article 187 (paragraphs 2 and 3) of the Constitution, concerning the laws passed by Parliament;

7- the participation in parliamentary diplomacy.

Each Chamber of Parliament shall devote a monthly session to discuss an agenda presented by one or some parliamentary groups of the opposition.

The modalities of application of this Article shall be described in the Rules of Procedure of each Chamber of Parliament.

**Art. 115** - Parliament shall, within its constitutional prerogatives, remain faithful to the trust of the people and be permanently aware of their aspirations.

**Art. 116** - The deputy or the member of the Council of the Nation shall be fully devoted to fulfilling his mandate.

The rules of procedure of the People's National Assembly and the Council of the Nation shall contain provisions on the obligation of effective participation of their members in the works of the committees and

plenary sessions, under penalty of sanctions applicable in case of absence.

**Art. 117** - The elected member of the People's National Assembly or the Council of the Nation, affiliated to a political party, who would voluntarily change the affiliation under the aegis of which he was elected, shall forfeit his electoral mandate as of right.

The Constitutional Council notified by the President of the relevant Chamber shall declare the vacancy of seat. The law shall define the modalities of his replacement.

The deputy, who has resigned from his party or has been excluded, shall retain his mandate as an unaffiliated Member of Parliament.

**Art. 118** - The members of the People's National Assembly shall be elected by universal, direct and secret suffrage.

Two-thirds (2/3) of the Members of the Council of the Nation shall be elected by indirect and secret suffrage, with two seats per Wilaya, among members of the People's Communal Assemblies and members of the People's Wilaya Assemblies.

One-third (1/3) of the members of the Council of the Nation shall be designated by the President of the Republic among national personalities and qualified experts.

**Art. 119** - The People's National Assembly shall be elected for a period of five (5) years.

The mandate of the Council of the Nation shall be limited to six (6) years.

Half the members of the Council of the Nation shall be renewed every three (3) years.

The mandate of Parliament cannot be extended unless there are very exceptional circumstances which hinder the normal course of elections.

This situation shall be ascertained by a decision of Parliament, convened in a joint session of both Chambers, at the suggestion of the President of the Republic and having consulted the Constitutional Council.

**Art. 120** - The modalities of the election of deputies and those relating to the election or designation of members of the Council of the Nation, the conditions of eligibility, the clauses of ineligibility and incompatibility as well as the system of parliamentary allowances shall be defined by an organic law.

**Art. 121** - The validation of the mandate of the deputies and that of the members of the Council of the Nation shall be within the respective competence of each of the two Chambers.

**Art. 122** - The mandate of the deputy and the member of the Council of the Nation shall be national. It can be renewed and not concurrent with other mandate or function.

**Art. 123** - The deputy or the member of the Council of the Nation who does not fulfil or no longer meets the requirements of his eligibility shall incur the forfeiture of his mandate.

This forfeiture shall be decided, as appropriate, by the People's National Assembly or the Council of the Nation by the majority of their members.

**Art. 124** - The deputy or the member of the Council of the Nation shall be accountable to his peers who can revoke his mandate if he commits an act unworthy of his function.

The rules of procedure of each of the two Chambers shall define the conditions of dismissing a deputy or a member of the Council of the Nation. The dismissal shall be decided, as appropriate, by the People's National Assembly or the Council of the

Nation, by the majority of its members without prejudice to any other common law proceedings.

**Art. 125** - The conditions by which Parliament accepts the resignation of one of its members shall be defined by an organic law.

**Art. 126** - Parliamentary immunity shall be granted to deputies and members of the Council of the Nation during the period of their mandate.

They cannot be subject to lawsuits, arrest or, in general, to any civil or penal action or pressure because of opinions they have expressed, utterances they have made or votes they have cast during the exercise of their mandate.

**Art. 127** - Lawsuits cannot be instituted against a deputy or a member of the Council of the Nation for crime or infringement unless there is an explicit renunciation by the party concerned or an authorisation, depending on the case, from the People's National Assembly or the Council of the Nation which may decide by the majority of its members to lift the immunity.

**Art. 128** - In case of flagrant offence or flagrant crime, the deputy or the member of the Council of the Nation may be arrested. The Bureau of the People's



National Assembly or of the Council of the Nation, depending on the case, shall be informed immediately.

The informed Bureau may request the suspension of lawsuits and the release of the deputy or the member of the Council of the Nation; then, it shall be proceeded according to the abovementioned provisions of Article 127.

**Art. 129** - An organic law shall define the conditions pertaining to the replacement of a deputy or a member of the Council of the Nation in case his seat becomes vacant.

**Art. 130** - The term of the legislature shall start de jure on the fifteenth (15th) day following the date of announcement of the results by the Constitutional Council, under the chairmanship of the oldest member of the People's National Assembly, assisted by the two youngest deputies.

The People's National Assembly shall elect its Bureau and form its Committees.

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

**Art. 131** - The President of the People's National Assembly shall be elected for the term of the legislature.

The President of the Council of the Nation shall be elected after each partial renewal of the composition of the Council.

**Art. 132** - The organisation and functioning of the People's National Assembly and the Council of the Nation, as well as the functional relations between the Chambers of Parliament and the Government shall be defined by an organic law.

The budget of the two Chambers shall be determined by law.

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

**Art. 133** - The sessions of Parliament shall be public.

The proceedings shall be recorded in a book and published in accordance with the conditions defined by an organic law.

The People's National Assembly and the Council of the Nation may sit in camera upon a request made

by their presidents, by the majority of their members present or by the Prime Minister.

**Art. 134** - The People's National Assembly and the Council of the Nation shall set up standing committees within the framework of their rules of procedure.

Each standing committee at each Chamber may establish a temporary fact-finding mission on a specific topic or situation.

The rules of procedure of each Chamber shall define the provisions governing the fact-finding mission.

**Art. 135** - Parliament shall meet in one ordinary session each year, for a minimum period of ten (10) months. This session shall begin on the second working day of the month of September.

So as to complete the ongoing review of an item on the agenda, the Prime Minister may request an extension of the ordinary session for few days.

Parliament may be convened in extraordinary session on the initiative of the President of the Republic.

It may also be summoned by the President of the Republic at the request of the Prime Minister or at

the request of two-thirds (2/3) of the members of the People's National Assembly.

The closure of the extraordinary session shall take place after Parliament has completed the agenda for which it was convened.

**Art. 136** - The Prime Minister, deputies and members of the Council of the Nation shall have the right to initiate laws.

To be admissible, the proposed laws shall be introduced by twenty (20) deputies or twenty (20) members of the Council of the Nation in the matters stipulated in Article 137 below.

Draft laws shall be presented in the Council of Ministers, following the opinion of the Council of State, and then submitted by the Prime Minister, as applicable, to the Bureau of the People's National Assembly or that of the Council of the Nation.

**Art. 137** - The draft laws relating to the local organisation, the territorial planning and division shall be submitted to the Bureau of the Council of the Nation.

Except for the cases listed in the paragraph above, all other draft laws shall be filed with the Bureau of the People's National Assembly.

**Art. 138** - Subject to the provisions of paragraph 1 of Article 137 above, any proposed or draft law, to be adopted, shall be debated successively by the People's National Assembly and the Council of the Nation.

The discussion of the draft laws by the People's National Assembly shall deal with the text presented to it by the Prime Minister or the text adopted by the Council of the Nation in the matters stipulated in Article 137 above.

The Government shall submit to one of the two Chambers the text voted by the other Chamber. Each Chamber shall debate the text voted by the other Chamber and adopt it.

In all cases, the Council of the Nation shall adopt the text voted by the People's National Assembly, by a majority of its members present for the draft ordinary laws, or by an absolute majority for the draft organic laws.

Should a disagreement between the two Chambers arise, the Prime Minister shall request the meeting, within a maximum of fifteen (15) days, of a joint committee, composed equally of members of both Chambers, to propose a text pertaining to the disputed

provisions. The joint committee shall complete its deliberations within a maximum of fifteen (15) days.

This text shall be submitted by the Government for approval to the two Chambers. No amendment is admissible, except with the consent of the Government.

Should the disagreement between the two Chambers persist, the Government may request the People's National Assembly to give a final decision. In this case, the People's National Assembly shall resume the text drafted by the joint committee or, if not, the last text it has voted.

If the Government does not notify the People's National Assembly in accordance with the preceding paragraph, the text shall be withdrawn.

Parliament shall adopt the finance law within a maximum period of seventy-five (75) days, as from the date of its submission, in accordance with the preceding paragraphs.

Should it not be adopted within the indicated period, the President of the Republic shall promulgate the draft law of the Government by ordinance.

The other procedures shall be defined by the organic

law referred to in Article 132 of the Constitution.

**Art. 139** - Any bill that has the purpose or effect of decreasing public resources or increasing public expenditure shall be inadmissible unless it is accompanied by measures which seek to increase the revenues of the State or to achieve savings at least equal in size on other items of public expenditure.

**Art. 140** - Parliament shall legislate on the subject matters assigned to it by the Constitution as well as in the following fields:

1- the fundamental rights and duties of individuals, particularly the legal regime of public freedoms, the safeguarding of individual freedoms, and the duties of the citizens;

2- the general rules pertaining to personal status and family law and particularly to marriage, divorce, filiation, legal capacity and inheritance;

3- the conditions of settlement for individuals;

4- basic legislation concerning nationality;

5- general rules pertaining to the status of foreigners;

6- rules concerning the creation of jurisdictions;

7- general rules of criminal law and criminal procedure and particularly the determination of crimes and offences, the institution of the corresponding penalties of any kind, amnesty, extradition and the penitentiary regime;

- 8- the general rules of civil and administrative procedure and the enforcement procedures;
- 9- the system of civil and commercial obligations and property;
- 10- the territorial division of the country;
- 11- the vote on the State budget;
- 12- the introduction of the tax base and tax rates, contributions, duties and fees of every kind;
- 13- the customs system;
- 14- the general regulations concerning the issuing of money, the banking regime, credit and insurance;
- 15- general rules relating to education and scientific research;
- 16- general rules relating to public health and population;
- 17- general rules relating to labour law, social security and the right to organise;
- 18- general rules relating to the environment, living conditions, and town and country planning;
- 19- general rules relating to the protection of the fauna and flora;
- 20- protection and preservation of cultural and historical heritage;
- 21- general regulation for forests and pasture lands;
- 22- general water system;
- 23- general system for mines and hydrocarbons;
- 24- land tenure;
- 25- the fundamental guarantees granted to public



officials and the general statute of Public Service;

26- the general rules pertaining to National Defence and the mobilisation of the Armed Forces by civil authorities;

27- the rules governing the transfer of property from the public to the private sector;

28- the establishment of categories of legal entities;

29- the creation of decorations, distinctions and honorific titles of the State.

**Art. 141** - In addition to the domains earmarked by the Constitution for regulation by organic law, the following domains shall be subject to regulation by organic law:

- the organisation and functioning of public authorities;

- the electoral system;

- law on Political Parties;

- law on Information;

- the status of the magistracy and the judicial organisation;

- the framework law on Finance Laws.

The organic law shall be adopted by an absolute majority of the deputies and the members of the Council of the Nation.

It shall be submitted to the Constitutional Council to ascertain its conformity prior to its promulgation.

**Art. 142** - In case the People's National Assembly is in recess, or vacant between parliamentary sessions, the President of the Republic may legislate on urgent matters by ordinance, after consultation with the Council of State.

The President of the Republic shall submit the texts he adopts for ratification to each of the Chambers of Parliament at their next session.

Ordinances not adopted by Parliament shall be null and void.

In case of a state of emergency defined in Article 107 of the Constitution, the President of the Republic may legislate by ordinances.

The ordinances shall be passed in the Council of Ministers.

**Art. 143** - Matters other than those earmarked for statutory legislation shall fall within the regulatory power of the President of the Republic.

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

**Art. 144** - The law shall be promulgated by the

President of the Republic within thirty (30) days of the date of its transmittal.

However, when a law has been submitted to the Constitutional Council prior to its promulgation by one of the authorities referred to in Article 187 below, this time limit shall be suspended until the Constitutional Council gives its ruling according to the conditions specified in Article 189 below.

**Art. 145** - The President of the Republic may request a second reading of a law voted by Parliament within thirty (30) days following its adoption.

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

**Art. 146** - The President of the Republic may communicate a message to Parliament.

**Art. 147** - After consulting the President of the Council of the Nation, the President of the People's National Assembly, the President of the Constitutional Council and the Prime Minister, the President of the Republic may decide on the dissolution of the People's National Assembly or on anticipated legislative elections.

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

**Art. 148** - Upon request of the President of the Republic or one of the Presidents of one of the two Chambers, Parliament may initiate a debate on foreign policy.

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

**Art. 149** - Armistice agreements, treaties of peace, alliance and union, treaties relating to the borders of the State as well as treaties concerning the status of persons and those which involve expenditures unforeseen in the budget of the State, bilateral and multilateral agreements pertaining to free trade zones and economic associations and integrations shall be ratified by the President of the Republic after explicit approval by each of the two Chambers of Parliament.

**Art. 150** - The treaties ratified by the President of the Republic in the conditions specified by the Constitution shall prevail over Acts of Parliament.

**Art. 151** - Members of Parliament may demand from the Government explanations related to current

issues. The reply shall be given within a maximum limit of thirty (30) days.

Parliament Committees may hear the members of the Government.

**Art. 152** - Members of Parliament may address orally or in written form any question to any member of the Government.

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

The response to oral questions shall not exceed thirty (30) days.

The People's National Assembly and the Council of the Nation shall hold, alternatively, a weekly session dedicated to the responses of the Government to oral questions raised by deputies and members of the Council of the Nation.

If one of the two Chambers believes that the oral or written response from a member of the Government warrants a debate, this latter shall be ensued in the conditions specified in the rules of procedure of the People's National Assembly and the Council of the Nation.

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

**Art. 153** - During the debate on general policy statement, the People's National Assembly can hold the Government to account by voting a motion of censure.

Such a motion shall be rejected unless it is signed by at least a seventh (1/7) of the number of deputies.

**Art. 154** - The motion of censure shall be approved by a majority vote of two-thirds (2/3) of the deputies.

The vote may only take place three (3) days after the tabling of the motion of censure.

**Art. 155** - When the motion of censure is approved by the People's National Assembly, the Prime Minister shall tender the resignation of the Government to the President of the Republic.

### **CHAPTER III**

#### **The Judicial Power**

**Art. 156** - The judicial power shall be independent. It shall be exercised within the framework of the law. The President of the Republic shall be the guarantor of the independence of the judiciary.

**Art. 157-** The judicial power shall protect society and freedoms.

It shall guarantee to all and sundry the protection of their fundamental rights.

**Art. 158 -** Justice shall be founded on the principles of legality and equality.

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

**Art. 159 -** Justice shall be rendered in the name of the people.

**Art. 160 -** Criminal sanctions shall conform to the principles of legality and personality.

The law shall guarantee the two-stage procedure in criminal matters and determine the modalities of its implementation.

**Art. 161 -** The judiciary shall rule on appeals brought against decisions of the administrative authorities.

**Art. 162 -** Judicial decisions shall give reasons and shall be pronounced in public hearings.

Judicial orders shall be reasoned.

**Art. 163** - All competent organs of the State shall be required to ensure at all times and in every place and in every circumstance the execution of judicial decisions.

Any hindrance of the judicial decisions' execution shall be punishable by law.

**Art. 164** - Justice shall be rendered by the judges.

They may be assisted by people's assessors under conditions specified by law.

**Art. 165** - The judge shall only obey the law.

**Art. 166** - The judge shall be protected against all forms of pressures, interventions or manoeuvres of any nature that could be harmful to the fulfilment of his duty or to the respect for his free judgment.

Any intervention in the course of justice shall be prohibited.

The judge shall guard against any attitude likely to affect his impartiality.

The sitting judge shall be irremovable under the conditions set by the status of the magistracy.



An organic law shall determine the modalities of implementing this Article.

**Art. 167** - A judge shall be held accountable to the High Council of Magistracy in the forms specified by law for the manner in which he fulfils his duty.

**Art. 168** - The law shall protect the litigant against any abuse or misconduct perpetrated by the judge.

**Art. 169** - The right to defence shall be acknowledged.

It shall be guaranteed in criminal matters.

**Art. 170** - The lawyer shall be granted legal guarantees that ensure his protection against any form of pressure and allow him to exercise his profession within the framework of the law.

**Art. 171** - The Supreme Court shall be the organ regulating the activity of the courts and tribunals.

The Council of State shall act as an organ regulating the activity of the administrative courts.

The Supreme Court and the Council of State shall ensure the standardisation of jurisprudence across the country and shall oversee the adherence to the law.

The Court of Jurisdictional Conflicts shall determine the conflicts of jurisdiction between ordinary courts and administrative courts.

**Art. 172** - The organisation, functioning and other powers of the Supreme Court, the Council of State and the Court of Jurisdictional Conflicts shall be determined by an organic law.

**Art. 173** - The High Council of Magistracy shall be chaired by the President of the Republic.

**Art. 174** - The High Council of Magistracy shall decide on, in the conditions determined by law, the appointments, transfers, and career development of the judges.

It shall oversee the respect for the provisions on the status of the magistracy and the observance of discipline by the magistrates under the chairmanship of the First President of the Supreme Court.

**Art. 175** - The High Council of Magistracy shall provide a consultative opinion to the President of the Republic prior to exercising the power to pardon.

**Art. 176** - The composition, functioning and other attributions of the High Council of Magistracy shall be determined by an organic law.

The High Council of Magistracy shall be granted administrative and financial autonomy. The organic law shall determine its modalities.

**Art. 177** - A High Court of State shall be established to review acts which can be qualified as high treason by the President of the Republic, and crimes and offences by the Prime Minister, perpetrated as they exercise their functions.

The composition, organisation and functioning of the High Court of State, as well as the applicable procedures, shall be established by an organic law.

### **Title 3**

## **SUPERVISION, ELECTIONS OBSERVATION AND CONSULTATIVE INSTITUTIONS**

### **CHAPTER I**

#### **Supervision**

**Art. 178** - The elected assemblies shall assume the supervisory role in its popular dimension.

**Art. 179** - The Government shall give an account to each Parliament Chamber on the use of budgetary funds for which it has voted on each budgetary period.

The financial year shall be closed, as far as Parliament

is concerned, by the vote of each Chamber for an Act pertaining to settling the balance sheet of the year under consideration.

**Art. 180** - Each of the two Chambers of Parliament may, at any time, establish, within the framework of its powers, a commission of inquiry on any matter of public interest.

A commission of inquiry cannot be established on the grounds of facts that are subject to judicial investigation.

**Art. 181** - The institutions and organs of control shall have the task of verifying the conformity of the legislative and executive action(s) with the Constitution and of verifying the conditions of the use and management of material means and public funds.

**Art. 182** - The Constitutional Council is an independent institution in charge of monitoring the observance of the Constitution.

The Constitutional Council shall monitor, among other matters, the proper conduct of referendum operations, of the election of the President of the Republic and of legislative elections.

It shall review, in their substance, the appeals it receives on the provisional results of the presidential

and legislative elections and shall announce the final results of all the operations provided in the preceding paragraph.

The Constitutional Council shall have administrative and financial autonomy.

**Art. 183** - The Constitutional Council shall consist of twelve (12) members: four (4) shall be appointed by the President of the Republic, including the President of the Council and the Vice-President, two (2) shall be elected by the People's National Assembly, two (2) shall be elected by the Council of the Nation, two (2) shall be elected by the Supreme Court, and two (2) shall be elected by the Council of State.

In the case of a tie between the members of the Constitutional Council, the President of the Council shall have the casting vote.

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

The President of the Republic shall appoint the President and Vice-President of the Constitutional Council for a single eight-year (8) term.

The other members of the Constitutional Council shall serve a single term of eight (8) years; the membership of the Council shall be renewed by one-half (1/2) every four (4) years.

Before taking office, the members of the Constitutional Council shall be sworn in before the President of the Republic in the terms set out below:

”أقسم بالله العلي العظيم أن أمارس وظائفني بنزاهة وحياد، وأحفظ سرية المداولات وأمتنع عن اتخاذ موقف علني في أي قضية تخضع لاختصاص المجلس الدستوري“.

**Art. 184** - The elected or designated members of the Constitutional Council shall:

– be aged forty (40) on the day of their appointment or election.

– have a professional experience of no less than fifteen (15) years in the higher education of legal sciences, in magistracy and as a lawyer at the Supreme Court, at the Council of State or in one of the State’s higher positions.

**Art. 185** - During their mandate, the President, Vice-President and the members of the Constitutional Council shall be granted jurisdictional immunity in criminal matters.

They shall not be subject to legal actions, arrest for any felony or offence, unless the concerned person expressly waives his immunity or upon an authorisation from the Constitutional Council.

**Art. 186** - Aside from the other functions which are expressly conferred upon it by other provisions of the Constitution, the Constitutional Council shall rule on the constitutionality of treaties, laws and regulations by an opinion.

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

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

**Art. 187** - The Constitutional Council may be referred to by the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly or the Prime Minister.

It may also be referred to by fifty (50) deputies or thirty (30) members of the Council of the Nation.

The referral to the Constitutional Council specified in the two preceding paragraphs shall not apply to a referral on the exception of unconstitutionality stipulated by Article 188 below.

**Art. 188** - The Constitutional Council may be referred to with regard to an exception of unconstitutionality pursuant to a request by the Supreme Court or the Council of State when one of the parties in a trial claims before the jurisdiction that the legislative provision upon which the issue of litigation relies may adversely affect the rights and freedoms granted by the Constitution.

The conditions and modalities of implementing the paragraph above shall be determined by an organic law.

**Art. 189** - The Constitutional Council shall deliberate in camera and give its opinion or decision within thirty (30) days after a matter has been submitted to it. In an emergency situation, and upon request from the President of the Republic, the deadline shall be shortened to ten (10) days.

When the Constitutional Council is summoned to rule on the basis of Article 188 above, it shall deliver a decision within the four (4) months following the referral date. This deadline might be extended only once for no more than four (4) months, pursuant to



a reasoned decision of the Council notified to the jurisdiction that has requested the referral.

The Constitutional Council shall establish its rules of procedure.

**Art. 190** - When the Constitutional Council rules that a treaty, agreement or convention is unconstitutional, it shall not be ratified.

**Art. 191** - When the Constitutional Council rules that a legislative or regulatory provision is unconstitutional, it ceases to be effective from the day of the decision of the Council.

When a legislative provision is ruled unconstitutional based on Article 188 above, it ceases to be effective from the day fixed by the decision of the Constitutional Council.

The opinions and decisions of the Constitutional Council are irrevocable. They shall be binding upon all public authorities as well as the administrative and jurisdictional authorities.

**Art. 192** - The Court of Accounts shall be independent. It shall be in charge of the post control of the finances of the State, the territorial communities and public services as well as the State's merchant capital.

The Court of Accounts shall contribute to the development of good governance and transparency in the management of public finances.

The Court of Accounts shall prepare an annual report which it shall submit to the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly and the Prime Minister.

The law shall determine the competences, organisation and functioning of the Court of Accounts and the sanctioning of its investigations as well as its relation with the other organs of the State in charge of control and inspection.

## **CHAPTER II**

### **Elections Observation**

**Art. 193** - Public authorities in charge of organising elections shall be required to guarantee their transparency and impartiality.

Thus, the electoral register shall be made available to the candidates at each election.

The organic law related to the electoral system shall set the modalities of implementing this provision.

**Art. 194** - An independent High Authority for Monitoring Elections shall be established.

It shall be chaired by a public figure nominated by the President of the Republic, following consultations with the political parties.

The High Authority shall have a standing committee and shall deploy its other members once the electorate is convened.

The High Authority shall be composed of an equal number of:

- magistrates proposed by the High Council of Magistracy, nominated by the President of the Republic;
- independent competencies chosen from the civil society, nominated by the President of the Republic.

The High Authority shall ensure the transparency and integrity of the presidential, legislative and local elections, and the referendum, from the convening of the electorate until the announcement of the provisional results of the elections.

The standing Committee of the High Authority shall ensure particularly:

- the supervision of the revision of the voting lists by the administration;

- the preparation of recommendations for the improvement of the legislative and regulatory texts that standardise the electoral process;
- the organisation of civil training courses for the benefit of the political parties on the monitoring of elections and the filing of appeals.

An organic law shall set the modalities of implementing this Article.

### **CHAPTER III**

#### **Consultative Institutions**

**Art. 195** - A High Islamic Council shall be established under the auspices of the President of the Republic in order to:

- encourage and promote Ijtihad;
- provide its opinion on matters submitted to it with regard to the Shari’ah rules;
- submit a periodic report on its activity to the President of the Republic.

**Art. 196** - The High Islamic Council shall be composed of fifteen (15) members, including the President, who shall be nominated by the President of the Republic among the national elites in various sciences.

**Art. 197** - A High Council of Security shall be established under the chairmanship of the President of the Republic. This organ shall have the task of providing counsel to the President of the Republic on all issues relating to national security.

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

**Art. 198** - A National Council of Human Rights, hereinafter referred to as “The Council”, shall be established under the authority of the President of the Republic in his quality as guarantor of the Constitution.

It shall be granted administrative and financial autonomy.

**Art. 199** - The Council shall carry out the function of monitoring and providing early warnings and evaluation in terms of respecting human rights.

Without undermining the functions of the judiciary power, the Council shall consider any case of violation of human rights it becomes aware of or is brought to its attention, and it shall proceed with the appropriate action. It shall submit the results of its investigation

to the concerned administrative authorities and, if necessary, to the competent judicial authorities.

The Council shall initiate awareness-raising actions, information and communication to promote human rights.

It shall also give its opinions, suggestions and recommendations in relation to the promotion and protection of human rights.

The Council shall prepare an annual report to submit to the President of the Republic, Parliament and the Prime Minister, and publish it.

The composition and the modalities of nominating the members of the Council as well as the rules related to its organisation and functioning shall be determined by law.

**Art. 200** - A High Council of Youth shall be established as a consultative institution under the auspices of the President of the Republic.

The Council shall include representatives of the youth, the government and the public institutions in charge of youth issues.

**Art. 201** - The High Council of Youth shall express its opinions and recommendations on issues related to the needs of the youth as well as their prosperousness in economic, social, cultural and sporting fields.

The Council shall contribute as well to the promotion, among the youth, of the national values, the patriotic conscience, the civil spirit and social solidarity.

**Art. 202** - A national organ for the Prevention and Fight against Corruption, an independent administrative authority, shall be established under the auspices of the President of the Republic.

It shall be granted administrative and financial autonomy.

The independence of the organ shall be specifically guaranteed by the oath its members and staff members have taken, as well as by the protection that shall be granted to them against all forms of pressure, intimidation, threats, contempt, insults, or attacks, regardless of their nature, they might be subjected to while carrying out their functions.

**Art. 203** - The organ shall be in charge of proposing and contributing to the hosting of a global policy of prevention against corruption, enshrining thereby the

principles of the rule of law and reflecting the integrity, transparency and accountability in the management of public properties and funds.

The organ shall submit to the President of the Republic an annual report of evaluation of its activities related to the prevention and fight against corruption, pointing out the scantiness it has faced and the proposed recommendations, whenever necessary.

**Art. 204** - The Social and Economic National Council, hereinafter referred to as “The Council” shall represent a framework for dialogue, consultation and proposals in the economic and social fields.

It shall be the advisor of the Government.

**Art. 205** - The Council shall be in charge of:

- providing a framework for the participation of civil society in the national consultations on policies related to social and economic development;
- ensuring a constant dialogue and consultation between the national economic and social partners;
- evaluating and addressing the issues of national interest in the economic, social, educational, vocational, and higher education fields;
- preparing proposals and recommendations for the Government.



**Art. 206** - A National Council for Scientific Research and Technology shall be established, hereinafter referred to as “The Council”.

**Art. 207** - The Council shall be in charge of:

- promoting national research in the field of technological and scientific innovation;
- proposing measures fostering the development of national capacities in terms of research and development;
- evaluating the efficiency of the national arrangements for the valorisation of the outcome of research for the benefit of the national economy within the framework of sustainable development.

The Council shall be chaired by a recognised national competence nominated by the President of the Republic.

The other tasks, organisation, and composition of the Council shall be determined by law.

#### **Title 4**

### **ON CONSTITUTIONAL AMENDMENT**

**Art. 208** - The constitutional amendment shall be decided on the initiative of the President of the Republic. It shall be voted in identical terms by the

People's National Assembly and the Council of the Nation in the same conditions as a legislative text.

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

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

**Art. 209** - An Act pertaining to a draft constitutional amendment shall become null and void if rejected by the people.

It cannot be resubmitted to the people during the same legislature.

**Art. 210** - If according to the reasoned opinion of the Constitutional Council the draft constitutional amendment in no way infringes upon the general principles governing the Algerian society, the human and citizen's rights and freedoms, and does not alter in any manner the fundamental balance of the powers and the institutions, the President of the Republic may directly promulgate the law containing the constitutional amendment without submitting it to referendum, if it has been approved by three-quarters (3/4) of the votes of the members of the two Chambers of Parliament.

**Art. 211** - Three-quarters (3/4) of the members of the two Chambers of Parliament, meeting in joint session, may propose a constitutional amendment and present it to the President of the Republic, who may submit it to a referendum.

If its approval is obtained, it shall be promulgated.

**Art. 212** - No constitutional amendment shall undermine:

- 1- the Republican character of the State;
- 2- the democratic order based on a multi-party system;
- 3- Islam as the religion of the State;
- 4- Arabic as the national and official language;
- 5- the fundamental freedoms and the human and citizens' rights;
- 6- the integrity and unity of the national territory;
- 7- the national emblem and the national anthem as symbols of the Revolution and the Republic;
- 8- the re-eligibility of the President of the Republic for a second term.

## **TRANSITORY PROVISIONS**

**Art. 213** - The current ordinary laws set by this Constitution as organic laws shall remain applicable until their modification or replacement following the constitutional procedures.

**Art. 214** - The Constitutional Council shall continue, in its current representation to carry out the prerogatives assigned to it by this Constitution, the mandates of its current members ending after the expiry of their respective terms.

Any modification or addition shall be carried out following the conditions and procedures set by this Constitution in no later than six (6) months following its promulgation.

The renewal of half of the members of the Constitutional Council, whether they are elected or designated in the framework of this Constitution shall take place following the fourth (4) year of the mandate by drawing lots.

**Art. 215** - Pending the necessary conditions for the implementation of the provisions stipulated by Article 188 of the Constitution and in order to guarantee its efficient management, the mechanism set by this latter shall be put into place after a deadline of three (3) years following the entry into force of these provisions.

**Art. 216** - The body in charge of the promotion and the protection of Human rights shall continue to carry out its prerogatives until the implementation of the provisions of Articles 198 and 199 of the Constitution.

**Art. 217** - The text of the approved constitutional amendment shall be harmonised by the numerical order of its Articles.

**Art. 218** - The President of the Republic shall promulgate the text of the approved constitutional amendment that shall be implemented as the fundamental law of the Republic.

**Translation of the oath provided for in Article 90 of the Constitution:**

*” In the Name of Allah the most Merciful the most Compassionate. Faithful to the great sacrifices and to the memory of our martyrs as well as to the ideals of the eternal November Revolution, I do solemnly swear by Allah the Almighty that I shall respect and glorify the Islamic religion, defend the Constitution, see to the continuity of the State and provide the necessary conditions for the normal functioning of the reinforcement of the democratic process, respect the free choice of the people as well as the institutions and laws of the Republic, preserve the integrity of the national territory, the unity of the people and the nation, protect the freedoms and the fundamental human and citizen’s rights, work relentlessly towards the development and progress of the people and endeavour with all my strength to achieve the great ideals of justice, freedom and peace in the world. And Allah is my witness”.*

**Translation of the oath provided for in Article 183  
of the Constitution:**

*“I swear by Allah The Almighty, to carry out my duty with integrity and impartiality, to safeguard the confidentiality of the deliberations and to refrain from publicly taking positions in any of the cases that fall under the jurisdiction of the Constitutional Council.”*

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