

The Constitution of Angola

LAW ON THE AMENDMENT OF THE CONSTITUTION

The amendments to the Constitutional Law introduced in March 1991 through Law No. 12/91 were mainly aimed at creating the requisite constitutional framework for the establishment of multiparty democracy, broadening recognition and guarantees of the fundamental rights and freedoms of citizens, and constitutionally enshrining the basic principles of a market economy.

Since it was only a partial revision of the Constitutional Law, as necessary as it was urgent, some constitutionally appropriate and important aspects related to the organization of a democratic State based on the rule of law were quite rightly left to be properly dealt with in the Constitutional Law, through a second constitutional revision.

As a consequence of the constitutional enshrinement of the establishment of multiparty democracy and the signing, on 31 May 1991, of the Angola Peace Accords, for the first time in the country's history multiparty general elections based on direct and secret universal suffrage were held in September 1992 to choose the President of the Republic and Members of the future Parliament.

Without detracting from the powers of the National Assembly to amend the current Constitutional Law and approve the Constitution of the Republic of Angola, it has become indispensable to proceed with the immediate amendment of the Constitutional Law, as planned, aimed essentially at clarification of the political system, the separation of the functions and the interdependence of sovereign bodies, and also at making the status and guarantees of the Constitution explicit, in accordance with the enshrined principles of building a democratic State based on the rule of law in Angola.

It is indispensable to stability in the country and to the consolidation of peace and democracy that the nation's sovereign bodies, specifically those emerging from the September 1992 general elections, should have at their disposal a clear basic law related to the essential outlines of the political system, the powers of the nation's sovereign bodies, the organization and functioning of the State, until such time as the future legislative body decides, exercises its constitutional amendment powers and approves the Constitution of the Republic of Angola. The present Law on the Amendment of the Constitution introduces, generically, the following major amendments:

- The State becomes the Republic of Angola and the legislative body the National Assembly, and the courts are no longer prefixed by the term "People's".
- In Part 11, under fundamental rights and duties, a few new articles have been added aimed at reinforcing recognition and guarantees of fundamental rights and duties, based on the principles of the major international treaties on human rights to which Angola has already adhered.

- In Part 111, under State bodies, far-reaching changes have been introduced leading to the complete re-drafting of the previous text. The purpose of the changes is to establish clearly that Angola is a democratic State based on the rule of law and a model of State organization founded on the separation of functions and interdependence of sovereign bodies and on a semi-presidential system in which the President of the Republic has an active role. Substantial changes have also been made, for the same purpose, in the part related to the administration of justice and the organization of the judiciary, and the essential outlines of the constitutional status of judicial and Ministry of Justice judges have been set out.
- The provisions referring to the monitoring of the Constitution by a Constitutional Court, as well as the procedures, powers and limits of constitutional amendment, are specifically dealt with in a separate part of the Constitutional Law, after the part on National Defenses.

Under these terms, in accordance with Article 51 (a) of the Constitutional Law and using the powers conferred on me by Article 47 (q) of that Law, the People's Assembly approves and I sign and order publication of the following:

ARTICLE 1

The amendments the Constitutional Law contained in the attached document, which are an integral part of the present Law, have been approved.

ARTICLE 2

The present Law shall enter into force on the date of publication thereof, without prejudice to the provisions of the following articles.

ARTICLE 3

1. The People's Assembly shall continue to function until the swearing in of the Members of the National Assembly elected in the legislative elections of 29 and 30 September 1992.
2. The Provincial Popular Assemblies shall cease their mandate on the swearing in of the Members of the National Assembly referred to in the foregoing clause.

ARTICLE 4

1. During the transitional period referred to in the foregoing article, the President of the Republic shall be the President of the People's Assembly and Head of Government.
2. In the event of the temporary absence or disability of the President of the People's Assembly, meetings thereof shall be directed by a member of the Standing Commission nominated by the President of the People's Assembly.

ARTICLE 5

1. The term of office of the President of the Republic incumbent on the date of publication of the present Law shall be deemed valid and extended until the swearing in of the President of the Republic elected in the presidential elections of 29 and 30 September 1992.

2. In the event of the death or permanent disability of the current President of the Republic, the Standing Commission of the People's Assembly shall nominate from among its members for a period not exceeding 30 days a Member to hold that office temporarily, and the People's Assembly, on the proposal of the Standing Commission, shall elect an interim President of the Republic until the swearing in of the President of the Republic elected in the next presidential elections by direct and secret universal suffrage.

ARTICLE 6

Until such time as the Constitutional Court has been instituted, the Supreme Court shall exercise the powers provided for in Articles 134 and 135 of the Constitutional Law.

ARTICLE 7

Until such time as the High Council of the Judicial Bench is instituted, a full meeting of the Supreme Court shall discharge the duties provided for in Article 132.

ARTICLE 8

Until such time as the High Council of the Ministry of Justice Bench is instituted, the officers of the Attorney General's Office shall discharge the duties assigned to that body.

ARTICLE 9

Until such time as the Judicial Proctorate is instituted, the general duties assigned to it in the Constitutional Law shall be discharged by the Attorney General.

ARTICLE 10

1. Officers in the Angolan Armed Forces shall not be dismissed or relieved of their duties for political reasons.
2. Officers who are members of the High Command of the Armed Forces and the General States thereof shall not be dismissed or relieved of their duties for a period of five years from the date of publication of the present Law, except for reasons of discipline or incapacity, in accordance with the law on the rules of military service.

ARTICLE 11

The members of the Council of the Republic on the date of publication of the present Law shall end their term of office after the general multiparty elections of 29 and 30 September 1992, on the swearing in of the new members of the Council of the Republic, in accordance with Article 77 of the Constitutional Law.

ARTICLE 12

The first legislative session of the National Assembly elected in the general multiparty elections of 29 and 30 September 1992 shall open within thirty days of the publication of the final results of the count or, in the event of a second round of presidential elections, within fifteen days of the swearing in of the President of the Republic.

ARTICLE 13

The sovereign bodies emerging from the presidential and legislative elections of 29 and 30 September 1992 shall regulate the form, organization and terms of the said swearing in, after hearing the Supreme Court in the case of the swearing in of the President of the Republic.

ARTICLE 14

The Constitutional Law of the Republic of Angola shall remain in force until the entry into force of the Constitution of Angola, approved by the National Assembly in accordance with the provisions of Article 150 of the Constitutional Law and those ensuing.

Seen and approved by the People's Assembly.

To be published.

Luanda, 25 August 1992.

THE PRESIDENT OF THE REPUBLIC JOSE EDUARDO DOS SANTOS

FUNDAMENTAL PRINCIPLES

ARTICLE 1

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

ARTICLE 2

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

ARTICLE 3

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

ARTICLE 4

1. Political parties, within the framework of the present law and statutory laws, shall compete, on the basis of a project for society and a political program, to organize and express the will of citizens, participating in political life and the exercise of universal suffrage by democratic and peaceful means.

2. Political parties shall, in their objectives, program and activity, contribute to:

- (a) The consolidation of the Angolan nation, national independence and strengthened national unity;
- (b) The safeguarding of territorial integrity;
- (c) The defense of national sovereignty and democracy;
- (d) The protection of fundamental freedoms and the rights of the individual;
- (e) The defense of the republican form and unitary and secular nature of the State.

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

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

- (a) National in character and scope;
- (b) Free constitution;
- (c) Public pursuance of aims;
- (d) Freedom of membership and single membership;
- (e) Exclusive use of peaceful means in pursuing their aims, prohibiting the creation or use of military, paramilitary or militarized organizations;
- (f) Democratic organization and functioning;
- (g) Prohibition to receive contributions of monetary or economic value from foreign governments or governmental institutions.

ARTICLE 5

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

1. The Republic of Angola shall be a secular State, and there shall be separation between the State and churches.
2. Religions shall be respected and the State shall protect churches and places and objects of worship, provided they abide by the laws of the State.

ARTICLE 9

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

ARTICLE 10

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

ARTICLE 11

1. Sectors and activities that remain the preserve of the State shall be determined by law.
2. In the use and exploitation of public property, the State shall guarantee efficiency and profitability, in accordance with the proposed aims and objectives.
3. The State shall encourage the development of private, mixed, cooperative and family enterprises, creating conditions for them to operate, and shall give special support to small and medium-scale economic activity, in accordance with the law.
4. The State shall protect foreign investment and foreign property, in accordance with the law.

ARTICLE 12

1. All natural resources existing in the soil and subsoil, in internal and territorial waters, on the continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine under what terms they are used, developed and exploited.
2. The State shall promote the protection and conservation of natural resources guiding the exploitation and use thereof for the benefit of the community as a whole.
3. Land, which is by origin the property of the State, may be transferred to individuals or corporate bodies, with a view to rational and full use thereof, in accordance with the law.

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

ARTICLE 13

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

ARTICLE 14

1. The fiscal system shall aim at meeting the economic, social and administrative needs of the State and ensuring the fair distribution of income and wealth.
2. Taxes may be created or abolished only by law, which shall determine applicability, rates, tax benefits and guarantees for taxpayers.

ARTICLE 15

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

ARTICLE 16

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

ARTICLE 17

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

FUNDAMENTAL RIGHTS AND DUTIES

ARTICLE 18

1. All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status.
2. All acts aimed at jeopardizing social harmony or creating discrimination or privileges based on those factors shall be severely punishable by law.

ARTICLE 19

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

ARTICLE 20

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

ARTICLE 21

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

ARTICLE 22

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

ARTICLE 23

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

ARTICLE 24

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

ARTICLE 25

1. Any citizen may move freely and reside in any part of the national territory, and shall not be impeded from so doing for political or any other reasons, except in cases provided for under Article 50 of the present Law, and where for the protection of the economic interests of the nation the law determines restrictions on citizens having access to or residing in reserve or mining areas.

2. All citizens shall be free to leave and enter the national territory, without prejudice to limitations stemming from the fulfillment of legal duties

ARTICLE 26

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

ARTICLE 27

1. The extradition or expulsion of Angolan citizens from the nations territory shall not be permitted.
2. The extradition of foreign citizens for political motives or for charges punishable by the death penalty under the laws of the applicant county shall not be permitted.
3. In accordance with the law, Angolan courts shall know the charges made against citizens whose extradition is not permitted under the foregoing clauses of the present Article.

ARTICLE 28

1. It shall be the right and duty of all citizens aged over 18, other than those legally deprived of political and civil rights, to take an active part in public life, to vote and stand for election to any State body, and to fulfill their offices with full dedication to the cause of the Angolan nation.
2. No citizen shall suffer discrimination in respect of employment, education, placement, professional career or social benefits to which he or she is entitled owing to political posts held or to the exercise of political rights.
3. The law shall establish limitations in respect of the non-party affiliations of soldiers on active service, judges and the police forces, as well as the electoral incapacity of soldiers on active service and police forces.

ARTICLE 29

1. The family, the basic nucleus of social organization, shall be protected by the State, whether based on marriage or de facto union.
2. Men and women shall be equal within the family, enjoying the same rights and having the same duties.
3. The family, with special collaboration by the State, shall promote and ensure the all-round education of children and young people.

ARTICLE 30

1. Children shall be given absolute priority and shall therefore enjoy special protection from the family, the State and society with a view to their all-round development.
2. The State shall promote the harmonious development of the personality of children and young people and create conditions for their integration and active participation in the life of society.

ARTICLE 31

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

ARTICLE 32

1. Freedom of expression, assembly, demonstration and all other forms of expression shall be guaranteed.
2. The exercise of the rights set out in the foregoing clause shall be regulated by law.
3. Groupings whose aims or activities are contrary to the fundamental principles set out in Article 158 of the Constitutional Law and penal laws, and those that, even indirectly, pursue political objectives through organizations of a military, paramilitary or militarized character, secret organizations and those with racist, fascist or tribalist ideologies shall be prohibited.

ARTICLE 33

1. The right to professional and trade union organization shall be free, and the forms in which it is exercised shall be guaranteed by law.
2. All citizens shall have the right to organize and take part in trade union activity, which shall include the right to constitute and freely join trade unions.
3. Adequate protection for the elected representatives of workers against any form of restriction, constraint or limitation on the performance of their duties shall be established by law.

ARTICLE 34

1. Workers shall have the right to strike.
2. A specific law shall regulate the exercise of the right to strike and limitations thereto in essential services and activities, in the pressing public interest.
3. Lockouts shall be prohibited.

ARTICLE 35

Freedom of the press shall be guaranteed and may not be subject to any censorship, especially political, ideological or artistic.

The manner of the exercise of freedom of the press and adequate provisions to prevent and punish any abuse thereof shall be regulated by law.

ARTICLE 36

1. No citizen may be arrested or put on trial except in accordance with the law, and all accused shall be guaranteed the right to defense and the right to legal aid and counsel.
2. The State shall make provision to ensure that justice shall not be denied owing to insufficient economic means.
3. No one shall be sentenced for an act not considered a crime at the time when it was committed.

4. The penal law shall apply retroactively only when beneficial to the accused.
5. The accused shall be presumed to be innocent until a judicial decision is taken by the court.

ARTICLE 37

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

ARTICLE 38

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

ARTICLE 39

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

ARTICLE 40

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

ARTICLE 41

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

ARTICLE 42

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

ARTICLE 43

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

ARTICLE 44

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

ARTICLE 45

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

ARTICLE 46

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

ARTICLE 47

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

ARTICLE 48

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

ARTICLE 49

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

ARTICLE 50

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

ARTICLE 51

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

ARTICLE 52

1. The exercise of the rights, freedoms and guarantees of citizens may be restricted or suspended only in accordance with the law if such constitute a threat to public order, community interests, individual rights, freedoms and guarantees, or in the event of the

declaration, a state of siege or emergency, and such restrictions shall always be limited to necessary and adequate measures to maintain public order, in the interest of the community and the restoration of constitutional normality.

2. On no account shall the declaration of a state of siege or state of emergency affect the right to life, personal integrity, personal identity, civil capacity, citizenship, the non-retroactive nature of penal law, the right of the accused to defense or freedom of conscience and religion.
3. A state of siege and state of emergency shall be regulated by a specific law.

PRINCIPLES

ARTICLE 53

1. The President of the Republic, the National Assembly, the Government and the Courts shall be sovereign bodies.
2. The formation, composition, powers and functioning of the sovereign bodies shall be set out in the present Law.

ARTICLE 54

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

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

ARTICLE 55

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

THE GOVERNMENT

ARTICLE 105

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

ARTICLE 106

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

ARTICLE 107

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

ARTICLE 108

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

ARTICLE 109

The duties of the Prime Minister shall start with the swearing in thereof and cease with the swearing in of the new Prime Minister.

The duties of other members of the Government shall start with the swearing in thereof and cease when they are dismissed or the Prime Minister is dismissed.

In the event of the resignation of the Government, the Prime Minister of the outgoing Government shall be dismissed on the date of the appointment and swearing in of the new Prime Minister.

ARTICLE 110

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

- (a) Attest to acts of the President of the Republic, in accordance with the provisions of Article 70;

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

ARTICLE 111

1. In the discharge of its legislative duties, the Government shall:

(a) Establish by an executive law the composition, organization and functioning of the Government;

(b) Draft and pass executive laws on legislative matters related to the National

Assembly, in accordance with the appropriate legislative authorization;

2. The Government shall have full legislative power on matters related to its own composition, organization and functioning.

3. The execution laws provided for in (b) shall specifically cite the legal document conferring legislative authorization.

ARTICLE 112

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

(a) Draft and promote implementation of the country's economic and social development plan;

(b) Draft, approve and direct the execution of the State Budget;

(c) Approve acts of the Government involving increased or decreased public revenue or expenditure;

(d) Draft regulations needed for the proper application of laws;

(e) Direct the services and activity of the State administration, superintend indirect administration and oversee autonomous local administration and other autonomous institutions:

(f) Carry out action and take all necessary measures to promote economic and social

development and satisfy collective needs.

ARTICLE 113

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

ARTICLE 114

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

ARTICLE 115

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

ARTICLE 116

1. The Government shall start its duties immediately after being sworn in.
2. The Government may be subject to votes of censure by the National Assembly on the implementation of its program or other fundamental issues of Government policy, on the proposal of a parliamentary group or one quarter of Members present.

3. A vote of censure of the Government shall be passed by an absolute majority of members present.
4. If the vote of censure is not passed, its signatories shall not table another during the same legislative session.
5. The Government may ask the National Assembly for a vote of confidence that shall be passed by a majority of Members present.

ARTICLE 117

1. The Prime Minister shall be responsible to the President of the Republic, whom he shall regularly and directly inform of matters related to the conduct of the country's policy.
2. The Prime Minister shall represent the Government in the National Assembly and shall ensure the Government's political responsibility to the National Assembly

ARTICLE 118

The following shall cause the resignation of the Government:

- (a) The end of the legislature;
- (b) The election of a new President of the Republic;
- (c) The resignation of the Prime Minister;
- (d) The acceptance by the President of the Republic of the Prime Minister's resignation;
- (e) The death or lasting disability of the Prime Minister;
- (f) A vote of censure against the Government;
- (g) Failure to pass a vote of confidence in the Government.

ARTICLE 119

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

JUSTICE

THE COURTS

ARTICLE 120

1. Courts shall be Sovereign bodies with powers to administer justice on behalf of the people.
2. The Supreme Court and other courts instituted by law shall discharge jurisdictional duties.
3. In the discharge of their jurisdictional duties, the courts shall be independent and subject only to the law, and they shall be entitled to the assistance of other authorities.

ARTICLE 121

1. The courts shall guarantee and ensure compliance with the Constitutional Law, laws and other legal provisions in force, protection of the rights and legitimate interest of citizens and institutions, and shall decide on the legality of administrative acts.
2. It shall be mandatory for all citizens and other legal entities to comply with decisions of the courts and these shall prevail over those of other authorities.

ARTICLE 122

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

ARTICLE 123

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

ARTICLE 124

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

ARTICLE 125

1. Apart from the Constitutional Court, courts shall be structured, in accordance with the law, as follows:
 - (a) Municipal courts;
 - (b) Provincial courts; and
 - (c) The Supreme Court.
2. The organization and functioning of military justice shall be set out in an appropriate law.

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

ARTICLE 126

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

ARTICLE 127

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

ARTICLE 128

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

ARTICLE 129

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

ARTICLE 130

1. The Presiding Judge of the Supreme Court, Vice President of the Supreme Court and other judges of the Supreme Court and Constitutional Court may be arrested only if charged for an offense punishable by a prison sentence.
2. Trial court judges may not be arrested without being charged unless caught in *flagrante delicto* committing a felony punishable by imprisonment.

ARTICLE 131

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

HIGH COUNCIL OF THE JUDICIAL BENCH

ARTICLE 132

1. The High Council of the Judicial Bench shall be the highest body managing and disciplining the judicial bench, and shall, in general:
 - (a) Consider the professional ability of and take disciplinary action in respect of judges;
 - (b) Propose the appointment of judges to the Supreme Court in accordance with the present Law;
 - (c) Order investigations, inspections and inquires into the legal services and propose the measures needed to ensure the efficiency and improvement thereof;

(d) Appoint, place, transfer and promote judges, without prejudice to the provisions of the present Law.

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

(a) Three lawyers nominated by the President of the Republic, at least one of whom shall be a judicial judge;

(b) Five lawyers nominated by the National Assembly;

(c) Ten judges elected by judicial judges from among their own numbers,

3. Members of the High Council of the Judicial Bench shall enjoy the same immunities as Supreme Court judges.

ARTICLE 133

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

CONSTITUTIONAL COURT

ARTICLE 134

The Constitutional Court shall in general administer justice on legal and constitutional matters, and shall:

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

(b) Consider whether laws, executive laws, ratified international treaties and any rules are unconstitutional, in accordance with the provisions of Article 155;

(c) Verify and consider non-compliance with the Constitutional Law owing to failure to take the requisite measures to make constitutional rules executable;

(d) Consider appeals in respect of the constitutional nature of all decisions of other courts that refuse to apply any rule on the grounds that it is unconstitutional;

(e) Consider appeals in respect of the constitutional nature of all decisions of other courts that apply a rule the constitutional nature of which has been evoked during the trial.

ARTICLE 135

1. The Constitutional Court shall be composed of seven judges, nominated from among lawyers and judges as follows:

(a) Three judges nominated by the President of the Republic, including the President of the Court;

(b) Three judges elected by the National Assembly by a two-thirds majority of Members present;

(c) One judge elected by a full session of the Supreme Court.

2. Judges of the Constitutional Court shall be appointed for a non-renewable seven-year term and shall be guaranteed the same independence, irremovability from office, impartiality and nonliability as judges of other Courts.
3. Other rules related to the powers, organization and functioning of the Constitutional Court shall be established by an appropriate law.

THE ATTORNEY GENERAL'S OFFICE

ARTICLE 136

1. The Attorney General's Office shall be represented in the courts by the Ministry of Justice Bench, in accordance with the respective Statutes.
2. The Attorney General's Office shall defend Democratic legality and, especially, represent the State in taking penal action and defending the interests assigned to it by law.

ARTICLE 137

1. The Attorney General's Office shall be presided over by the Attorney General and shall comprise the High Council of the Ministry of Justice Bench, which shall be composed of members elected by the National Assembly and members elected by Ministry of Justice judges from among their own numbers, in a manner to be set out by law.
2. The Attorney General's Office shall have its own statutes, enjoy autonomy in accordance with the law and be governed by the statutes of judicial and Ministry of Justice judges.
3. The organization, structure and functioning of the Attorney General's Office and the manner of joining the Ministry of Justice Bench shall be established in an appropriate law.

ARTICLE 138

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

ARTICLE 139

1. The Attorney General, Deputy Attorney General and assistants of the Attorney General may be arrested only when charged for an offense punishable by imprisonment.
2. Ministry of Justice trial court judges and the equivalent may not be arrested without being charged unless caught in *flagrant delicto* to committing a felony punishable by imprisonment.

ARTICLE 140

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

ARTICLE 141

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

JUDICIAL PROCTORATE

ARTICLE 142

1. The Judicial Proctorate shall be an independent public body the purpose of which shall be to defend the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of the public administration.
2. Citizens may present the Judicial Proctorate with complaints concerning acts or omissions by the public authorities that it shall consider with no power of decision, submitting to the appropriate bodies its recommendations to prevent and remedy injustices.
3. The activity of the Judicial Proctorate shall be independent of the means to rule on appeals or disputes provided for in the Constitutional Law and the law.
4. The other duties and statutes of the Judicial Proctorate shall be established by law.

ARTICLE 143

1. The Judicial Proctorate shall be nominated by the National Assembly on the decision of two-thirds of Members present and shall be sworn in by the President of the National Assembly.
2. The Judicial Proctorate shall be appointed for a four-year term of office and may be re-appointed for another four-year term.

ARTICLE 144

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

LOCAL GOVERNMENT

ARTICLE 145

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

ARTICLE 146

1. Local government agencies shall be territorial corporate bodies for the purpose of pursuing the interests of the population, and shall for this purpose have elected representative bodies and freedom to administer their communities.
2. The constitution, organization, powers, functioning and regulatory powers of local government agencies shall be specified by an appropriate law.

ARTICLE 147

1. Local administrative bodies shall be local administrative units decentralized from central Government for the purpose of achieving the specific attributes of the State administration at local level, guide economic and social development and ensure the provision of communal services in the respective geographical area.
2. The type of local administrative bodies, organization, powers and functioning shall be established by an appropriate law.

ARTICLE 148

1. The Provincial Governor shall be the Government representative in the respective province, shall in general direct the governance of the province, shall ensure the normal functioning of local administrative bodies, and shall be answerable to the Government and the President of the Republic.
2. The Provincial Governor shall be appointed by the President of the Republic after hearing the Prime Minister.

NATIONAL DEFENSE

ARTICLE 149

1. The State shall ensure national defense.
2. The objectives of national defense shall be to guarantee national independence, territorial integrity and the freedom and security of the population against any aggression or external threat, within the framework of the instituted constitutional order and international law.

ARTICLE 150

1. The National Defense Council shall be presided over by the President of the Republic and shall be composed as follows:
 - (a) Prime Minister;
 - (b) Minister of Defense;
 - (c) Minister of the Interior;
 - (d) Minister of External Relations;
 - (e) Minister of Finance;
 - (f) Chief of General Staff of the Angolan Armed Forces.
2. The President of the Republic may summon other entities, by virtue of their expertise, to attend meetings of the National Defense Council.
3. The National Defense Council shall be the consultative body for matters related to national defense and the organization, functioning and discipline of the Armed Forces, and shall have the administrative powers conferred on it by law.

ARTICLE 151

1. The Angolan Armed Forces, under the supreme authority of their Commander in Chief, shall owe obedience to the appropriate sovereign bodies, in accordance with the present Law and other statutory legislation, and shall defend the nation militarily.
2. The Angolan Armed Forces, as a State institution shall be permanent, regular and nonpartisan.
3. The Angolan Armed Forces shall be solely composed of national citizens and the general rules of organization and preparation thereof shall be established by law

ARTICLE 152

1. The defense of the country shall be the right and the highest indeclinable duty of every citizen.
2. Military service shall be compulsory. The manner in which it is fulfilled shall be established by law.
3. Citizens shall not lose permanent employment or other social benefits by virtue of doing national service.

MONITORING OF UNCONSTITUTIONALITY

ARTICLE 153

1. Rules in breach of the Constitutional Law or the principles set out therein shall be unconstitutional.
2. The Constitutional Court shall declare the unconstitutional nature of acts of commission or omission.

ARTICLE 154

1. The President of the Republic and one-fifth of the Members of the National Assembly may request of the Constitutional Court prior consideration of the constitutional nature of any rule subject to promulgation, signature or ratification by the President of the Republic, namely statutory legal acts, executive laws, decrees or international treaties.
2. Rules in respects of which prior consideration has been requested of the Constitutional Court shall not be promulgated, signed or until the Constitutional Court has given its ruling.
3. Where rules referred to in the foregoing clause are declared to be unconstitutional, the rule shall be vetoed by the President of the Republic and returned to the body that approved it for removal of the part deemed unconstitutional.

ARTICLE 155

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

2. The declaration of the unconstitutional nature of rules referred to in the foregoing clause shall take effect with the entry into force of the rule declared unconstitutional and shall entail redrafting of the rules it may have revoked.
3. In the event of unconstitutional through a breach of the foregoing constitutional rule, the declaration shall take effect only on the entry into force thereof.
4. Exceptions shall be tried cases, unless the Constitutional Court decides otherwise, where the rule complies with penal, disciplinary or mere infringement of company regulations charge, and where the content is unfavorable to the accused.

ARTICLE 156

1. The President of the Republic, one-fifth of Members present and the Attorney General may request the Constitutional Court to declare unconstitutionality by omission.
2. If unconstitutionality by omission is verified, the Constitutional Court shall inform the appropriate legislative body accordingly, so that the omission may be remedied.

ARTICLE 157

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

AMENDMENT OF THE CONSTITUTION

ARTICLE 158

1. The National Assembly may review the Constitutional Law and approve the Constitution of the Republic of Angola on the decision of two-thirds of Members present.
2. No less than ten Members or the President of the Republic may propose amendment of the Constitution.
3. The Constitutional Law may be amended at any time.
4. The National Assembly shall determine the manner of proposing the drafting of the Constitution of the Republic of Angola.
5. The President of the Republic shall not refuse to promulgate the Law Amending the Constitution of the Republic of Angola adopted in accordance with the first clause of the present article.

ARTICLE 159

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

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

(e) The secular nature of the State and the principle of separation between the State and churches;

(f) The separation and interdependence of the courts.

ARTICLE 160

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

SYMBOLS OF THE REPUBLIC OF ANGOLA

ARTICLE 161

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

ARTICLE 162

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

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

Black - The African continent.

In the center there shall be a composition formed by a segment of a cog wheel, symbolizing the workers and industrial production, a machete, symbolizing the peasants, agricultural production and the armed struggle, and a star, symbolizing international solidarity and progress.

The cog wheel, the machete and the star shall be yellow, symbolizing the country's wealth.

ARTICLE 163

The insignia of the Republic of Angola shall be formed by a segment of a cog wheel and sheaves of maize, coffee and cotton, representing respectively the workers and industrial production, the peasants and agricultural production.

At the foot of the design, an open book shall represent education and culture, and the rising sun shall represent the new country. In the center shall be a machete and a hoe symbolizing work and the start of the armed struggle. At the top shall be a star symbolizing international solidarity and progress.

In the lower part of the emblem shall be a golden band with the inscription 'Republic of Angola'.

ARTICLE 164

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

FINAL AND TRANSITIONAL PROVISIONS

ARTICLE 165

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

ARTICLE 166

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