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World Constitutions Illustrated

Edited by
Jefri Jay Ruchti

Algeria

**Constitution of the
Democratic and People's Republic of Algeria
23 February 1989**

Translated by
Maria del Carmen Gress

William S. Hein & Co., Inc.
Getzville, New York
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This translation is based on the official French text of Presidential Decree No. 89-18 of 28 February 1989 published in the *Journal Officiel de la République Algérienne*, 1 March 1989, p. 188.

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**Presidential Decree No. 89-18 of 28 February 1989
concerning the publication in the *Journal Officiel* of the Democratic and
People's Algerian Republic, of the constitutional revision adopted by
referendum on 23 February 1989.**

The President of the Republic,

Considering the Constitution, notably its Articles 5, 111-6° and 9°;

Considering the law No. 80-08 of 25 October 1980, modified and completed,
concerning the electoral law;

Considering presidential decree No. 89-08 of 31 January 1989 concerning the
convocation of the electoral body for the referendum concerning the
constitutional revision;

Considering the record [*process-verbal*] of the national electoral commission;

Considering the proclamation of the results of the referendum;

Decree:

Article 1

The constitutional revision, adopted at the term of the referendum of 23
February 1989 is published in the *Journal Officiel* of the Democratic and
People's Algerian Republic.

Article 2

This decree will be published in the *Journal Officiel* of the Democratic and
People's Algerian Republic.

Done at Algiers, on the 28 February 1989.

Chadli BENDJEDID.

**CONSTITUTION OF THE
DEMOCRATIC AND PEOPLE'S ALGERIAN REPUBLIC**

Preamble

The Algerian people are a free people, decided to so remain.

Its history is a long chain of battles which have made Algeria forever a country
of freedom and of dignity.

Placed at the heart of the great moments which the Mediterranean has known in
the course of its history, Algeria has found in its sons, since the Numidian King-
dom and the epic of Islam until the colonial wars, its heralds of liberty, of unity
and of progress at the same time as the builders of democratic and prosperous
States in the periods of grandeur and of peace.

1 November 1954 was one of the summits of its destiny. The result of its long
resistance to the aggressions directed against its culture, its values and its
personality, the 1° of November has solidly anchored the battles waged in the
glorious past of the Nation.

United in the national movement afterwards within the National Liberation Front, the people have spilled their blood in order to assume their collective destiny in [their] recovered liberty and cultural identity and to endow themselves with authentically popular institutions.

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

Its faith in the collective choices has permitted the people to achieve decisive victories, marked by the recuperation of the national riches and the construction of a State for their exclusive service, exercising their powers in all independence and sheltering [them] against all external pressure.

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

In approving this Constitution, the work of their own genius, reflection of their aspirations, fruit of their determination and product of profound social changes, the people express and consecrate more solemnly than ever the primacy of the law.

The Constitution is [supreme] above all, it is the fundamental law which guarantees the rights and the individual and collective freedoms, protects the rule of the free choice of the people and confers legitimacy on the exercise of the powers. It enables the assurance of juridical protection and the control of the action by the public powers in a society where legality reigns and the development of man in all his dimensions [reigns].

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

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

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

TITLE I
The General Principles Governing Algerian Society

CHAPTER I
Of Algeria

Article 1

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

Article 2

Islam is the religion of the State.

Article 3

Arabic is the national and official language.

Article 4

The capital of the Republic is Algiers.

Article 5

The national emblem, the State seal and the national hymn are determined by the law.

**CHAPTER II
Of the People**

Article 6

The people are the source of all power.

The national sovereignty belongs exclusively to the people.

Article 7

The constituent power belongs to the people.

The people exercise sovereignty by the intermediary of the institutions which they give to themselves.

The people exercise it by means of the referendum and by the intermediary of their elected representatives.

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

Article 8

The people give themselves the institutions which have for [their] objective:

- the safeguarding and the consolidation of the national independence.
- the safeguarding and the consolidation of the national identity and unity.
- the protection of the fundamental freedoms of the citizen and the social and cultural enrichment of the Nation.
- the suppression of the exploitation of man by man.
- the protection of the national economy against any form of breach of trust or of misappropriation, of abuse, of monopolization or of illegitimate confiscation.

Article 9

The institutions prohibit:

- feudal, regionalist and nepotist practices.
- the establishment of relations of exploitation and chains of dependency.
- practices contrary to Islamic morals and to the values of November.

Article 10

The people choose their representatives freely.

The representation of the people has no other limits than those established by the Constitution and the electoral law.

**CHAPTER III
Of The State**

Article 11

The State derives its legitimacy and its *raison d'être* from the will of the people.

Its motto is: "By the People and for the People."

It is at the exclusive service of the People.

Article 12

The sovereignty of the State is exercised over its terrestrial space, its air space and its waters.

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

Article 13

In no case, can a part of the national territory be abandoned or alienated.

Article 14

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

The elected assembly constitutes the framework by which the will of the people is expressed and the control of the action of the public powers is exercised.

Article 15

The territorial collectivities of the State are the commune and the *Wilaya*.

The Commune is the basic collectivity.

Article 16

The elected assembly constitutes the basis of decentralization and the place of the participation of the citizens in the management of public affairs.

Article 17

Public property is an asset of the national collectivity.

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

It is, in addition, established concerning railroad, maritime and air transport, the posts and telecommunications, as well as [concerning] the assets established by the law.

Article 18

The national domain is defined by the law.

It includes the public and private domains of the State, of the *Wilaya* and of the Commune.

The management of the national domain is effected conforming to the law.

Article 19

The organization of external commerce pertains to the competence of the State.

The law determines the conditions of the exercise and of the control of external commerce.

Article 20

Expropriation can only take place within the framework of the law.

It gives rise to a prior, a just and equitable indemnity.

Article 21

The functions of service in the institutions of the State cannot constitute a source of enrichment or a means of serving private interests.

Article 22

The abuse of authority is reprimanded by the law.

Article 23

The State is responsible for the security of each citizen.

It assures their protection abroad.

Article 24

The consolidation and the development of the capacity for the defense of the Nation is organized around the National People's Army.

The National People's Army has for [its] permanent mission the safeguarding of the national independence and the defense of the national sovereignty.

It is charged to assure the defense of the unity and of the territorial integrity of the country, as well as the protection of its terrestrial space, of its air space and of the different zones of its maritime domain.

Article 25

Algeria defends itself [against] recourse to war [used] to infringe on the legitimate sovereignty and on the freedom of other peoples.

It endeavors to settle international differences by peaceful means.

Article 26

Algeria is [of] solidarity with all the peoples who are fighting for political and economic liberation, for the right of self-determination and against all racial discrimination.

Article 27

Algeria works for the reinforcement of international cooperation and for the development of amicable relations between States, on the basis of equality, of

mutual interest and of non-interference concerning internal affairs. It subscribes to the principles and objectives of the Charter of the United Nations.

CHAPTER IV Of the Rights and Freedoms

Article 28

The citizens are equal before the law, no discrimination because of birth, of race, of gender, of opinion or of any other condition or personal or social circumstance, shall prevail.

Article 29

Algerian nationality is defined by the law.

The conditions for the acquisition, of retention, of loss and of revocation of Algerian nationality are determined by the law.

Article 30

The institutions have the objective of assuring the equality of rights and duties of all citizens [masculine] and citizens [feminine] in suppressing the obstacles, which obstruct the development of the human person and impede the effective participation of all in the political, economic, social and cultural life.

Article 31

The fundamental freedoms and the Rights of Man and of the Citizen are guaranteed.

They constitute the common patrimony of all Algerians [masculine] and Algerians [feminine], who have the duty of transmitting it from generation to generation to conserve its integrity and its inviolability.

Article 32

The individual and associative defense of the fundamental Rights of Man and of individual and collective liberties is guaranteed.

Article 33

The State guarantees the inviolability of the human person.

Any form of physical or moral violence is proscribed.

Article 34

All infractions committed against the rights and freedoms as well as physical or moral infringements on the integrity of the human being are punishable by the law.

Article 35

The freedom of conscience and the freedom of opinion are inviolable.

Article 36

The freedom of intellectual, artistic and scientific creation is guaranteed to the citizen.

The rights of the author are protected by the law.

The sequestration of any publication, the registration or any other means of communication and of information may only be carried out by virtue of a judicial mandate.

Article 37

The private life and the honor of the citizen are inviolable and protected by the law.

The secrecy of correspondence and of private communication, in all of its forms, is guaranteed.

Article 38

The State guarantees the inviolability of the domicile.

A search can only be made, on the basis of the law and with respect to it.

The search may only be carried out on a written order issued by [*émanant*] the competent judicial authority.

Article 39

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

Article 40

The right to create associations of political character is recognized.

This right may not[,] nevertheless[,] be invoked to infringe fundamental freedoms, the national unity, the territorial integrity, the independence of the country and the sovereignty of the people.

Article 41

Every citizen, enjoying his civil and political rights, has the right to choose freely the place of their residence and to circulate on the national territory.

The right of entry and of exit from the national territory is guaranteed to them.

Article 42

Every person is presumed innocent until the establishment of his culpability by a regular jurisdiction and with all the guarantees required by the law.

Article 43

No one may be considered culpable if it is not by virtue of a law, duly promulgated prior to the incriminating act.

Article 44

One may only be prosecuted, arrested or detained in the cases determined by the law and in accordance with the forms that it has specified.

Article 45

In matters of criminal investigation, the detention for questioning is submitted to judicial control and may not exceed forty-eight hours.

The person detained for questioning has the right to enter immediately into contact with his family.

The prolongation of the time period for questioning may only take place, exceptionally, under the conditions established by the law.

At the expiration of the time period of detention for questioning, it is obligatory to proceed with a medical examination of the detained person if they demand it; and in all cases, they are informed of this faculty.

Article 46

Judicial error implies reparation by the State.

The law determines the conditions and modalities of the reparation.

Article 47

Every citizen fulfilling the legal conditions is an elector and eligible.

Article 48

Equal access to the functions and to employment within the State, is guaranteed to all citizens, without conditions other than those established by the law.

Article 49

Private property is guaranteed.

The right of inheritance is guaranteed.

The holdings of *Wakf* assets and foundations are recognized; their objectives are protected by the law.

Article 50

The right to education is guaranteed. Education is free within the conditions established by the law.

Primary education is obligatory.

The State organizes the system of education.

The State sees to the equal access to education and to professional training.

Article 51

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

The State assures the prevention [of] and the fight against epidemic and endemic illnesses.

Article 52

All citizens have the right to work.

The right to the protection, to the security and to hygiene at work, is guaranteed by the law.

The right to rest is guaranteed; the law determines the modalities of its exercise.

Article 53

The syndical right is recognized for all citizens.

Article 54

The right to strike is recognized. It is exercised within the framework of the law.

This can forbid or limit [its] exercise within the domains of national defense and security, or for any public services or activities of vital interest for the community.

Article 55

The family benefits from the protection of the State and of the society.

Article 56

The living conditions of the citizens who cannot [work] again, who cannot [work] further or who will never be able to work, are guaranteed.

**CHAPTER V
Of the Duties**

Article 57

Ignorance of the law is no excuse.

Every person is held to respect the Constitution and to conform to the laws of the Republic.

Article 58

Every citizen has the duty to protect and to safeguard the independence of the country, its sovereignty and the integrity of its national territory.

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

Article 59

Every citizen must loyally fulfill his obligations toward the national collectivity.

The commitment of the citizen toward the Fatherland and the obligation to contribute to its defense constitute sacred and permanent duties.

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

Article 60

The freedoms of each [person], taken together, are exercised with respect for the rights recognized to others by the Constitution, particularly with respect to the right to the honor, to the intimacy and to the protection of the family, to that of youth and of infancy.

Article 61

All citizens are equal concerning taxation. Each one must participate in the financing of public expenditures as a function of his contributory capacity.

A tax may only be instituted by virtue of the law.

No tax [*impôt*], contribution, excise [*taxe*] or right of any kind, may be instituted with retroactive effect.

Article 62

The law approves of [*sanctionne*] the duty of parents in the education and the protection of their children as well as the duty of children to aid and assist their parents.

Article 63

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

Article 64

Every foreigner who finds himself regularly on the national territory enjoys, concerning his person and concerning his assets, the protection of the law.

Article 65

No one may be extradited if it is not by virtue of and in application of the law of extradition.

Article 66

In no case may a political refugee legally benefiting from the right of asylum, be delivered up or extradited.

**TITLE II
Of the Organization of the Powers**

**CHAPTER I
Of the Executive Power**

Article 67

The President of the Republic, the Head of the State, embodies the unity of the Nation.

He is the guarantor of the Constitution.

He embodies the State within the country and abroad.

He addresses the Nation directly.

Article 68

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

Election is acquired with an absolute majority of the suffrage expressed.

The other modalities of the presidential election are established by the law.

Article 69

The President of the Republic exercises the supreme magistrature within the limits specified by the Constitution.

Article 70

To be eligible for the Presidency of the Republic, it is necessary to be of Algerian nationality of origin, of Muslim faith, to be at least forty years of age on the day of the election and to enjoy the plenitude of one's civil and political rights.

Article 71

The duration of the presidential mandate is of five years.

The President of the Republic is re-eligible.

Article 72

The President of the Republic takes an oath before the people and in the presence of all the high instances of the Nation, in the week following his election.

He enters into [his] functions immediately after taking the oath.

Article 73

The President of the Republic takes the oath in the terms which follows:

“Faithful to the supreme sacrifice and to the sacred memory of our martyrs as well as to the ideals of the November Revolution, I swear upon God Almighty to respect and glorify the Islamic religion, to defend the Constitution, to respect the free choice of the people, as well as the institutions and the laws of the Republic, to preserve the integrity of the national territory, the unity of the people and the Nation, to protect the fundamental freedoms and rights of man and of the citizen, to work relentlessly for the development and the prosperity of the people, and to pursue with all my strength the realization of the great ideals of justice, liberty and peace in the world.”

Article 74

In addition to the powers conferred on him expressly by other provisions of the Constitution, the President of the Republic enjoys the following powers and prerogatives:

- 1) He is the Supreme Commander of all the armed forces of the Republic;
- 2) He is responsible for the national defense;
- 3) He orders and conducts the foreign policy of the Nation;
- 4) He presides over the Council of Ministers;
- 5) He appoints the Head of the Government and terminates his functions;
- 6) He signs the presidential decrees;
- 7) He provides for the civil and military employments of the State;
- 8) He has the right of pardon, the right of remission or of commutation of penalty;
- 9) He can, on any question of national importance, refer the people [to it] by way of referendum;
- 10) He appoints and recalls the ambassadors and the extraordinary envoys of the Republic abroad. He receives the letters of credential or of recall of the foreign diplomatic representatives;
- 11) He concludes and ratifies the international treaties;
- 12) He confers the decorations, distinctions and honorary titles of the State.

Article 75

The Head of the Government presents the members of the Government which he has chosen to the President of the Republic who appoints them.

The Head of the Government orders his program which he presents to the Council of Ministers.

Article 76

The Head of the Government submits his program to the approval of the National People's Assembly.

This opens, to that effect, a general debate.

The Head of the Government may adapt his program in the light of this debate.

Article 77

In the case of non-approval of his program by the National People's Assembly, the Head of the Government presents the resignation of his Government to the President of the Republic.

He reappoints a Head of Government accordingly to the same modalities.

Article 78

If the approval of the National People's Assembly is not newly obtained, the National People's Assembly is dissolved of plain right.

New legislative elections take place within a maximum time period of three months.

Article 79

The Head of the Government executes and coordinates the program adopted by the National People's Assembly.

Article 80

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

The declaration of general policy gives rise to a debate on the action of the Government.

The debate can be concluded by a resolution or give rise to the deposit of a motion of censure, in accordance with the provisions of Articles 126, 127 and 128 below.

The Head of the Government may demand a vote of confidence.

Article 81

In addition to the powers conferred expressly on him by other provisions of the Constitution, the Head of the Government exercises the following attributions:

- 1 — He allocates the attributions between the members of the Government, in accordance with the constitutional provisions;
- 2 — He presides over the Council of the Government;
- 3 — He sees to the execution of the laws and regulations;

4 — He signs the executive decrees;

5 — He appoints to the offices of the State, without prejudice to the provisions of Article 74, paragraphs 7 and 10.

Article 82

The Head of the Government may present to the President of the Republic the resignation of his Government.

Article 83

The President of the Republic may not, in any case, delegate the power to appoint the members of the Constitutional Council which arise from this power, neither the power to appoint the Head of the Government, the members of the Government, the members of the High Council of Security and of the High Islamic Council and [the power of] terminating their functions.

Likewise, he cannot delegate his power of recourse to the referendum, to dissolve the National People's Assembly, to decide on anticipated legislative elections, to implement the provisions specified in Articles 86 to 91 of the Constitution as well as the powers established in paragraphs 1, 2, 3, 4, 6, 8, 10 and 11 of Article 74 and the provisions of Articles 117 and 118 of the Constitution.

Article 84

When the President of the Republic, because of serious and enduring illness, finds himself in total impossibility of exercising his functions, the Constitutional Council, meets of right, and after having verified the reality of this impediment by all appropriate means, proposes by unanimity, to the Parliament to declare a state of impediment [*état d'empêchement*].

The National People's Assembly declares the state of impediment of the President of the Republic, with a majority of two-thirds of its numbers and enables [with] the interim of the Head of State, for a maximum period of forty-five days, its President[,] who exercises his prerogatives in accordance with the provisions of Article 85 of the Constitution.

In [the] case of [the] continuation of the impediment at the expiration of the time period of forty-five days, it is proceeded to a declaration of vacancy, by resignation of plain right, accordingly to the procedure specified in the paragraph above and in accordance with the provisions of the paragraphs following this Article.

In the case of resignation or of death of the President of the Republic, the Constitutional Council meets of plain right and declares the definitive vacancy of the Presidency of the Republic.

It immediately communicates the act of the declaration of definitive vacancy to the National People's Assembly which meets of plain right.

The President of the National People's Assembly assumes the responsibility of Head of State for a maximum period of forty-five days, in the course of which the presidential elections are organized.

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

The elected President of the Republic accomplishes his mandate in accordance with Articles 67 to 74 of the Constitution.

In the case of coincidence of the death of the President of the Republic and of [a] vacancy in the National People's Assembly for cause of dissolution, the Constitutional Council meets of plain right and declares the definitive vacancy of the Presidency of the Republic.

The President of the Constitutional Council assumes the responsibilities of the Head of State within the conditions specified in the preceding paragraphs of this Article and in Article 85 of the Constitution.

Article 85

The Government, in office [*fonction*] at the time of the impediment, of the death or of the resignation of the President of the Republic cannot be dissolved or reorganized until the entry into [his] functions by the new President of the Republic.

In the case where the Head of Government in [his] functions is a candidate for the Presidency of the Republic, he must resign of plain right. The function of the Head of Government is assumed by another Member of the Government designated by the Head of State.

During the periods of forty-five days, no application can be made of the provisions specified in paragraphs 8 and 9 of Article 74, as well as in Articles 75, 90, 120, 127 and 128 of the Constitution.

During the same periods, Articles 87, 88, 89 and 91 of the Constitution may only be implemented with the approval of the National People's Assembly, the Constitutional Council and the High Council of Security [having been] previously consulted.

Article 86

In case of compelling necessity, the High Council of Security [having] met, the President of the National People's Assembly, the Head of the Government and the President of the Constitutional Council [having been] consulted, the President of the Republic decrees the state of urgency or the state of siege, for a specified time period and takes all necessary measures for the re-establishment of the situation.

The duration of the state of urgency or of the state of siege can only be prorogued following the approval of the National people's Assembly.

Article 87

When the country is threatened by an imminent danger to its institutions, to its independence or to its territorial integrity, the President of the Republic decrees a state of exception.

Such a measure is taken, the Constitutional Council [having been] consulted, [and] the High Council of Security and the Council of Ministers [having been] heard.

The state of exception enables the President of the Republic to take the exceptional measures which the safeguarding of the independence of the Nation and the institutions of the Republic command.

The National People's Assembly meets of plain right.

The state of exception terminates in the same forms and following the procedure above, which governed its proclamation.

Article 88

The President of the Republic decrees the general mobilization.

Article 89

The Council of Ministers [having] met, the High Council of Security [having been] heard, the President of the Republic declares war in the case of effective or imminent aggression, in accordance with the pertinent provisions of the Charter of the United Nations.

The National People's Assembly meets of plain right.

The President of the Republic informs the Nation by a message.

Article 90

For the duration of a state of war, the Constitution is suspended and the President of the Republic assumes all the powers.

Article 91

The President of the Republic signs the accords of armistice and the peace treaties.

He obtains the opinion of the Constitutional Council on the accords which he reports to it.

He submits them immediately for the express approval of the National People's Assembly.

CHAPTER II Of the Legislative Power

Article 92

The legislative power is exercised by a sole assembly denominated: [the] National People's Assembly.

It elaborates and votes on the law sovereignly.

Article 93

The National People's Assembly controls the action of the Government under the conditions established by Articles 76 and 80 of the Constitution.

Article 94

Within the framework of its constitutional attributions, the National People's Assembly must remain faithful to the mandate of the people and remain in permanent awareness [*écoute*] of their aspirations.

Article 95

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

Article 96

The National People's Assembly is elected for a duration of five years.

This mandate can only be extended in the case of exceptionally grave circumstances which impede the normal functioning of the elections.

This situation is determined by a decision of the National People's Assembly, on the proposal of the President of the Republic, the Constitutional Council [having been] consulted.

Article 97

The modalities of the election of the deputies and in particular their number, the conditions of eligibility and the regime of incompatibilities, are determined by the law.

Article 98

The validation of the mandates of the deputies arises in the competence of the National People's Assembly.

Article 99

The mandate of deputy is national.

It is renewable.

Article 100

The deputy who does not fulfill or [who] no longer fulfills the conditions of his eligibility incurs the forfeiture of his mandate.

This forfeiture is decided by the National People's Assembly with a majority of its members.

Article 101

The deputy is responsible before his peers who can revoke his mandate if he commits an act unworthy of his function.

The law establishes the conditions under which a deputy may incur exclusion. This is pronounced by the National People's Assembly with the majority of its members, without prejudice to all other prosecutions of common law.

Article 102

The conditions under which the National People's Assembly accepts the resignation of one of its members are established by the law.

Article 103

Parliamentary immunity is recognized to the deputy for the duration of his mandate.

No deputy may be made the subject of prosecution, arrest, or in general of any civil or criminal action [and] neither of any class of pressure [*pression*], on

account of the opinions that he has expressed, of proposals that he has made or of votes that he has cast in the exercise of his mandate.

Article 104

Prosecutions may only be initiated against a deputy for a criminal act on the express renunciation of the concerned [person] [*l'intéressé*] or on the authorization of the National People's Assembly which decides by a majority of its members, on the lifting of his immunity.

Article 105

In case of a flagrant offense or of flagrant crime, the arrest of the deputy can proceed. The Bureau of the National People's Assembly is immediately informed of it.

The Bureau of the National People's Assembly can demand the suspension of prosecution and the release of the deputy. It will be then proceeded, in accordance with the provisions of Article 104 above.

Article 106

The law determines the conditions of replacement of a deputy in case of vacancy of his seat.

Article 107

The legislature begins of plain right on the tenth day following the date of election of the National People's Assembly, under the presidency of its senior [member] assisted by the two [most] junior deputies.

It proceeds to the election of its Bureau and to the constitution of its commissions.

Article 108

The President of the National People's Assembly is elected for the duration of the legislature.

Article 109

The organization and the functioning of the National People's Assembly as well as its budget and the indemnities of its members are established by the law.

The National People's Assembly elaborates and adopts its internal regulations.

Article 110

The sittings of the National People's Assembly are public. A record is made, [and its] [*dont*] publicity is assured under the conditions established by the law.

The National People's Assembly may sit in closed session on the demand of its President, of the majority of its members present or of the Government.

Article 111

The National People's Assembly creates its commissions within the framework of its internal regulations.

The commissions of the National People's Assembly are permanent.

Article 112

The National People's Assembly sits in two ordinary sessions per year, each with a maximum duration of three months.

The National People's Assembly can be convoked in extraordinary session by the President of the Republic or on the demand of two-thirds of its members or on that of the Head of the Government.

The closing of the extraordinary session takes place when the National People's Assembly has exhausted the agenda for which it had been convoked.

Article 113

The initiative of law belongs concurrently to the Head of the Government and to the members of the National People's Assembly.

The proposals of law, in order to be receivable, are deposited by twenty deputies.

The bills of law are presented in the Council of Ministers [and] then deposited by the Head of the Government with the Bureau of the National People's Assembly.

Article 114

A proposal of law which has for its subject or for [an] effect the diminution of public resources or the augmentation of public expenditures, unless it is accompanied by measures which seek to augment the receipts of the State or to make economies which correspond, at least, to other items [*postes*] of public expenditures, is irreceivable.

Article 115

The National People's Assembly legislates in the domains attributed to it by the Constitution.

[The following] arise equally in the domain of the law:

- 1 — the fundamental rights and duties of persons, notably the regime of public freedoms, the safeguarding of individual freedoms and the obligations of citizens;
- 2 — the general rules concerning personal status and to family law and notably to marriage, to divorce, to filiation, to capacity and to inheritance;
- 3 — the conditions of the establishment of persons;
- 4 — basic legislation concerning nationality;
- 5 — general rules concerning the status of foreigners;
- 6 — rules concerning judicial organization and the creation of jurisdictions;
- 7 — general rules of criminal law and of criminal procedure and notably the determination of crimes and misdemeanors, the institution of the corresponding penalties of any nature, amnesty and extradition;
- 8 — the rules of civil procedure and the ways [*voies*] of execution;
- 9 — the regime of civil and commercial obligations;

- 10 — the electoral regime;
- 11 — the territorial division of the country;
- 12 — the adoption of the national plan;
- 13 — the vote of the budget of the State;
- 14 — the creation, basis and rates of taxes, contributions, excises and duties of any nature;
- 15 — the customs regime;
- 16 — the regime of banking, of credit and of insurance;
- 17 — general rules concerning teaching;
- 18 — general rules concerning public health and population;
- 19 — general rules concerning the right to work and to social security;
- 20 — general rules concerning the environment and the framework of life;
- 21 — general rules concerning the protection of the fauna and flora;
- 22 — the protection and safeguarding of the cultural and historic patrimony;
- 23 — the general regime of forests and pasture lands;
- 24 — the general regime of water;
- 25 — the general regime of mines and hydrocarbons;
- 26 — the creation of decorations, distinctions and honorific titles of the State.

Article 116

The matters other than those reserved to the law fall into the regulatory power of the President of the Republic.

The implementation of the laws falls into the regulatory domain of the Head of the Government.

Article 117

The law is promulgated by the President of the Republic within a time period of thirty days counting from the date of its transmittal.

Article 118

The President of the Republic can demand a second reading of a voted law, in the thirty days which follow its adoption.

In that case, a majority of two-thirds of the members of the National People's Assembly is required for the adoption of the law.

Article 119

The President of the Republic can address a message to the National People's Assembly.

Article 120

The President of the National People's Assembly and the Head of the Government [having been] consulted, the President of the Republic can decide on the dissolution of the National People's Assembly or on anticipated legislative elections.

In these two cases, the legislative elections take place within a maximum time period of three months.

Article 121

On the demand of the President of the Republic or of the President of the National People's Assembly, this can open a debate on foreign policy.

This debate may be concluded, the case arising, with a resolution of the National People's Assembly which will be communicated by its President to the President of the Republic.

Article 122

The armistice accords, peace treaties, [treaties] of alliance and of union, the treaties concerning the frontiers of the State, as well as treaties concerning the status of persons and those which involve expenditures not foreseen in the budget of the State are ratified by the President of the Republic, after their explicit approval by the National People's Assembly.

Article 123

The treaties ratified by the President of the Republic, under the conditions specified by the Constitution, are superior to the law.

Article 124

The members of the National People's Assembly can interpellate the Government on a current question.

The commissions of the National People's Assembly may hear the members of the Government.

Article 125

The members of the National People's Assembly may address orally, or in written form, any question to any member of the Government.

The written question receives a response in the same form within a maximum time period of thirty days.

The oral questions are the subject of a response during a sitting.

If the National People's Assembly believes that the response, oral or written, by the member of the Government justifies it, a debate is opened within the conditions specified in the internal regulations of the National People's Assembly.

The questions and the responses are published under the same conditions as the record of the debates of the National People's Assembly.

Article 126

On the occasion of the debate on the declaration of the general policy, the National People's Assembly can bring into question the responsibility of the Government by the vote of a motion of censure.

Such a motion is only receivable when it is signed by at least a seventh of the number of the deputies.

Article 127

The motion of censure must be approved by a vote taken with a majority of two-thirds of the deputies.

The vote cannot be held until three days after the deposit of the motion of censure.

Article 128

When the motion of censure is approved by the National People's Assembly, the Head of the Government presents the resignation of his Government to the President of the Republic.

**CHAPTER III
Of the Judicial Power**

Article 129

The judicial power is independent.

Article 130

The judicial power protects the society and the liberties. It guarantees to all and to each the safeguarding of their fundamental rights.

Article 131

Justice is founded on the principles of legality and of equality.

It is equal for all, accessible to all and is expressed by respect of the law.

Article 132

Justice is rendered in the name of the people.

Article 133

The criminal sanctions conform to the principles of legality and personality.

Article 134

Justice recognizes recourse against the acts of the public powers.

Article 135

The decisions of justice are substantiated and pronounced in public audience.

Article 136

All the qualified organs of the State are required to assure at all times, and in every place and in every circumstance, the execution of the decisions of justice.

Article 137

Justice is rendered by the magistrates. They can be assisted by the people's assessors, under the conditions specified by the law.

Article 138

The judge obeys the law only.

Article 139

The judge is protected against any form of pressure, intervention or maneuver of any nature that could injure the accomplishment of his mission or respect for his free arbitration.

Article 140

The magistrate is responsible before the Superior Council of the Magistrature and in the forms specified by the law, for the manner in which he performs his mission.

Article 141

The law protects the justiciable against any abuse or any deviation of the judge.

Article 142

The right to a defense is recognized.

In criminal matters, it is guaranteed.

Article 143

The Supreme Court constitutes, in all the domains of the law [*droit*], the regulatory organ of the activity of the courts and tribunals.

It assures the unification of jurisprudence throughout the country and sees to the respect of the law.

Article 144

The organization, the functioning and the other attributions of the Supreme Court are established by the law.

Article 145

The Superior Council of the Magistrature is presided over by the President of the Republic.

Article 146

The Superior Council of the Magistrature decides, under the conditions that the law determines, the appointments, the transfers and the advancement of the career of the magistrates.

It sees to respect for the provisions of the statute of the Magistrature and to the control of the discipline of the magistrates, under the presidency of the First President of the Supreme Court.

Article 147

The Superior Council of the Magistrature gives [its] consultative opinion prior to the exercise of the right of pardon by the President of the Republic.

Article 148

The composition, the functioning and the other attributions of the Superior Council of the Magistrature are established by the law.

TITLE III
Of Control and of the Consultative Institutions

CHAPTER I
Of Control

Article 149

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

Article 150

The Government renders account to the National People's Assembly on the utilization of the budgetary credits which it has voted for each budgetary period [*exercise*].

The budgetary period is closed, as far as the National People's Assembly is concerned, by the vote of a law providing the budgetary regulation for the budgetary period under consideration.

Article 151

The National People's Assembly can, within the framework of its prerogatives, institute at any time a commission of inquiry on any matter of general interest.

Article 152

The organs and institutions of control are responsible for verifying the conformity of the legislative and executive action with the Constitution and for verifying the conditions of the utilization and of the administration of the material means and of the public funds.

Article 153

A Constitutional Council is instituted [with the] responsibility to see to respect for the Constitution.

The Constitutional Council sees to, in addition, the regularity of the operations of the referendum, of the election of the President of the Republic and of the legislative elections. It proclaims the results of these operations.

Article 154

The Constitutional Council is composed of seven members, of which two [are] appointed by the President of the Republic, two elected by the National People's Assembly and two elected by the Supreme Court from within it.

As soon as they are elected or appointed, they cease any other mandate, function, responsibility or mission.

The members of the Constitutional Council fulfill a sole mandate of six years and are renewed by half every three years.

The President of the Republic designates, for a sole mandate of six years, the President of the Constitutional Council.

Article 155

Beside the other attributions which are expressly conferred on it by other provisions of the Constitution, the Constitutional Council decides on the constitutionality of treaties, laws and regulations, either by an opinion, if these are not rendered executory, or by a decision in the opposite case.

It decides equally on the conformity with the Constitution of the internal regulation of the National People's Assembly.

Article 156

The Constitutional Council is referred [to a matter] by the President of the Republic, or the President of the National People's Assembly.

Article 157

The Constitutional Council deliberates in closed session; its opinion or its decision is given within the twenty days which follow the date of the referral [to the matter].

The Constitutional Council establishes the rules of its functioning.

Article 158

When the Constitutional Council rules that a treaty, accord or convention is unconstitutional, its ratification cannot take place.

Article 159

When the Constitutional Council rules that a legislative or regulatory provision is unconstitutional, it loses all effect from the day of the decision of the Council.

Article 160

A Court of Accounts is instituted which is responsible for the control *a posteriori* of the finances of the State, the territorial collectivities and of the public establishments.

The Court of Accounts establishes an annual report which it addresses to the President of the Republic.

The law determines the organization and the functioning of the Court of Accounts and the sanction of its investigations.

CHAPTER II Of the Consultative Institutions

Article 161

A High Islamic Council is instituted along side [*auprès*] the President of the Republic.

The High Islamic Council is composed of eleven members designated by the President of the Republic from among the notable religious [persons].

The High Islamic Council elects its President from within it.

Article 162

A High Council of Security is instituted, presided over by the President of the Republic. This organ is responsible for providing to him [its] opinion on all questions concerning national security.

The modalities of organization and of functioning of the High Council of Security, are established by the President of the Republic.

**TITLE IV
Of Constitutional Revision**

Article 163

Constitutional revision is decided on the initiative of the President of the Republic, voted by the National People's Assembly, submitted by referendum for the approval by the people and promulgated by the President of the Republic.

Article 164

Following the substantiated opinion of the Constitutional Council, [that] a bill of constitutional revision carries no infringement whatsoever to the general principles governing the Algerian society, to the rights and freedoms of man and of the citizen, nor affects in any manner the fundamental equilibria of the powers and of the institutions, the President of the Republic can directly promulgate the law containing the constitutional revision without submission to popular referendum, if it has obtained the approval of three-quarters of the votes of the members of National People's Assembly.

Article 165

After its vote by the National People's Assembly under the same conditions as a legislative text, the law concerning the bill of constitutional revision is submitted by referendum for the approval by the people in the forty-five days which follow its adoption by the National People's Assembly.

Article 166

The law concerning the bill of constitutional revision rejected by the people lapses; it cannot be newly submitted to the people during the same legislature.

Article 167

The President of the Republic promulgates the text of the constitutional revision approved by the people.

TRANSITORY PROVISION

The three members of the Constitutional Council made the subject of the first partial renewal will be identified, each by a drawing of lots effected within the framework of the group of two members whose designation or election arose from the same authority.