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CONSTITUTION of ALGERIA¹

September 10. 1963

PREAMBLE

The Algerian people have waged an unceasing armed, moral and political struggle against the invader and all his forms of oppression, for more than a century following the aggression of 1830 against the Algerian State and the occupation of the country by French colonial forces.

On November 1, 1954, the National Liberation Front called for the mobilization of all the energies of the nation, since the battle for the independence had reached its final phase of realization.

The war of extermination waged by French imperialism was intensified and more than a million martyrs paid with their lives for their love of their country and liberty.

In March 1962 the Algerian people emerged victorious from the seven and half year's struggle waged by the National Liberation Front.

Upon recovering its sovereignty, after a hundred and thirty two years of colonial domination and a feudal regime, Algeria has given itself new national political institutions.

Faithful to the program adopted by the National Council of the Algerian Revolution in Tripoli, the democratic and popular Algerian Republic will direct its activities toward the construction of the country in accordance with the principles of socialism and with the effective exercise of power by the people, among whom the fellahs, the laboring masses and the revolutionary intellectuals shall constitute the vanguard.

Having attained the objective of national independence which the National Liberation Front undertook on November 1, 1954, the Algerian people will continue its march toward a democratic and popular revolution.

The revolution will be consolidated by:

– embarking upon agrarian reform and the creation of a national economy whose administration will be ensured by the workers;

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- a social policy for the benefit of the masses to raise the standard of living of the workers, to accelerate the emancipation of women in order that they may take part in the direction of public affairs and in the development of the country, to do away with illiteracy, to develop the national culture, and to improve dwellings and the health situation;
- an international policy based upon national independence, international co-operation, the anti-imperialist struggle and effective support for movements for the independence or liberation of their countries.

Islam and the Arab language have been the effective forces of resistance against the attempt by the colonial regime to depersonalize the Algerians.

Algeria owes to itself to affirm that the Arab language is the national and official language and that it obtains its essential spiritual force from Islam; however, the republic guarantees respect for their opinion, their beliefs and the free exercise of their religion to all.

The National Popular Army, formerly the Army of National Liberation, has been the spearhead in the struggle for liberation; it remains in the service of people. It will participate, within the framework of the party, in political activities and in the construction of the new economic and social structures of the country.

The fundamental objectives of the Republic are faithful to the philosophic, moral and political traditions of our country and in accordance with the international political orientation which the Algerian people has chosen.

The fundamental rights recognized as belonging to each citizen of the Republic will permit him to participate fully and effectively in the task of building the country. They will permit him to develop and fulfil himself harmoniously within the community, in accordance with the interests of the country and the desires of the people.

The need for a party of the vanguard and its predominant role in the elaboration and supervision of the policy of the nation are the fundamental principles which have determined the choice of the solutions for the different constitutional problems before the Algerian State.

The harmonious and effective functioning of the political institutions provided by the Constitution will be ensured by the National Liberation Front, which:

- will mobilize, form and educate the popular masses for the realization of socialism;
- will perceive and reflect the aspirations of the masses for a permanent contact with these institutions;
- will draw up and define the policy of the nation and supervise its implementation;
- will be composed, animated and directed, by the most conscious and most active revolutionary elements;

– will base its organization and its structures on the principle of democratic centralization.

Only the party, a powerful organ of impulsion, which draws its strength from the people will be able to break up the economic structures of the past and substitute an economic power democratically exercised by the fellahs¹ and the laboring masses.

The people have the task of guarding the stability of the political institutions of the country which constitute a vital necessity for the tasks of socialist construction confronting the Republic.

The classic presidential and parliamentary systems cannot guarantee this stability, whereas a system based on the preeminence of the sovereign people and the single party can effectively ensure it.

The National Liberation Front, which is the revolutionary force of the nation will guard this stability and will be the best guarantee of the conformity of the country's policy with the aspirations of its people.

FUNDAMENTAL PRINCIPLES AND OBJECTIVES

Art. 1. Algeria is a democratic and popular republic.

Art. 2. It forms an integral part of the Arab Maghreb, of the Arab world and of Africa.

Art. 3. Its motto is "Revolution by the people and for the people."

Art. 4. Islam is the religion of the State. The Republic guarantees to all respect for their opinions and beliefs and the free exercise of religions.

Art. 5. The Arab language is the national and official language of the State.

Art. 6. Its emblem is the green and white flag with a red crescent and star in the middle.

Art. 7. The capital of Algeria is Algiers, seat of the National Assembly and the Government.

Art. 8. The national army is a people's army. Faithful to the traditions of the fight for national liberation, it remains in the service of the people and at the orders of the Government.

It ensures the defense of the territory of the Republic and participates in the political, economic and social activities of the country within the framework of the party.

Art. 9. The Republic includes administrative units whose extent and power shall be stipulated by law.

The basic administrative, economic and social territorial unit is the commune.

¹ "fellah" = peasant.

Art. 10. The fundamental objectives of the democratic and popular Algerian Republic are:

- safeguarding the national independence, territorial integrity and national unity;
- the exercise of the power by the people, whose vanguard is composed of fellahs, workers and revolutionary intellectuals;
- the construction of a socialist democracy, the struggle against the exploitation of man in all its forms;
- the guarantee of the right to work and to a free education;
- the elimination of every vestige of colonialism;
- the defense of liberty and respect for the dignity of the human person;
- the struggle against all discrimination, in particular discrimination based on race and religion;
- peace in the world;
- the condemnation of torture and of any physical and moral threat to the integrity of the human person.

Art. 11. The Republic adheres to the Universal Declaration of the Rights of Man. Convinced of the necessity of international co-operation, it will give its support to any international organization which corresponds to the aspirations of the Algerian people.

FUNDAMENTAL RIGHTS

Art. 12. All citizens of both sexes have the same rights and the same duties.

Art. 13. Every citizen who has completed nineteen years of age shall have the right to vote.

Art. 14. The domicile shall be inviolable and secrecy of correspondence shall be guaranteed to all citizens.

Art. 15. No one may be arrested or prosecuted except as provided by law, before the judges appointed by law and in the manner prescribed thereby.

Art. 16. The Republic recognizes the right of each person to a decent life and a share of the national revenue.

Art. 17. The family, the basic unit of society, is placed under the protection of the State.

Art. 18. Education is obligatory; it shall be offered to all without other discrimination than that resulting from the aptitude of each individual and the needs of the community.

Art. 19. The Republic guarantees freedom of the press and of other means of information, freedom of association, freedom of speech and public intervention, and freedom of assembly.

Art. 20. Trade union rights, the right to strike, and participation by the workers in the administration of enterprises are recognized and shall be exercised within the framework of the law.

Art. 21. The Algerian Republic guarantees the right of asylum to all who fight for liberty.

Art. 22. No one may make use of the rights and liberties enumerated above in order to threaten the independence of the nation, the integrity of its territory, national unity, the institutions of the Republic, the socialist aspirations of the people or the principle of the unity of the National Liberation Front.

NATIONAL LIBERATION FRONT

Art. 23. The National Liberation Front is the single vanguard party in Algeria.

Art. 24. The National Liberation Front shall define the policy of the nation and shall inspire the action of the State. It shall supervise the action of the National Assembly and of the Government.

Art. 25. The National Liberation Front shall reflect the profound aspirations of the masses. It shall educate and form them; it shall guide them in the realization of their aspirations.

Art. 26. The National Liberation Front shall achieve the objectives of the democratic and popular revolution and shall build socialism in Algeria.

THE EXERCISE OF SOVEREIGNTY THE NATIONAL ASSEMBLY

Art. 27. National sovereignty belongs to the people who shall exercise it through their representatives in the National Assembly. These shall be nominated by the National Liberation Front and elected for five years by direct secret universal suffrage.

Art. 28. The National Assembly shall express the popular will; it shall pass laws and supervise governmental actions.

Art. 29. A law shall stipulate the method of election of deputies to the National Assembly, their number, the system of eligibility and ineligibility, and the offices incompatible with membership.

In case of dispute concerning the election of a deputy, the Credentials Commission provided by the rules of procedure of the Assembly shall rule under the conditions stipulated therein.

Art. 30. The National Assembly may unseat a deputy only by a majority pronouncement of two thirds of its members and upon a proposal by the National Liberation Front.

Art. 31. Deputies shall enjoy parliamentary immunity for the duration of their term of office.

Art. 32. Except in *flagrante delicto*, no deputy may be arrested or prosecuted for criminal offenses without the authorization of the National

Assembly. The detention or prosecution of a deputy shall be suspended if the National Assembly so demands.

In case of *flagrante delicto*, the secretariat of the Assembly shall be advised immediately of the prosecution or other measures instituted against the deputy concerned and may prescribe the measures necessary to ensure respect of the principle of parliamentary immunity.

No member of the National Assembly may be prosecuted, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

Art. 33. The National Assembly shall meet by right before the fifteenth day following the election of its members and shall proceed to the confirmation of their mandates.

It shall at the same time elect its President, its secretariat and its commissions.

Art. 34. The President of the National Assembly shall be the second personage of the State.

Art. 35. The National Assembly shall draw up its rules of procedure and of organization.

Art. 36. The President of the Republic and the deputies alike shall have the right to initiate legislation.

Bills or resolutions shall be filed with the secretariat of the Assembly which shall send them for study to the appropriate parliamentary commissions.

Art. 37. Members of the Government shall have access to the National Assembly and its Commissions. They shall have the right to take part in the debates.

Art. 38. The National Assembly shall exercise its control over governmental action by:

- hearing the ministers in Commission;
- the written question;
- the oral question with or without debate.

THE EXECUTIVE POWER

Art. 39. The executive power shall be entrusted to the Head of State who shall bear the title of President of the Republic.

He shall be elected for five years by universal direct and secret suffrage, following designation by the party.

Any Moslem, of Algerian origin, at least 35 years of age and who enjoys civil and political rights, may be elected President of the Republic.

Art. 40. Before taking office, the President of the Republic shall take an oath before the National Assembly in the following terms:

وفاء لمبادئ ثورتنا ولأرواح شهدائنا، أقسم بالله العظيم ان
احترم الدستور وادافع عنه، واحافظ على سلامة الوطن، واستقلال
البلاد و وحدتها، و ان ابذل كل جهدي لرعاية مصالح الشعب
و الجمهورية الجزائرية الديمقراطية و الشعبية.

Art. 41. Foreign Ambassadors and Envoys Extraordinary shall be accredited to him.

He shall appoint Ambassadors and Envoys Extraordinary upon the proposal of the Minister of Foreign Affairs.

Art. 42. The President of the Republic shall sign and, after consultation with the National Assembly, ratify and implement treaties, conventions and international agreements.

Art. 43. He shall be the supreme Head of the Armed Forces of the Republic.

Art. 44. The President of the Republic shall declare war and conclude peace with the approval of the National Assembly.

Art. 45. The President of the Republic shall preside over the Supreme Council of Defense and the Supreme Council of the Judiciary.

Art. 46. The President of the Republic shall exercise the right of pardon upon the advice of the Supreme Council of the Judiciary.

Art. 47. The President of the Republic shall alone be responsible before the National Assembly. He shall appoint his ministers, of whom at least two thirds must be chosen from among the deputies, and shall present them to the Assembly.

Art. 48. The President of the Republic shall define the policy of the Government and shall direct, conduct and co-ordinate the internal and external policy of the country in accordance with the will of the people as rendered by the party and expressed by the National Assembly.

Art. 49. The President of the Republic shall be responsible for the promulgation and publication of the laws.

He shall promulgate the laws within ten days following their transmission by the National Assembly, and he shall sign the decrees of implementation. The time limit of ten days may be shortened when urgent passage is requested by the National Assembly.

Art. 50. Before the expiration of this time limit, the President of the Republic may, by a message containing the reasons therefor, request the National Assembly for a second reading of the law. This second reading may not be refused.

Art. 51. If the President of the Republic fails to promulgate the laws within the time limits provided, the President of the National Assembly shall proceed to their promulgation.

Art. 52. The President of the Republic shall ensure the implementation of the laws.

Art. 53. The regulatory power shall be exercised by the President of the Republic.

Art. 54. The President of the Republic shall make all civil and military appointments.

Art. 55. The National Assembly may question the responsibility of the President of the Republic by filing a motion of censure that must be signed by one third of the deputies composing the National Assembly.

Art. 56. A motion of censure passed by an absolute majority of the deputies to the National Assembly shall result in the resignation of the President of the Republic and the automatic dissolution of the National Assembly.

Voting on the motion shall be by open ballot and may not take place until five days after the filing thereof.

Art. 57. In the event of the resignation, death or definitive incapacity of the President of the Republic, or of censure of the policy of the Government, the President of the National Assembly shall exercise the functions of President of the Republic and shall be assisted in this task by the presidents of the permanent commissions of the National Assembly.

His duties shall consist principally of expediting current business and preparing, within a time limit of two months, for elections of a new President of the Republic, and of members of the National Assembly if the latter has been dissolved.

Art. 58. The President of the Republic may ask the National Assembly to delegate to him, for a limited time, the right to take measures of a legislative nature by means of legislative ordinances taken in the Council of Ministers, which must be submitted to ratification by the Assembly within a time limit of three months.

Art. 59. In case of imminent danger, the President of the Republic may take exceptional measures in order to safeguard the independence of the nation and the institutions of the Republic. The National Assembly shall meet automatically.

JUSTICE

Art. 60. Justice shall be rendered in the name of the Algerian people under the conditions determined by a law concerning judicial organization.

Art. 61. In criminal matters the right of defense is recognized and guaranteed.

Art. 62. In the exercise of their functions, judges shall obey only the law and the interests of the socialist revolution.

Their independence shall be guaranteed by law and by the existence of a High Council of the Judiciary.

THE CONSTITUTIONAL COUNCIL

Art. 63. The Constitutional Council shall be composed of the first president of the Supreme Court, the presidents of the civil and administrative chambers of the Supreme Court, of three deputies appointed by the National Assembly and of one member appointed by the President of the Republic.

The members of the Constitutional Council shall elect their president who shall not have a casting vote.

Art. 64. The Constitutional Council shall rule on the constitutionality of laws and legislative ordinances when these are referred to them by the President of the Republic or the President of the National Assembly.

THE HIGH COUNCILS

Art. 65. The High Council of the Judiciary. This shall be composed of the President of the Republic, of the Minister of Justice, of the first President of the Supreme Court, of the attorney general of that Court, of a lawyer of the Supreme Court, of two judges one of whom shall be a judge of "instance" (*Juge d'Instance*), elected by their peers on a national level, and of six members elected by the Permanent Commission of Justice of the National Assembly from its midst.

Art. 66. The powers and rules of procedure of the High Council of the Judiciary shall be determined by law.

Art. 67. The High Council of Defense. This shall be composed of the President of the Republic, of the Minister of National Defense, of the Minister of the Interior, of the Minister of Foreign Affairs, of the President of the Commission for National Defense of the Assembly, and of two members appointed by the President of the Republic.

Art. 68. It shall take cognizance of and advise upon all questions of a military nature.

Art. 69. The High Economic and Social Council. This shall be composed of five deputies appointed by the National Assembly, of the Director of the Plan, of the governor of the Central Bank of Algeria, of those responsible for national organizations and of representatives of the principal national economic and social activities appointed by the President of the Republic.

The High Economic and Social Council shall elect its president.

Art. 70. The High Economic and Social Council shall take cognizance of and advise upon all bills of an economic or social nature and may hear members of the Government.

CONSTITUTIONAL AMENDMENT

Art. 71. The President of the Republic and an absolute majority of the members of the National Assembly alike shall have the right to initiate constitutional amendment.

Art. 72. The procedure for constitutional amendment shall include two readings and two votes by an absolute majority of the members of the National Assembly, separated by a period of two months.

Art. 73. The bill shall be submitted to the approval of the people by means of referendum.

Art. 74. In the event that it is approved by the people, the bill of constitutional amendment shall be promulgated as a constitutional law by the President of the Republic within eight days following the date of the referendum.

TRANSITIONAL PROVISIONS

Art. 75. The national anthem shall provisionally be the "*Kassamen*". A non-constitutional law shall provide later for the national anthem.

Art. 76. The effective achievement of Arabization should occur in the shortest possible time throughout the territory of the Republic. Nevertheless, as a derogation from the present law, the French language may be used provisionally together with the Arabic language.

Art. 77. The legislative mandate of members of the National Constituent Assembly elected on September 20, 1962, shall be prorogued until September 20, 1964, before which date elections to the National Assembly shall take place, in accordance with the Constitution and for a duration of four years. The Head of the Government shall continue to exercise his present functions until the election of the President of the Republic, which should take place at the latest one month following approval of the Constitution by referendum.

Art. 78. Following approval by the people of the draft Constitution, the Head of the Government shall promulgate it within a time limit of eight days.

The present Constitution
proposed by the National Liberation Front,
deliberated and adopted by the National Constituent Assembly,
approved by the people,
shall be implemented as the supreme law of the State.

*Done at Algiers, 21 Rabia et-thani 1383
corresponding to September 10, 1963.*