

Angolan Constitutional Proposal: Principles of the Rule of Law

Preamble

We, the people of Angola, in pursuit of justice, democracy, and the protection of fundamental human rights, establish this Constitution to secure the Rule of Law, ensure the separation of powers, and guarantee equality, due process, and the protection of individual liberties.

Title I: General Principles

Article 1: Supremacy of the Constitution

1. This Constitution is the supreme law of Angola. Any law or action inconsistent with it shall be null and void.
2. The principles of the Rule of Law, including justice, equality, accountability, and transparency, shall guide the governance of the state.

Article 2: Separation of Powers

1. The legislative, executive, and judicial branches shall function independently and coequally, ensuring a system of checks and balances.
2. No branch shall exercise the powers constitutionally assigned to another.

Article 3: Judicial Review

1. The judiciary shall have the power to review the constitutionality of laws, executive actions, and administrative decisions.
 2. Judicial decisions on constitutional matters shall be final and binding on all state organs and individuals.
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Title II: Fundamental Rights and Liberties

Article 4: Equal Protection Under the Law

1. All individuals are equal before the law and entitled to equal protection and benefit of the law.
2. Discrimination on grounds of race, gender, religion, ethnicity, political belief, or other arbitrary distinctions is prohibited.

Article 5: Right to Due Process

1. Every individual is entitled to fair treatment under the law and shall not be deprived of life, liberty, or property without due process.
2. The right to a fair and public hearing by an impartial tribunal is guaranteed in all legal and administrative proceedings.

Article 6: Fundamental Rights in Criminal Procedure

1. Every individual accused of a crime shall be presumed innocent until proven guilty beyond a reasonable doubt.
 2. The accused shall have the right to:
 - Be informed promptly of the charges against them in a language they understand.
 - Legal representation and, if unable to afford one, the state shall provide legal counsel.
 - A speedy and public trial before an impartial judge or jury.
 - Be free from self-incrimination and unlawful detention.
 - Examine witnesses against them and present witnesses in their defense.
 - Appeal any conviction or sentence to a higher court.
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Title III: Institutional Framework

Article 7: Legislative Authority

1. Legislative power shall be vested in a National Assembly, elected by the people and accountable to them.
2. The Assembly shall:
 - Pass laws in accordance with the Constitution.
 - Oversee the executive branch and hold it accountable through hearings and inquiries.
 - Approve the national budget and international treaties.

Article 8: Executive Authority

1. Executive power shall be vested in the President, who shall act within the limits set by the Constitution.
2. The President shall:
 - Implement laws enacted by the legislature.
 - Represent Angola in international relations.
 - Ensure the faithful execution of the Constitution and laws.

Article 9: Judicial Authority

1. Judicial power shall be vested in an independent judiciary tasked with upholding the Constitution and the laws of Angola.
2. Judges shall:
 - Be appointed based on merit, professionalism, and integrity.
 - Serve independently, free from influence or pressure from the other branches.
 - Have the power to interpret laws and resolve disputes.

Title IV: Mechanisms for Accountability and Oversight

Article 10: Constitutional Court

1. A Constitutional Court shall be established to:
 - Review laws and executive actions for compliance with the Constitution.
 - Adjudicate disputes between branches of government.
 - Protect and enforce individual rights guaranteed by the Constitution.

Article 11: Anti-Corruption Commission

1. An independent Anti-Corruption Commission shall investigate and prosecute corruption within the government and public institutions.
2. The Commission shall operate transparently and report annually to the National Assembly.

Article 12: Ombudsman

1. An Ombudsman shall be appointed by the National Assembly to investigate complaints of maladministration and human rights abuses.
 2. The Ombudsman shall act impartially and have access to all necessary information to fulfill their duties.
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Title V: Amendments and Revisions

Article 13: Amendment Procedure

1. Amendments to this Constitution may be proposed by:
 - A two-thirds majority of the National Assembly.
 - A petition signed by at least 10% of registered voters.
 2. Proposed amendments must be approved by a national referendum with a majority vote.
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Title VI: Transitional Provisions

Article 14: Implementation and Oversight

1. An Implementation Commission shall oversee the transition to the constitutional framework established herein.
 2. The Commission shall:
 - Work with international advisors to ensure adherence to democratic principles.
 - Report progress to the public every six months.
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This proposed Constitution reflects the foundational elements of the Rule of Law as practiced in democratic systems, particularly drawing from the principles of the United States Constitution, while tailoring them to the needs and aspirations of Angola.