

# **The Constitution Drafting Assembly**

## **Draft Libyan Constitution**

## **PREAMBLE**

Based on the values of our true religion, guided by the struggle of Libyans against colonization and dictatorship, barring their return of any kind, and recalling the bitter experiences and violations,

With loyalty to what the Libyans have offered, during the past and present, including righteous martyrs and great sacrifices for the sake of independence and liberation from injustice and tyranny, and to bring victory for all the oppressed,

To move towards freedom and peace, and so as to preserve the country's unity, to establish a total departure from autocracy, and to build the state of rule of law, achieve social and economic growth, establish a society built on citizenship, respect of the human dignity, peaceful transfer of power, good governance, solidarity, justice, and ensure rights and public liberties, achieve equality for all Libyans, taking pride in all their social, cultural and linguistic components that form the Libyan identity, and in continuation with the establishment of the Libyan State in 1951 with the three provinces (Cyrenaica, Tripolitania, and Fezzan), then their transition into a united states as of 1963,

With a view to cooperate with the peoples of the world based on the principles of equality, mutual interests and respect for national sovereignty, and with the blessing of God, who opened the horizons widely for us to build a state of law and institutions.

We, the people of Libya, in the name of the Merciful and Benevolent God and our Prophet Mohammad, peace be upon him, the Greatest Messenger, endorse this Constitution.

## CHAPTER ONE

### Form and Fundamental Pillars of the State

#### Article 1

##### Name and Form of the State

Libya is a free, independent, and indivisible state. It shall not be permissible to relinquish any part of its sovereignty nor its territory. It shall henceforth be called the Libyan Republic.

#### Article 2

##### Identity and Language

The Libyan Identity shall be based on inclusive and diversified principles; Libyans are proud of their social, cultural, and linguistic elements and Libya shall be considered part of the Arab and Muslim World, Africa, and the Mediterranean Basin.

The Languages spoken by the Libyans or part of them, including Arabic, Amazigh, Targhey and Tebu are considered a cultural and linguistic heritage as well as a common asset for all Libyans. The State shall guarantee taking the necessary measures to protect them, preserve their originality and develop their teaching to and usage by those who speak them.

Arabic is the language of the State. The law shall regulate in the first parliamentary term the details of integrating the other languages in the areas of public life on the local level and the State level.

#### Article 3

##### Capital

The Capital of the Libyan Republic shall be Tripoli.

#### Article 4

##### Borders of the State

Borders of the Libyan Republic are:

**North:** The Mediterranean. **South:** Sudan, Chad, and Niger and Algeria. **East:** Egypt and Sudan. **West:** Tunisia and Algeria.

#### Article 5

##### The Flag of the State

The flag of the state shall be as per the follows shape and dimensions: its length shall be double that of its width and shall be divided into three parallel colours, the top of which shall be red, followed by black, followed by green. The area of the black colour shall be equal the total area of the two other colours, which are equal in area. In the center of the flag, there shall be a white crescent and between its two ends shall be a white, five-pointed star. Its provisions shall be regulated by law.

#### Article 6

##### The National Anthem

The National Anthem shall be the independence anthem (“Ya Beladi”) [“Oh My Country”].

**Article 7**  
**The State Emblem**

The State Emblem, medals, and insignia, as well as its official holidays shall be determined by law.

**Article 8**  
**Source of Legislation**

Islam shall be the religion of the State, and Islamic Shariya shall be the source of legislation in accordance with the recognized sects and interpretations without being bound to any of its particular jurisprudential opinions in matters of interpretation. The provisions of the Constitution shall be interpreted in accordance with this.

**Article 9**  
**Citizenship**

Male and female citizens shall be equal in and before the law. There shall be no discrimination between them and all forms of discrimination for any reason such as ethnicity, colour, language, sex, birth, political opinion, disability, origin or geographical affiliation shall be prohibited in accordance with the provisions of this constitution.

**Article 10**  
**Political System**

The political system shall be based on the principles of political pluralism, peaceful transfer of power, separation of powers, as well as balance of and oversight between powers based on good governance predicated on transparency, monitoring, and accountability.

**Article 11**  
**Defending the State**

Defending the State as well as its unity and independence shall be the duty of each male and female citizen.

**Article (12)**  
**Nationality**

1. Every person who acquired Libyan nationality in accordance with the provisions of the Libyan Constitution issued on 7 October 1951 and the laws issued thereunder shall be Libyan, and every person born to a Libyan father shall be Libyan.
2. Every person who acquired Libyan nationality by a current law, or who was born to a Libyan mother in accordance with the regulations of the law, shall be Libyan.
3. Libyan nationality may be combined with any another nationality.

**Article 13**  
**Acquiring Nationality**

The law that regulates granting nationality shall take into account the national interest, maintaining of demographic composition, and the ease of integration in Libyan society according to the following:

1. Necessary conditions to grant nationality shall include legal entry and uninterrupted residence for a period that is no less than 15 years.
2. The law shall regulate special conditions to grant nationality to a foreign male married to a Libyan female and to a foreign female married to a Libyan male, as well as to those who possess rare and distinguished expertise.

#### **Article 14**

##### **Revocation and Withdrawal of Nationality**

Revocation of Libyan nationality for any reason shall be prohibited. It shall be permissible to withdraw it from those who acquired it within ten years following its acquisition. The law shall explain cases of withdrawal and its effects.

#### **Article 15**

##### **International Relations**

Relations of the State shall be based on the principle of good neighborliness, noninterference in the internal affairs of other states, common interests, and resolution of disputes through peaceful means.

#### **Article 16**

##### **Foreign Policy**

Foreign policy shall be based on the principle of independence and sovereignty of the state, ensuring its national interests, developing cordial relations with other states, and cooperating with regional and international organizations within the framework of international law.

#### **Article 17**

##### **International Treaties and Conventions**

The international treaties and conventions that the State ratifies shall be superior to the law and inferior to the Constitution. The State shall take the necessary measures to enforce them in a manner that does not conflict with the provisions of this Constitution.

#### **Article 18**

##### **Political Asylum**

The State shall guarantee political asylum. It shall be prohibited to handover political refugees except to international judiciary. Its conditions and circumstances shall be regulated by law.

#### **Article 19**

##### **Foundations of the Economy**

The State shall work to create a diverse economy that achieves welfare and prosperity, raises the standard of living, and is based on diverse sources and standards of transparency, quality, accountability, balance between economic efficiency and social justice, competitiveness, and protecting the rights of consumers and producers. The State shall support and stimulate the private sector.

**Article 20**  
**Investment**

The State shall work to promote private, public, and joint investment in a manner that meets the needs of society and achieves comprehensive development.

**Article 21**  
**Equal Opportunity**

Equal opportunity shall be guaranteed for male and female citizens. The State shall work towards taking the necessary measures to achieve this.

**Article 22**  
**Assuming Public Posts**

Assuming public posts among all Libyans shall be based on the criteria of merit and eligibility.

The law shall determine the salaries of employees based on the controls of efficiency, responsibility, functional hierarchy, and needs for decent life.

**Article 23**  
**Environment**

The protection and safety of environment shall be the commitment of the State, all its residents, and persons crossing its territory. The State shall the necessary measures to develop and maintain its elements and components against pollution, to preserve natural biodiversity, and to exploit its natural resources in a balanced and safe manner. It shall ensure compensation of damages by those who are responsible for them. An environmental sanitation fund shall be established and regulated by Law.

Judicial proceedings on the safety of the environment shall be considered a public right, which do not incur judicial fees. The statute of limitations shall not apply to crimes related to it.

**Article 24**  
**Agriculture, Industry, and Tourism**

Agriculture, industry, and tourism shall be considered among the key pillars of the national economy. The State shall work towards enacting legislations and taking the necessary measures to support, promote, develop, and protect them.

**Article 25**  
**Public Moneys**

Public moneys shall be safeguarded. It shall not be permissible to seize them, and the State must protect, develop, and safeguard them. It shall be prohibited to encroach on public moneys or dispose of them in contravention of the provisions of the Constitution and the law. The State shall guarantee the recovery of public moneys and shall seek compensation for destroying or harming them. The statute of limitations shall not apply to crimes involving public funds. It shall not be permissible to pardon these crimes.

## **Article 26**

### **Management of Public Facilities**

Public facilities shall be established and managed in accordance with the standards of good governance and respect for human rights. They shall guarantee the right of beneficiaries in receiving their services, regularly, steadily and in an equal manner, in having their affairs dealt with fairly, and in submitting their petitions and complaints and receiving a reply to them. They shall commit to justifying their decisions, simplifying their procedures, and conducting periodical evaluation of their performance in accordance with what the law specifies.

## **Article 27**

### **Social Justice and Development**

The State shall undertake the rehabilitation of villages and cities based on the requirements of social justice, sustainable and balanced development and its indicators, as well as the prudent exploitation of wealth. It shall also guarantee the fair distribution of projects, interests, public companies and services between cities in a manner that ensures distribution of work opportunities as well as encouragement of investment and appropriate activities therein. All of this shall also be in a manner that ensures the removal of the developmental imbalance.

## **Article 28**

### **Combating Corruption**

The State shall take the necessary measures to combat administrative and financial corruption. Any person who is sentenced in a corruption related misdemeanor or felony shall be prohibited from assuming posts in cases specified by the law.

## **Article 29**

### **Taxes**

Imposition, exemption, an amendment of a tax shall only be through a law. When imposing it, the interest of society and the achievement of social justice shall be taken into consideration.

## **Article 30**

### **Charity (Zakat)**

The State shall oversee the collection and disbursement of Zakat in its sharia [abiding] banks. It shall not be permissible to mix it with public revenues.

## **Article 31**

### **Religious Endowments (Awqaf)**

The religious endowments (awqaf) shall enjoy its sanctity and shall not be mixed with State funds. It may not be disposed of except with the permission of the responsible court and in a manner that achieves the interest of the endowment and to the extent possible under the Islamic Sharia.

A special body to administer, manage, and oversee the endowments shall be established by law in a manner that ensures its development and the achievement of its goals and sharia [legitimate] purposes within the limits of the law.

## **Article 32**

### **Family**

The family that is established on sharia based marriage between a man and a woman shall be the foundation of society. It shall be founded on religion, ethics, complementary roles between its members, as well as on affection, and mercy. The State shall ensure its protection, and shall sponsor and encourage marriage, protect motherhood and childhood, and seek to reconcile the obligations of women and their work.

## **Article 33**

### **Adolescents and Youth**

The State shall prepare the appropriate environment to develop adolescents and youth, provide ways to increase their capacities, and support their effectiveness in national life. The State shall open up opportunities for them to work, participate in development, and benefit from various sciences and human cultures as well as enable them to participate in political, social, and economic life with a spirit of citizenship and responsibility.

## **Article 34**

### **Protection of Antiquities and Manuscripts**

The State shall be committed to the protection, sponsoring, rehabilitation, and excavation of antiquities, cities, and historical regions. It shall be prohibited to abuse, traffic, or present them as gifts. The State shall do what is necessary to recover any antiquities that have been seized. The statute of limitations shall not apply to crimes against antiquities.

The State shall ensure the protection of historical manuscripts, documents, and coins and it shall work towards maintaining and preserving them. Encroaching upon or tampering with them shall be prohibited. The statute of limitations shall not apply to crimes against them.

In the event that a private property is considered to be of a historic nature, the relationship between the relevant owners and the State shall be subject to a special law that ensures their legitimate rights.

## **Article 35**

### **Housing**

The State shall commit to the development of national policies and plans that provide adequate housing, which is sensitive to Libyan specificity, in a manner that achieves balance between growth rates, requirements for adequate distribution of the population and available resources. The State shall develop policies that takes into consideration families with limited income, promote private sector, support individual enterprise, and regulate the use of State land for purposes of construction in a manner that achieves the public interest.

## **Article 36**

### **Sports**

Practicing sports as a hobby or a profession shall be a right for every individual. The State shall take the necessary measures to support it, advance it and encourage investment in it, as well as provide the proper sports installations for the areas according to their needs. It shall ensure the

independence of sports bodies as well as the settlement of disputes between them in accordance with international standards.

## **CHAPTER TWO**

### **Rights and Freedoms**

#### **Article 37**

##### **Protecting the Right to Life**

Every human being shall have the right to life, it shall not be permissible to surrender it and the State shall ensure its protection and take the necessary measures to ensure indemnity [blood money] of the dead when the perpetrator is unknown in accordance with the regulations of the law.

#### **Article 38**

##### **The Right to Safety**

Every human being has the right to personal, physical, and mental safety. Material gain from a human being and his organs shall not be permissible. The State shall take the necessary measures to compensate victims of calamities for citizens and legal residents.

#### **Article 39**

##### **Security and Tranquility**

Every human being shall have the right to security and tranquility. The State shall be committed to providing security and tranquility to its citizens and to each resident in its territory.

#### **Article 40**

##### **Human Dignity**

The State shall be committed to protecting human dignity and preventing all types of violence, torture, inhumane, cruel and humiliating treatment as well as enforced disappearance. The statute of limitations shall not apply to their crimes. All forms of slavery, involuntary servitude, forced labour and human trafficking shall be prohibited, unless out of a necessity or to carry out a punishment according to a court ruling.

#### **Article 41**

##### **Sanctity of Private Life**

Private life shall enjoy its sanctity. It shall not be permissible to enter private places except for a necessity, and they shall not be searched except in the case of flagrante delicto or with a court warrant. In addition, it shall not be permissible to prejudice personal data, or monitor communications and correspondence except based on the permission of the competent judge.

#### **Article 42**

##### **Rights of Foreigners**

Foreigners who have legal residency shall have the right to movement and ownership of a residence. It shall be prohibited to subject them to mass or arbitrary displacement. In addition, it shall be prohibited to extradite them if they are expected to face torture, and this shall be subject to judicial guarantees.

The State shall be committed to observing the interest of Libyan husbands, wives, and children in rulings of deportation, extradition, and granting of visas and residency.

#### **Article 43**

##### **Displacement**

Forced displacement of all forms shall be prohibited, and the State shall guarantee reparations and the right of return.

#### **Article 44**

##### **Crimes Against Humanity**

All patterns of behavior that constitute crimes against humanity, war crimes, and genocide shall be prohibited. The statute of limitations shall not apply to them, and it shall not be permissible to pardon them in contradiction with the provisions of the Constitution. International jurisdiction of the Libyan judiciary shall apply on them.

#### **Article 45**

##### **Freedom of Expression and Publication**

Freedom of speech and its integrity shall not be separated. Expression and publication are two safeguarded rights. Necessary measures shall be taken to protect private life and prohibit incitement to hatred, violence, and racism on the basis of ethnicity, colour, language, sex, birth, political opinion, disability, origin, geographic affiliation or any other reasons. Charging with infidelity [Takfir] and imposition of opinion by force shall also be prohibited.

#### **Article 46**

##### **Freedom of Press and Media**

The State shall guarantee the freedom, plurality, and independence of the press and media. Citizens shall have the right to ownership of press and media outlets. They shall be regulated in a way that is consistent with the foundations of a democratic society and Libyan specificity. It shall be prohibited to suspend them except by a judicial order and it shall be prohibited to disband them except by a court ruling. Precautionary imprisonment in cases of journalism shall not be permissible.

#### **Article 47**

##### **Right to Vote and Run as a Candidate**

Every citizen shall have the right to vote in referenda as well as to vote or run as a candidate in free, fair, transparent, and equitable elections in which all citizens are equal in accordance with the law. It shall be prohibited to deprive eligible citizen from them except based on a judicial ruling.

#### **Article 48**

##### **Freedom to Form Political Parties**

Every citizen shall have the right to choose his political leanings. The State shall guarantee the freedom to form political parties based on national unity, transparent financing, renunciation of violence and hate speech. Every citizen shall have the right to join or withdraw from them without discrimination.

**Article 49**  
**Civil Society**

The State shall guarantee the freedom to form and join civil society organizations according to the standards needed for [creating a] balance between the requirements of their independence and transparency needs. It shall not be permissible to suspend their work except by a judicial order and it shall not be permissible to disband them except by court ruling.

**Article 50**  
**Right to Participation**

The State shall guarantee for citizens and civil society organizations the right to democratic participation in their realm of activity by submitting petitions or legislative proposals in accordance with a regulatory law issued for this purpose.

**Article 51**  
**The Right of Assembly, Association, and Demonstration**

The State shall guarantee the right to peaceful assembly, association, and demonstration, and it shall take the necessary measures to protect property and persons. It shall not use force except at a minimum level and in the case of necessity.

**Article 52**  
**Right to Movement and Residency**

The right to movement and residency, to move property, the freedom to exercise economic activity within the entirety of the country, freedom of travel, and the right to immigration shall be guaranteed to all citizens. A travel ban shall only be by a justified judicial order and for a period defined by the law. It shall be prohibited to deport citizens or prevented them from returning to their homeland. It shall also be prohibited to extradite [citizens] except based on international obligation of an international judicial body.

**Article 53**  
**Rights of Libyans Abroad**

The State shall take the necessary measures to protect and care for Libyans abroad, ensure their affiliation with their homeland, participation in the electoral process and their contribution to development, as well as follow violation of their rights and extend the jurisdiction of the Libyan judiciary pertaining to these rights.

**Article 54**  
**Transparency and Right to Information**

The State shall develop the necessary measures for transparency and shall ensure the freedom of receiving, sending, exchanging and perusal of information, as well as multiplicity of its sources in a manner that does not prejudice military secrets, public security secrets, the requirements of the administration of justice, the sanctity of private life and what was agreed upon with another country as secret, with the right to keep the source confidential.

**Article 55**  
**Right to Water and Food**

The State shall guarantee to citizens the right to safe and adequate drink and food and shall develop the necessary policies to achieve water and food security.

**Article 56**  
**Right to Health**

Health is a right for every human being and is a duty upon the State and society. The right to live in a sound environment shall be guaranteed to all. The State shall guarantee comprehensive and quality healthcare to all citizens and shall provide preventive services to them. It shall also provide treatment services to them in all stages based on a symbiotic system. It shall ensure the fair geographic distribution of health facilities. Not providing treatment in various forms to any human being in cases of emergency or danger to life shall be prohibited

**Article 57**  
**Supporting Rights of Women**

Women are sisters of men. The State shall be committed to supporting and caring for women, enacting laws that ensure their protection, promoting their status in society, eliminating the negative culture and social customs that detract from their dignity, as well as prohibiting discrimination against them, and ensuring their right in public elections and enabling them [to have access] to opportunities in all areas; it shall also take the necessary measures to support their acquired rights.

**Article 58**  
**Right to Decent Life**

1. The State shall guarantee to all citizens decent life and welfare that commensurate with its economic conditions.
2. Social security shall be a right for citizens, and the State shall protect the rights of its residents.
3. Society shall be based on social solidarity, and the State shall guarantee decent life for the needy, including the elderly, orphans, widows, divorcees, those who do not marry at an early age as well as those who have lost support.
4. The State shall guarantee the rights of the retirees in a manner that ensures that pensions are compatible with legal positions irrespective of the date of retirement.
5. The State shall be committed to providing social care and education for children of unknown parentage so as to ensure their integration in society and enjoyment of all rights without discrimination. The law shall regulate their situations in a manner that achieves this.
6. With the exception of political rights, foreign children of Libyan women shall enjoy all the rights that the Libyan citizens enjoy.

In all events, the State shall develop the necessary regulations to achieve cooperation and social solidarity among citizens.

**Article 59**  
**Intellectual Property**

The State shall protect the material and intangible rights of intellectual property in all forms and in all domains, and it shall support it in accordance with what is specified by the law.

**Article 60**  
**Right to Education**

Education shall be a protected right, which the State shall be committed to promoting and providing to every citizen based on his mental and scientific capacities without discrimination; it shall be compulsory until the age of eighteen and free to citizens in all stages in public education institutions and in accordance with what the law determines for resident foreigners. The State shall support private education and ensure its compliance with its educational policies. The State shall also ensure the inviolability of educational institutions.

Educational curricula shall be based on the standards of quality in accordance with international standards and the teachings and values of the Islamic religion, benefiting from human experiences, strengthening the concept of citizenship, social harmony, and peaceful coexistence, as well as teaching human rights and fundamental freedoms.

**Article 61**  
**University Education and Scientific Research**

The State shall take the necessary measures for the independence of universities and research centers and shall guarantee their competitiveness and academic freedom in line with the general national standards. The right to affiliation shall not be restricted except by standards of scientific competence appropriate for the area of specialization.

The State shall commit to taking the necessary measures to develop scientific research and provide it with institutional frameworks. It shall ensure the rights of researchers, sponsor creativity and innovation as well as creative and talented individuals and inventors. It shall provide the means to demonstrate and develop their capacities.

**Article 62**  
**Technical and Vocational Education**

The State shall be committed to promoting and developing technical and vocational education in line with the requirements of development.

**Article 63**  
**Priority of Education and Scientific Research**

Priority shall be given to the different types and stages of education and to scientific research in the distribution of national income in a progressive manner that is compatible with international standards.

**Article 64**  
**Libyan Languages and Cultures**

Every person, individually or collectively, shall have the right to use and learn their languages and to participate in cultural life.

The State shall guarantee the protection of Libyan languages and provide the necessary means to develop teaching and using them in the media. The State shall also guarantee the protection and promotion of local cultures, heritage, traditional knowledge, literature, and arts, and shall disseminate cultural services.

#### **Article 65**

##### **Right to Work**

Every citizen has the right to work. The state shall work to provide safe and appropriate conditions of work. The worker has the right to choose the type of work and fairness of its terms, along with guaranteeing union rights. The state shall ensure raising the value of work and provide opportunities for job seekers.

#### **Article 66**

##### **Right to Enterprise**

The State shall guarantee the right to enterprise in the context of free competition. It shall prohibit monopolistic practices and commit to avoid undermining others or the interests of the society.

#### **Article 67**

##### **Private Property**

Private property shall be safeguarded as a right. No custodianship shall be imposed on private property except by a court ruling and in the cases that are determined by the law. Expropriation shall only happen for public interest with a fair compensation. In cases other than emergency and martial law, compensation shall be in advance. Property shall only be seized by a judicial ruling. General seizure shall be prohibited.

#### **Article 68**

##### **Children Rights**

The State shall take all measures for children to fully enjoy their rights and protect them from conditions that endanger their interests, education, and growth. The state shall base its legislations and policies on the best interests of the child.

#### **Article 69**

##### **Rights of Persons with Disability**

The State shall be committed to guaranteeing the health, social, educational, economic, political, sports and entertainment rights of persons with disability on equal footing with others. The State shall customize public and private facilities and surrounding environment that enable them to integrate into society in a complete and effective manner. The State shall take the necessary measures to activate the laws that guarantees that.

#### **Article 70**

##### **Right to Litigation**

The right to litigation shall be guaranteed for all. Every person shall have the right to a fair trial before his natural judge and within a reasonable period in which all guarantees shall be provided. No legislation shall be immune from appeal and no conduct detrimental or threatening to rights and freedoms may be excluded from judicial jurisdiction.

## **Article 71**

### **Principle of Criminal Legitimacy and Assumption of Innocence**

Crimes shall be classified into felonies, misdemeanors, and infringements. There shall be no felony or misdemeanor except by law. Infringements shall not be punishable by custodial sentences. Punishment shall be for acts [committed] subsequent to the date on which the law entered into force. The sentence shall be personal and proportionate to the crime and its perpetrator. An accused person shall be innocent until proven guilty.

## **Article 72**

### **Procedural Guarantees**

Every individual shall enjoy respect of human dignity, as his right, in all criminal proceedings. Competent authorities shall justify their orders that affect rights and liberties. There shall be no detention except in places designated for this purpose and for a specific legal period that is proportionate with the accusation, while making this [detention] known to the competent judicial body and the family or chosen person of the detained; his place shall be specified and he shall be given enough time and the necessary facilities to prepare his defense; he shall be informed of his right in not to be forced to submit evidence against himself and his responsibility for any statements he makes, as well as to utilize an interpreter and to choose and contact an attorney. The State shall guarantee judicial assistance.

## **Article 73**

### **Deprivation of Freedom**

Every individual shall have the right to personal freedom. There shall be no deprivation of freedom except in the case of insufficient measures, procedures, or alternative penalties. The state shall be committed to rehabilitating prisoners and integrating them into society. Any person who is deprived of his freedom as a precaution or in implementation of a sentence shall be entitled to proper reparations upon an order that there is no cause for prosecution, or a judgement of acquittal due to the lack of a crime or evidence based on the regulations of the law.

## **Article 74**

### **Controls over Restrictions on Exercising Rights and Liberties**

Any restriction of rights and liberties must be necessary, clear, defined, and proportionate to the interest to be protected and the characteristics of democratic society. Revoking guarantees provided by the law shall be prohibited. All this shall not contravene with the provisions of this Constitution.

## **Article 75**

### **Establishment of Legislative and Executive Policies**

All legislative and executive policies and development programs shall be based on the protection and promotion of human rights. In this regard, the State shall periodically evaluate its legislations and policies with subsequent publication of the bases and results of the evaluation in the official newspaper.

## **Chapter Three**

### **System of Governance**

#### **Legislative Authority**

##### **Article 76**

##### **The Shura Council**

The Shura Council shall consist of two chambers: The House of Representatives and the Senate.

It shall have the authority to enact legislation, to ratify State public policy, the public plan for economic and social development, and the public budget for the State in addition to oversight of the work of the executive authority in the manner stated in the Constitution.

#### **First: The House of Representatives**

##### **Article 77**

##### **Composition of the House of Representatives**

The House of Representatives shall be composed of a number of members elected by general, free, confidential, and direct election based on the population, taking into consideration geographic distribution and ensuring the minimum level of representation for cultural and linguistic components. This shall be in accordance with the law regulating the elections of the House of Representatives, provided that the age of a voter is no less than eighteen years old.

##### **Article 78**

##### **Membership of the House of Representatives**

Candidates for the membership of the House of Representatives shall be Libyans; Muslims; do not possess any other nationality; enjoy their civil and political rights; possess educational qualification and not younger than twenty-five years old on the day of candidacy; as well as any other conditions specified by the law.

##### **Article 79**

##### **Term of the House of Representatives**

The term for the House of Representatives shall be four years as of the date of its first meeting. The election of the new House of Representatives shall be held during the ninety days preceding its expiration.

##### **Article 80**

##### **Presidency of the House of Representatives**

The House of Representatives shall convene its first sessions under the presidency of the oldest member while the youngest shall be the rapporteur in order to elect the President and the two deputies. Presidency elections shall be conducted every two years.

## **Article 81**

### **Quorum and Voting**

House of Representatives sessions shall not be considered valid without the presence of at least the absolute majority of its elected members. Decisions shall be taken with the same majority when endorsing draft and proposed draft, provided that the public budget law shall be endorsed by two thirds-majority. The rules of procedure of the House of Representatives shall establish the necessary penalties to ensure the regular attendance of the members.

## **Article 82**

### **Draft and Proposed Laws**

Each draft law submitted by the President of the Republic or the Prime Minister shall be referred to the competent thematic committees in the House of Representatives to examine it and submit a report on it to the House of Representatives within one month from the date of receipt. Draft laws submitted by at least ten members or in accordance with Article 50 shall be referred to the thematic committees for consideration within a period that does not exceed 60 days. In the case of rejection, the decision shall be justified. Draft laws shall have priority over proposals.

## **Article 83**

### **Issuing and Publishing Laws**

If the House of Representatives endorses a draft or proposed law, then it shall be referred to the President of the Republic within a maximum period of seven days for issuance and to order its publication in the Official Gazette, which shall take place within a period not exceeding fifteen days from the date of its endorsement. If the President of the Republic does not publish the law, then it is upon the President of the House of Representatives to issue and publish it with his signature.

The new law shall enter into force two days after the date of publication, unless it states otherwise.

The President of the Republic may return the endorsed law back to the House of Representatives with amendments. The House of Representatives may endorse it with the absolute majority of its elected members, with or without his amendments, within fourteen days of starting deliberations. The President of the Republic may not return any law endorsed by the Senate.

## **Article 84**

### **Questioning and Interpellation**

Each member of the House of Representatives may direct questions to the Prime Minister and Ministers and request their interpellation in accordance with the rules of procedure of the House of Representatives.

## **Second: The Senate**

## **Article 85**

### **Forming the Senate**

The Senate shall be composed of seventy-two members chosen by general, free, confidential and direct poll by way of individual election where no voter shall be less than eighteen years old. The distribution of seats of the Senate shall be in accordance with the basis of representation provided

for in the Elections Law of the Constitution Drafting Assembly. Geographical distribution within each constituency shall be taken into account.

#### **Article 86**

##### **Membership of the Senate**

Membership to the Senate shall follow the same conditions as membership to the House of Representatives. A candidate shall not be younger than forty years old on the candidacy start date.

#### **Article 87**

##### **Term of the Senate**

The term of the Senate shall be four years starting from the date of its first meeting. A member shall not be reelected for more than two terms. The new Senate shall be elected within 90 days preceding the end of the term of the current Senate.

#### **Article 88**

##### **Presidency of the Senate**

The Senate shall convene its first sessions under the presidency of the oldest member, and the youngest shall be the rapporteur in order to elect the President and the two deputies. Presidency elections shall be conducted every two years.

#### **Article 89**

##### **Quorum and Voting**

Senate sessions shall not be considered valid unless with the presence of the absolute majority of its elected members. Decisions shall be taken with the same majority on issues stated in Articles 90 and 91, provided that among them are no less than 6 members from each constituency. The rules of procedure of the Senate shall establish the necessary penalties to ensure the regular attendance of the members.

#### **Article 90**

##### **Legislative Competence of the Senate**

The Senate shall review laws referred thereto by the House of Representatives for endorsement or amendment in the following topics:

1. Financial system of the State
2. Local governance
3. Nationality and immigration
4. Elections
5. Natural resources and the environment
6. Proposed constitutional amendments

The Senate may request clarification from the concerned bodies regarding any topic within its competence.

#### **Article 91**

##### **Senate Competence on Some Functions**

The Senate shall endorse the nominations of the House of Representatives for the following positions:

1. Members of the Constitutional Court
2. Heads and members of the independent constitutional bodies.
3. Governor and Deputy of the Central Bank of Libya.

This shall be in accordance with the criteria of merit and aptitude so as to achieve the higher interests of the state within the period and according to the conditions defined by the law. The President of the Republic shall issue a decision to designate them.

#### **Article 92**

##### **Joint Committee**

If the two chambers have a dispute over a law set forth in Article 90, a joint committee of equal number from the two chambers shall be formed to resolve the dispute and propose a compromise text to be submitted to the two chambers for their endorsement and referral to the President of the Republic for its issuance. If the joint committee is unable to reach a compromise within a period not to exceeding thirty days from the day on which the draft was presented, it shall be sent to the Senate for endorsement with a two-thirds majority, then to the House of Representatives for referral to the President of the Republic for its issuance. Should this be not possible to accomplish, the endorsement of the law shall be postponed until the following term.

#### **Article 93**

##### **Senate Consultation**

The House of Representatives shall refer draft laws to the Senate for expression of its advisory opinion in their regard; and [The Senate] shall return them to the House of Representatives within a period no longer than thirty days from the day on which they were submitted.

### **Third: General Provisions for the Two Chambers**

#### **Article 94**

##### **Non-Restriction of Delegation**

Members of the Shura Council represent all of the people; it shall not be permissible to limit their delegation with restrictions or conditions.

#### **Article 95**

##### **Oath of the Shura Council Members**

Members of the Shura Council shall take the following oath in the presence of the their chamber prior to assuming their work: “In the name of Almighty God, I swear to be faithful to God and my country, to respect the Constitution and the Law, and to perform my work with all honesty and good faith”.

#### **Article 96**

##### **Dedication of Members of the Shura Council**

It shall not be permissible to combine memberships of both chambers. Members shall carry out their work on a full-time basis. Their job shall be kept in accordance with the regulations of the law.

**Article 97**  
**Immunity**

1. Each of the members of the Shura Council shall enjoy full liberty to express an opinion within the bounds of the rules of procedure of their respective chamber. They shall not be questioned about votes, opinions, or speeches they express during council or committee sessions.
2. Either chambers may initiate parliamentary indictment to any of their member if there is sufficient evidence on the commitment of a crime of high treason, a serious breach of the Constitution, or crimes involving breach of integrity or honor during the fulfillment of their work. The member shall then be referred to the Attorney General to take the necessary legal procedures.
3. In cases other than flagrante delicto, criminal proceedings that affect the rights and liberties of members shall not be taken without prior permission from their respective chamber based on a written request from the Attorney General. If [the Council is] not during the term, permission shall be issued by the presidency, provided that the Council is notified in its first convening, in accordance with its rules of procedure.

**Article 98**  
**Rules of Procedure for the Two Chambers**

Each of the two chambers shall issue its rules of procedure within a period that does not exceed thirty days from the date of their first meeting, and they shall be published in the Official Gazette. Each chamber must take into account complementarity and consistency with the other chamber when establishing the rules of procedure.

**Article 99**  
**End of Membership**

Membership of the Shura Council shall be end for one of the following reasons:

1. Inability to perform tasks
2. Resignation
3. Removal
4. Dismissal upon loss of any of the candidacy conditions
5. Death

A decision to terminate the membership shall be issued by the respective chamber to which the member belongs in accordance with the rules of procedure.

**Article 100**  
**Vacancy of a Seat in the Shura Council**

In case a Shura Council seat becomes vacant no less than six months prior to the end of the term of the member for any of the reasons stated in the previous article, the law shall determine how the seat shall be filled.

## **Article 101**

### **Headquarters and Provisions of the Convening of the Shura Council**

The headquarters of the Shura Council, with its two chambers, shall be in the city of Benghazi. It may convene in any other place inside the country. Both chambers shall convene their regular sessions in accordance with the law in two regular terms the duration of each shall be five months.

The terms of the two chambers shall be the same, provided that the first term starts within fourteen days from the date on which the final results of the elections are announced.

## **Article 102**

### **Shura Council Meetings**

The Shura Council with the majority of the members of both chambers shall meet under the chairmanship of the President of the Senate. In the event of his absence, the President of the House of Representatives shall assume this responsibility. If the President of the House of Representative is absent, the oldest member shall be the chairperson. This shall take place in the following cases:

1. The opening of the legislative term.
2. The oath taking by the President of the Republic.
3. Listening to the speeches of presidents.
4. Listening to an address by the President of the Republic on issues of national importance.
5. Holding consultative sessions for the two chambers.

The Shura Council shall ratify treaties and conventions by majority of its members.

## **Article 103**

### **Extraordinary Convening of the Shura Council**

The Shura Council shall hold an extraordinary session at the request of the President of the Republic or whoever succeeds him according to the provisions of the Constitution, or at the request of one third of the members of any of the chambers, in the following cases:

1. Approve the declaration or ending of a state of war.
2. Endorse a state of emergency and martial law.
3. Approve dispatching military forces outside the borders of the State.
4. Look into a specific agenda.

The President of the Senate or whoever succeeds him shall preside over this session. Decisions shall be adopted by the majority of the members present. The number of attendees should be at least half of the members from each chamber.

## **Article 104**

### **Publicity of Sessions**

Sessions of both chambers shall be public. Their deliberations shall be documented in minutes in accordance with their rules of procedure and shall be published according to the specifications of the law. Either one or both of the chambers may convene for an in-camera session with the approval of the majority of those present at the request of twelve members or a request by the executive authority.

**Article 105**  
**Granting Decorations and Medals**

Members of the Shura Council shall not be granted any decorations or medals during the duration of their membership.

**Article 106**  
**Devolution of Competences of One of the Chambers to the Other**

If one of the chambers is dissolved, the functioning chamber shall inherit its competences in accordance with Articles 102 and 103, until a replacement chamber is elected.

**Article 107**  
**Remunerations**

Members of the Shura Council shall receive remuneration defined by law. Amendments to this law shall not be valid until the start [of term] of the Council that succeeds the one who issued the amendment.

**The Executive Authority**

**Article 108**

The executive authority shall be vested in the President of the Republic and his government in accordance with the provisions of this Constitution. Its headquarters shall be in Tripoli. It may hold meetings and take decisions in any other location inside the country.

**Article 109**  
**First: The President of the Republic**

The President of the Republic shall maintain the unity, independence and territorial integrity of the country. He shall care for the interests of the people and perform his competences. His responsibilities shall be defined in accordance with the provisions of this Constitution.

**Article 110**  
**Conditions to Run for the Presidency of the Republic**

The following conditions shall apply to presidential candidates:

1. Libyan Muslim, and born to Libyan Muslim parents.
2. Had not acquired another nationality, unless this nationality had been renounced five years prior to the date of candidacy.
3. Not married to a foreigner.
4. In possession of a university degree or its equivalent.
5. Not less than forty years of age.
6. Enjoy civil and political rights, and not convicted of a premeditated felony or a dishonorable or treacherous misdemeanor, even if rehabilitated.
7. Able to perform his functions.
8. In the event that the candidate served in the military or belonged to the security apparatus, his service must have ended no less than one year prior to the date of his candidacy.
9. Duration of his residence in Libya shall be no less than ten years.

**Article 111**  
**Electing the President**

The President shall be elected by public, free, secret, and direct ballot, with the absolute majority of the valid votes of voters, and with balance between the two criteria of population and geography, to ensure geographic distribution of the votes. This shall be regulated by the law.

The President of the Republic shall be elected ninety days before the end of the term of the current president at the time of presidential elections. The final results shall be announced two weeks before the end of the previous term. In case it is not possible to hold presidential elections for compelling reasons or imminent danger, then this shall be proven through a decision by the Constitutional Court, and the Shura Council shall determine the necessary procedures and dates that are necessary for the subsequent conduct the presidential elections.

A President shall not be reelected for more than two complete, consecutive or nonconsecutive terms. In the event of resignation, that period shall be considered a full presidential term.

**Article 112**  
**Special Cases**

1. Presidential elections shall be cancelled and new elections held in the event where the winning candidate passes away before the announcement of his victory.
2. If a candidate passes away or withdraws, or if a legal impediment to his candidacy emerges before the second round of elections, he shall be replaced by the next candidate in line according to the announced results.

**Article 113**  
**Term of Presidency**

The term of presidency shall be five years from the swearing in date, and it shall be renewable for one time.

**Article 114**  
**Oath of the President**

The President-elect shall take his oath before the Shura Council prior to assuming his duties according to the following formulation: “In the name of the Almighty God, I swear that I will perform my duties wholeheartedly, I will respect the Constitution and the law, I will preserve the independence and unity of the country, and I will protect the interests of the people and the homeland”.

**Article 115**  
**Vacancy of the Presidency Post**

The post of the President shall be considered permanently vacant in the following cases:

1. Resignation by written notice addressed to the Shura Council.
2. Removal from office.
3. Loss of one of the conditions of candidacy as proven based on a ruling by the Constitutional Court.
4. Death.

The Constitutional Court shall convene to officially establish the permanent vacancy of the position. The Prime Minister shall assume the functions of the president. Within a period no longer than fifteen days from the date on which the decision of the Constitutional Court concerning the vacancy was issued, the Shura Council shall announce the opening of candidacy and the election of a new President within ninety days.

If the position is vacant due to the temporary absence of the President because due to illness, travel or any compelling reason, the Prime Minister shall fill his position for a period not to exceed one hundred and twenty days. In the event that this period is exceeded, the position of the President shall be deemed vacant.

### **Article 116** **Competences of the President**

The President shall be competent with the following matters:

1. Appointing the Prime Minister, endorsing government formation and making cabinet reshuffles.
2. Defining and guiding the general policies of the executive authority.
3. Calling for a referendum for the cases and under the conditions stipulated in the Constitution.
4. Convening the Shura Council to hold special sessions and identifying the issues that shall be addressed.
5. Issuing laws and ordering their publication in the Official Gazette in accordance with the Constitution.
6. Proposing draft laws.
7. Concluding international agreements of a technical nature in accordance with the law.
8. Accreditation of representatives of diplomatic missions of States and international organizations.
9. Granting medals and decorations according to the law.
10. Appointments and exemptions for senior positions in the Presidency of the State and institutions affiliated to it.
11. Declaring a state of emergency and requesting the declaration of martial law in accordance with the provisions of the Constitution.
12. Any other competences that the Constitution stipulates.

### **Article 117** **Special Amnesty**

Special amnesty shall be by a decree of the President of the Republic after considering the opinions of the Prime Minister and President of the Higher Judicial Council in a manner that does not contravene with the provisions of this Constitution.

### **Article 118** **Supreme Commander of the Armed Forces**

The President of the Republic shall be the Supreme Commander of the Armed Forces. He shall declare war and conclude reconciliation in accordance with the provisions of the Constitution.

## **Article 119**

### **State Representation Abroad**

The President of the Republic shall represent the State in its foreign relations. He may conclude treaties and conventions according to the Constitution.

## **Article 120**

### **Decrees that have the Force of Law**

In the event that the two chambers are not in session or the House of Representatives has been dissolved, the President of the Republic may, in a state of necessity or urgency, issue decrees that have the force of law as regulated by the law. Such decrees shall be submitted with justifications within seven days from the date of the convening of the following term of the House of Representatives for endorsement or repeal. It shall not be permissible to issue any decree that pertains to issues that fall under the competence of the Senate.

## **Article 121**

### **Measures for Dissolution of Legislative Authority**

Based on valid reasons related to obstruction of the policy of the State or development plan, or disruption of the budget without substantial justifications, the President of the Republic may put the dissolution of the House of Representatives or the Senate to a general referendum and in accordance with the following:

1. The President of the State must refer the reasons and justifications to the Constitutional Court for urgent advisory opinion on the seriousness and relevance of the reasons.
2. In the event that the court assess the reasons as serious and the President holds a general referendum resulting in favor of dissolving one of the two chambers, the President shall decree the dissolution. In the event that the referendum results in a "No", the President shall form a new government.
3. In the event that the court assesses that the reasons are not serious or relevant and the President holds a referendum the result of which is rejection, the President shall submit his resignation.

In all cases, it shall not be permissible to dissolve either council during the first year of their convening, or during a state of emergency, a declaration of martial law, or during the last six months of the term of the President.

## **Article 122**

### **Impeachment of President**

Upon a substantiated request by the absolute majority of the elected members of any of the two chambers, the House of Representatives or the Senate may charge the President of the Republic with high treason, serious breach of the Constitution, or commitment of a premeditated felony. The indictment shall be issued by two-thirds majority of the Shura Council following an investigation conducted by the Public Prosecutor.

The President shall be suspended from carrying out his functions upon the issuance of the indictment until a verdict is reached on the case. This shall be considered a temporary vacancy of the post. The President of the Republic shall be tried before a special court comprising a president and four members, headed by the President of the Higher Judicial Council and with two most

senior judges of the Court of Cassation and two most senior judges of the Courts of Appeals as members. Prosecution shall be carried-out before it by the Public Prosecutor. The rulings of the Court shall be final. The investigation and trial procedures shall be regulated by law. In the event that the President of the Republic is convicted, the President shall be removed from office without prejudice to other penalties. The office shall be considered permanently vacant and the provisions of Article 115 of the Constitution shall apply.

In all other cases, it shall not be permissible to initiate any criminal proceedings affecting the freedom of the President or begin a criminal lawsuit against the President until after the end of his term. All statutes of limitation against the President shall be suspended.

## **Second: Government**

### **Article 123**

#### **Composition of the Government**

The government shall be composed of the Prime Minister and Ministers.

### **Article 124**

#### **Competences of Prime Minister**

The Prime Minister shall:

1. Form the government, preside over its sessions, and propose its reshuffle.
2. Manage the government and oversee its works.
3. Coordinate the duties of government members without infringing upon their competences and direct responsibilities.

The common bases for the organization of ministries and various state agencies shall be established by law. The Prime Minister may delegate some of his competences to the Ministers.

### **Article 125**

#### **Appointment Conditions for Government Members**

The Prime Minister must be a Libyan Muslim born to Libyan parents; must be at least thirty-five years of age; must hold a university degree or its equivalent. Neither the Prime Minister or his spouse shall have another nationality. The Prime Minister must enjoy civil and political rights; must not have had a final court ruling for a premeditated felony or a dishonorable or treacherous misdemeanor, even if rehabilitated. The minister, in addition to the requirements above, must be at least thirty years of age.

### **Article 126**

#### **Oath Taking**

The Prime Minister and ministers shall take the oath before the President of the Republic according to the following formulation: “I swear by the God Almighty to be loyal to God and then my country, to respect the Constitution and the Law, and to perform my job with faithfulness and honesty”.

### **Article 127**

#### **Vote of No-Confidence on the Government**

If the House of Representatives decides with a two-thirds majority of its elected members to give a vote of no confidence on the Government, the government must resign. The decision shall be taken by absolute majority of the elected members if it is related to one of the ministers who, in which case, must resign from office. The House of Representatives shall not consider a request for a vote of no confidence unless after a questioning session and upon a written request submitted by at least fifteen members. This request may only be put for discussion after eight days from the date of submission and opinions shall only be sought after two days from completion of discussion.

### **Article 128**

#### **Responsibilities of Prime Minister and Ministers**

Indictment proceedings of Prime Minister and Ministers for offences related to job performance shall be defined by law.

### **Article 129**

#### **Competences of the Council of Ministers**

The Council of Ministers shall be competent to:

1. Implement the general policy.
2. Maintain the safety of the country, protect the rights of citizens, and ensure respect for laws and regulations.
3. Propose draft laws.
4. Prepare the general budget law.
5. Prepare the general plan of the State.
6. Establish, dissolve and integrate facilities, institutions, interests and enterprises.
7. Regulate, oversee and follow up State departments, institutions, and agencies.
8. Discuss proposals, plans and policies of each ministry on implementation of its competences.
9. Issue executive and regulatory regulations, control regulations and regulate public facilities within the scope of its jurisdiction.
10. Appoint deputy ministers and senior positions in the government based on the principles of equal opportunity, merit and transparency as determined by the law.
11. Appoint ambassadors and State representatives at the international organizations according to the criteria of integrity, competence, merit and higher interests of the State.
12. Any other competences prescribed by law.

## **Chapter Four**

### **Judicial Authority**

#### **Article 130**

##### **Independence of Judiciary**

The Judiciary shall be independent. Its function shall be to establish justice, guarantee the rule of law, and protect rights and liberties. Judges shall be independent in performing their functions and shall only be subject to the law. Judges shall commit to the principles of integrity and impartiality.

Interference with the work of the judiciary shall be a crime to which statute of limitation shall not apply.

### **Article 131**

#### **Members of the Judiciary**

The members of the Judiciary shall be the judges and members the public prosecution office. The requirements for their appointment and promotion shall be defined by law ensuring selection and promotion of the best efficient and capable. Their rights, duties, and other functional affairs shall be regulated by law.

### **Article 132**

#### **Guarantees for Members of Judiciary**

A member of the judiciary shall only be removed, dismissed, transferred from office or disciplined through a justified decision by the Higher Judicial Council in accordance with the safeguards and cases defined by the law. In cases other than flagrante delicto, actions that affect the rights and liberties may only be taken by authorization of the Higher Judicial Council. Members of the Judiciary shall not be seconded except to a work that is compatible with their independence and neutrality as defined by the law.

### **Article 133**

#### **Mandate of Courts**

The various types and levels of courts shall adjudicate disputes and offences in accordance with the system of judicial jurisdiction to meet the requirements of justice. Hearings shall be public except in juvenile courts, or when the court decides to hold private hearings in observance of public order and morals. In all cases, delivery of judgment shall be public and in accordance with the law.

### **Article 134**

#### **Degrees of Litigation**

Except for infringements and cases of de minimis importance as defined by the law, trials shall be organized on two degrees. The jurisdiction of the courts and relevant procedures shall be defined by the law.

### **Article 135**

#### **Prohibition of Special Courts**

Establishment of special courts shall be prohibited.

### **Article 136**

#### **Higher Judicial Council**

The judiciary shall have a council named the Higher Judicial Council, which shall ensure the proper functioning, independence, integrity, effectiveness and development of the judiciary. It shall enjoy a legal personality as well as financial and administrative independence. It shall prepare its draft budget for discussion before the legislative authority. Its headquarters shall be in Tripoli and it may hold its meetings elsewhere inside the country.

### **Article 137**

#### **Competences of the Council**

The Higher Judicial Council shall have the competence to appoint, promote, transfer, and discipline the members of the judiciary as well as [handle] their functional affairs. It shall also establish courts and prosecution offices according to criteria defined by the law, express opinion on draft laws related to the judiciary and submit related proposals, propose reorganization of the existing judicial bodies or establishment, integrations, or abolishment of other judicial bodies. Also, prepare an annual assessment report on application of the legislations in force by the courts for referral to the legislative authority and it shall be published in the Official Gazette. Its other competences shall be regulated by law.

### **Article 138**

#### **Composition of the Council**

The Higher Judicial Council shall be formed by a law provided that its independence and development are guaranteed.

### **Article 139**

#### **Court of Cassation**

The Court of Cassation shall consist of a president, deputy, and a sufficient number of judges at levels no less than that of a President at the Court of Appeals or equivalent and they shall be selected by the Higher Judicial Council. The President and deputy shall be among the three most senior judges who are selected by its general assembly.

### **Article 140**

#### **Competences of the Court**

The Court of Cassation shall have the competence to review appeals [to quash sentences]. Other competences shall be defined by the law.

### **Article 141**

#### **Public Prosecution**

Public prosecution shall be part of the judiciary and shall be presided by the Prosecutor General. Members of the public prosecution shall act on behalf of the Prosecutor General in exercising jurisdictions related to criminal proceedings except as excluded by the law. The President of the Republic shall decree the appointment of the Prosecutor General based on a nomination by the Higher Judicial Council from among the judges of the Court of Cassation, the presidents at the Court of Appeals, or the public attorneys of category A, for a period of six years or for the remaining period until reaching the age of retirement, whichever comes sooner and for one term only.

### **Article 142**

#### **Judicial Inspection Authority**

The Judicial Inspection Authority shall be a judicial authority the members of which shall be designated by a decision of the Higher Judicial Council. It shall consist of a president, a deputy, and a sufficient number of members at levels no less than that of a deputy at the Court of Appeals or its equivalent. It shall be competent with conducting inspections on the members of the judiciary in addition to any other competences defined by the law.

**Article 143**  
**Judicial Bodies**

Department of State Litigation, Department of the Public Defender and Department of Law are judicial bodies the competences of which shall be regulated by law.

**Article 144**  
**Law Practice**

The practice of law shall be a partner in achieving justice. Lawyers shall enjoy legal safeguards that enable them to perform their duties to contribute to the establishment of justice and defense of rights and liberties. This shall be regulated by law.

**Article 145**  
**Military Judiciary**

The military judiciary shall be competent with military offences committed by military persons in accordance with the actions defined by law, in a manner that ensures fair trial. This shall include the right to appeal as specified by law.

**Article 146**  
**Enforceability of Judicial Rulings**

Judicial rulings shall be binding. It shall be prohibited to refrain from implementation of judicial rulings or to suspend an enforceable ruling without a legal.

**Chapter Five**

**Constitutional Court**

**Article 147**  
**Independence of the Constitutional Court**

A Constitutional Court shall be established to enjoy legal personality as well as administrative and financial independence. It shall submit its draft budget to the legislative authority and its opinion shall be sought on draft laws that relate to it. Its members shall enjoy safeguards and advantages prescribed for members of the judiciary. Its headquarters shall be in Sabha and it may hold its hearings and practice its competences elsewhere in the country.

**Article 148**  
**Composition of the Court**

The Constitutional Court shall comprise twelve members, including a president and a deputy. The Higher Judicial Council shall select six judges at the level of president at the Court of Appeals, the President of the Republic shall select three members, and the legislative authority shall select three members. Those selected by the President and legislative authority shall be experienced attorneys, who hold as a minimum an advanced degree in the areas of law, political science, and Islamic Sharia, and who are not members of the judicial authority. Their practical experience in their area of expertise shall be no less than twenty years. The President and deputy of the Court shall be among the members selected by the Higher Judiciary Council through its General Assembly.

Vacant memberships shall be filled by the same selection authority and in accordance with the same criteria. They shall all be designated by a decree issued by the President of the Republic.

#### **Article 149**

##### **Terms of Membership**

It is required that members of the Court be Libyans, who hold no other nationality, no less than forty five years of age and not affiliated with any political party. It shall not be permissible to exercise any other function or work during their membership in the Court. Membership shall last eight years for one term, and half of them shall be renewed every four years according to the principle of rotation. Workflow, procedures, rights and duties of the members of the court and other functional affairs shall be regulated by law.

#### **Article 150**

##### **Competences of the Court**

The Constitutional Court shall have the exclusive jurisdiction over the following:

1. Judicial oversight of the constitutionality of laws and regulations of the House of Representatives and the Senate.
2. Consideration of the constitutionality of constitutional amendments procedures.
3. Litigation relating to failure of the legislative authority to fulfill its constitutional obligations.
4. Challenges against the presidential elections.
5. Decision on disputes arising from the implementation of its sentences.
6. Review of international treaties and conventions referred thereto by the Senate prior to ratification.
7. Review of electoral and referenda laws before their issuance.
8. Review of laws ruled unconstitutional before their issuance.
9. Any other area of jurisdiction prescribed by the Constitution.

#### **Article 151**

##### **Sentences and Decisions of the Court**

The Court shall render justified rulings and decisions by majority. The Court may reverse the principles it established as specified by law.

#### **Article 152**

##### **Appeal before the Court**

Any individual with an interest may resort to the Constitutional Court to challenge, whether directly or via a serious motion, the unconstitutionality of case that is being considered before the courts, as regulated by the law.

#### **Article 153**

##### **Authority of Sentences and Decisions of the Court**

The rulings and decisions of the Constitutional Court shall be final and binding for all, and shall be published in the Official Gazette. Any text ruled as unconstitutional by the Court shall lose its binding force on the day following the publication of the ruling. The Court may, on exigent basis, determine the effective date of the ruling of unconstitutionality.

## **Chapter Six**

### **Local Government**

#### **Article 154 Decentralization**

Local governance shall be based on the principle of expanded decentralization. The State shall commit to supporting it within the unity of the State.

#### **Article 155 Levels and Standards of Local Government**

The State shall be divided into governorates, municipalities and other administrative levels according to the demands of national security and the balancing of the standards of population, area, geographical unity, economic and historic factors in a manner that ensures social justice, peace, communal harmony and development, while taking into account efficiency and effectiveness. Other administrative units may be established if public interest requires and as prescribed by the law.

#### **Article 156 Independence of Local Government Units**

Local government units shall enjoy legal personality and financial and administrative independence. Local interests shall be administered in accordance with the principle of free management.

#### **Article 157 Governorate and Municipal Councils**

Governorate and municipal councils shall be selected directly by free universal suffrage and secret ballot. The composition of the governorate council shall take into account representation of municipalities located within its circumscription, as regulated by the law.

#### **Article 158 Competences of Local Government Units**

Local government units shall enjoy autonomous, transferrable, and shared powers from and with the central authority. Shared and transferrable powers shall be distributed based on the principle of branching. Local units shall be competent with issuing regulations and legislations. All of the above shall be in accordance with the law.

#### **Article 159 Funding of Local Government Units**

Governorates and municipalities shall have centralized resources appropriate for discharging their duties, along with self-generated resources including duties, remedies, and taxes of local nature, as well as returns on their investments, grants and wills they receive and whatever they acquire in loans and any other returns specified by the law. The State shall guarantee financial balance among the local government units in a manner that ensures harmony. Every competence transferred to local government units from the central government shall be associated with the appropriate financial resources. Local government units, within the bounds of their respective approved

budget, shall have the discretion to dispose of their resources according to the rules of good governance.

#### **Article 160**

##### **Subsequent Oversight**

Local government units shall be subject to subsequent oversight regarding the legitimacy of their respective works.

#### **Article 161**

##### **Interference of Executive Authority**

The executive authority shall only interfere to ensure sustainability of the public facilities taking into account the national standards in accordance with the Constitution and law. The Judiciary shall be competent with deciding on any conflict between or among the local government units and the central government.

#### **Article 162**

##### **Principle of Partnership and Cooperation**

Local government units may establish mutual partnerships in accordance with the principles of balance and integration to implement programs or accomplish works of common interest. They may establish economic zones between them. They may also establish, under the supervision of the central government, foreign relationships for partnerships and cooperation to serve equal and balanced development. All of this shall be according to controls and procedures defined by the law.

#### **Article 163**

##### **Local Participation**

Local government units shall adopt the necessary measures to ensure participation of the citizens and civil society organizations in the preparation of local development programs and shall follow up their implementation according to controls defined by the law.

#### **Article 164**

##### **Advisory Council for Local Government**

A council named the Advisory Council for Local Government and it shall comprise the governors. It shall undertake the following duties:

1. Express opinion on draft laws related to planning, budget, local finances, and any other laws related to local governance. It may also propose related draft laws.
2. Strengthen coordination and cooperation between local government units and with the relevant executive authorities.
3. Resolve conflicts between local government units.

The headquarters of the Council shall be in Sabha. It may hold meetings elsewhere in the country. This shall be regulated by law.

## Chapter Seven

### Independent Constitutional Bodies

#### Article 165

##### Independence of Constitutional Bodies

Bodies provided for in this Chapter shall enjoy a legal personality as well as administrative, financial and technical independence. They may be consulted on draft laws relevant to their area of expertise. They shall carry out their work in accordance with the provisions of the constitution and law. Their geographical distribution throughout the country shall be taken into account.

#### Article 166

##### Management of Constitutional Bodies

The legislative authority shall elect independent persons of competence and integrity to manage these bodies. Those persons may only be removed from office before the end of their term if they fail to meet any of the conditions of their election or in the cases stipulated by the law.

#### Article 167

##### Legislative Authority Oversight over Bodies

The constitutional bodies shall be subject to the monitoring of the House of Representatives and shall submit work reports thereto as regulated by the law. They shall also submit reports to the Council of Ministers. The House of Representatives may publish these reports following their discussion.

#### Article 168

##### High National Elections Commission

The High National Elections Commission shall exclusively undertake the management and organization of public referenda as well as all stages of the general and local elections with transparency and credibility, including announcement of the final results.

The Commission shall be run by a board of nine members among whom is the chairperson who shall be elected by the legislative authority. They shall carry out their tasks for one term, which shall last six years. The term of one third of the members shall be renewed every two years. The Commission shall be based in Benghazi. The Board of Commissioners may hold meetings elsewhere in the country.

#### Article 169

##### Audit Bureau

The Audit Bureau shall be the highest authority for financial control and audit in the State. It shall be competent with comprehensive oversight of State funds, the parties financed by the State, in whole or part, and any other bodies specified by the law. It shall also have the authority to track these funds.

The Audit Bureau shall be run by a president with the capacity of public audit and one or more deputies with the capacity of an [agent] who will undertake their duties for a six-year term renewable for one time.

## **Article 170**

### **National Council for Human Rights**

The National Council for Human Rights shall strengthen, promote and spread the culture of the values of human rights and public liberties provided for in Islamic Sharia and international conventions. It shall also:

1. Observe human rights conditions and monitor violations thereof. It shall report these violations to the competent national authorities and follow up on this.
2. Support the citizens in gaining their rights endorsed by the Constitution and the law.
3. Recommend ratification of, or accession to, international covenants of human rights in a way that is not incompatible with the provisions of the Constitution.
4. Promote cooperation with the national and international human rights organizations.

The Council shall consist of nine members where representation of cultural and linguistic components as well as women and youth shall be taken into account. They shall carry out their duties for one term of six years. The legislative authority shall elect the president with the capacity of a commissioner and a deputy from among those members.

## **Article 171**

### **National Council for Protection of Cultural and Linguistic Heritage**

The Council shall develop and protect the languages such as Arabic, Amazigh, Targhey and Tebu, and shall preserve, document and devote attention to the diverse cultural and linguistic heritage of the Libyan people to ensure the preservation of its originality within the framework of the collective Libyan identity.

The Council shall be run by nine members where representation of the cultural and linguistic components of the Libyan people shall be taken into account. The legislative authority shall elect a chairperson from among the members for one term that shall last six years.

## **Article 172**

### **Sharia Research Council**

The Sharia Research Council shall assume the following duties:

1. Express opinions on matters referred to it by State authorities to analyze and form opinions based on Sharia evidence.
2. Conduct specialized Sharia research to address current general religious issues, seeking the help of specialists in all fields, and giving recommendations therein.
3. Issue individual fatwas on beliefs, acts of worship, and personal transactions.

The Council shall be made up of fifteen members who are specialized in Islamic Sharia selected by the legislative authority for a six-year term renewable for one time. There shall be a president and vice president presiding over the Council for three years term. The Council shall also have a number of specialists in various fields. Geographic distribution shall be taken into consideration when selecting the members of the Council, and it shall have branches in accordance with the regulations of the law.

### **Article 173**

#### **Sustainable Development Authority**

The Sustainable Development Authority shall assume the following tasks:

1. Recommend the appropriate measures to achieve balanced and sustainable development.
2. Propose appropriate policies, plans and programs to build and develop human capabilities, diversity of resources and identify national development priorities to ensure convergence of development level among the different regions.
3. Offer technical advice on development plans at the local and national levels.
4. Assess development plans and their implementation in the light of the balanced and sustainable development indicators and the need to maintain the rights of the future generations.

The Authority shall be managed by a council made of six members elected by the legislative authority which shall determine who will be the president and vice-president for a period of six years that can be renewed only once. One third of members shall be renewed every two years.

### **Article 174**

#### **Other Bodies**

The law shall establish bodies for administrative oversight, transparency and anti-corruption, statistics, higher council for media and press and a council for science, technology and innovation. The law shall determine their composition, competencies and regulations, and shall guarantee the independence and impartiality of their members in accordance with what is stipulated in this Chapter.

## **Chapter Eight**

### **Financial System**

#### **Article 175**

##### **Public Finance**

Public finance of the State shall be subject to principles of transparency and accountability based on the following:

1. The financial system of the State shall work as one unit.
2. Distribution of national revenues fairly and equitably among the local and national levels of governance, taking into account the population density, local distribution of the population and their distance from the center, the level of services and infrastructure, and indexes of spatial and human development.
3. Preparation of government budgets to ensure the effective and fair access to services and to strengthen the efficiency of national economy.
4. Rationalize usage of resources to achieve sustainable development and to preserve the rights of future generations.
5. Guarantee financial independence to local government units according to what is stipulated in this Constitution.

**Article 176**  
**State Revenues**

All State's revenues shall be accrued to the public treasury; any part of the public treasury funds or any expenditures may not be allocated for any purpose whatsoever, unless prescribed by the law and in accordance with provisions of this Constitution.

**Article 177**  
**Public Budget**

The government shall present the proposed budget to the House of Representatives annually by the end of September at the latest to be reviewed and endorsed by the end of December at the latest. The government may not postpone the specified deadline unless by permission from the House of Representatives in urgent and emergency situations. The public budget shall be issued by a law.

**Article 178**  
**Initiating Temporary Monthly Appropriations**

In case the budget is not adopted before the beginning of the fiscal year, the Prime Minister may spend 1/12 from the previous year's budget based on a presidential decree with regards to salaries and general expenses in accordance to the provisions of the State financial law.

**Article 179**  
**Extrabudgetary Expenses**

Any expenses that is not stipulated in the budget or that exceeds the estimates of the budget must be authorized by the Shura Council. Permission shall be requested every time whenever a sum is transferred from one section of the budget to another section.

**Article 180**  
**Loans and Financial Obligations**

The government may not contract loans or become obligated by financial commitments that result in spending from the public treasury except in accordance with State financial law.

**Article 181**  
**Closing Accounts**

The Government shall submit the closing accounts as it stands at the end of December to the House of Representatives for discussion and endorsement by no later than the end of April for the fiscal year. The Government may not postpone this deadline and shall be held accountable for this. The Central Bank shall withhold funds to support the budget.

The House of Representatives must discuss the closing accounts in light of the Audit Bureau report and shall adopt it within 60 days of its submission.

**Article 182**  
**Emergency and Budget Support Accounts**

The financial law of the State shall regulate the creation of a strategic emergency account to confront crises, which expenses the government is unable to cover, from the approved budget such as calamities, disruption and depression of the national economy and emergency situations.

The State financial law shall also regulate the creation of a budget support account in case the financial resources of the State decline or development expenditure expand, or to face increase in prices in the regional and international markets. Both accounts shall be financed and spent from as prescribed by the law.

### **Article 183**

#### **Central Bank of Libya**

The Central Bank of Libya shall enjoy a legal personality with financial, administrative and technical autonomy. It shall practice its work with transparency within the public policy of the State. It shall undertake the development of the monetary policy as well as the issuance of the national currency and maintaining its stability, managing the foreign currency reserves of the State, organizing the credit policy and monitoring its implementation and monitoring and supervising performance of the bank sector, in addition to any other activities determined by the law.

## **Chapter Nine**

### **Natural Resources**

#### **Article 184**

##### **Ownership of Natural Resources**

Natural resources, including oil, gas, minerals and water, shall belong to the Libyan people, and the State shall exercise control over the natural resources in the name of the people. The State shall work towards the exploitation, protection, development, investment, and improved management of natural resources, so as to ensure the public interest and the benefit of all regions from natural resources in an equitable manner that preserves the rights of future generations.

#### **Article 185**

##### **Contracts and Agreements on Natural Resources**

Contracts and agreements related to natural resources shall be referred to the legislative authority with its two chambers for review during specific periods and in cases regulated by law. This is to ensure the preservation of natural resources, environmental balance, and necessities of transparency, the protection of the rights of future generations, reparation for damaged regions, and the guarantee of social accountability.

#### **Article 186**

##### **Localization of Alternative Projects**

A law shall allocate a percentage of returns from non-renewable resources to establish alternative projects giving priority to areas of production, depending on spatial possibilities and requirements for development of its infrastructure, then to the least developed areas.

#### **Article 187**

##### **Guaranteeing the Rights of Future Generations**

A law shall allocate a proportion of the returns from natural resources for the benefit of future generations. The State shall be committed to enact the necessary measures to develop and invest in these resources with high quality and in accordance with the necessary safety standards.

### **Article 188**

#### **Water**

The State shall commit to take the necessary measures to improve water resources administration, to ensure its preservation and protection from pollution and attack, and to guarantee rationalization of consumption. The State shall also explore alternatives to it and ways to achieve water security and shall provide reparations to the areas from which groundwater is transferred.

A special body shall be established by law to undertake scientific research, enact policies and necessary programs, and to supervise the implementation of these policies.

### **Article 189**

#### **Renewable Energy**

The State shall develop the necessary policies to invest in renewable energy sectors from various resources, encourage scientific research, and localize renewable energy projects in appropriate locations.

### **Article 190**

#### **Livestock and Marine Resources**

The State shall work towards protecting livestock and marine resources, improve their utilization and development and maintain their ability to be sustainable and renewable.

### **Article 191**

#### **Vegetation Cover**

The State shall commit to take the necessary measures to protect vegetation with rational management to ensure its balanced environmental, economic, and social function. The State shall manage its forests and shall rehabilitate what has been damaged. It shall utilize these forests according to the law, and it shall be permissible to transfer their ownership or to possess through appropriation.

## **Chapter Ten**

### **Army and Police**

#### **Article 192**

##### **State Monopoly over the Armed Forces**

The State shall monopolize the creation of armed forces and security forces. This shall be in accordance with the law and for the benefit of the public. Individuals, parties, and groups shall be prohibited from forming military or paramilitary groups.

#### **Article 193**

##### **Admission in Army and Police**

Discrimination shall be prohibited to those who wish to join the army and police forces. The law shall stipulate the conditions for cases that require special qualifications, skills, or knowledge. Army and police personnel shall not be allowed to join or belong to political parties.

## **Article 194**

### **Army**

The army is a national, armed military force based on discipline and rank, and it is formed and organized structurally in accordance with the law. It shall be obliged to observe complete neutrality, and shall be subject to civilian authority. It shall have no role in the peaceful transition of power nor shall it interfere in political life. The law shall stipulate the necessary measures for that and national service shall be regulated by the stipulations and conditions of law.

## **Article 195**

### **Duties of the Army**

The Army shall assume the task of defending the homeland and its independence, unity, and territorial integrity. It shall support security agencies in accordance with the law. The Army shall be prohibited from undermining the constitutional system and State institutions or obstructing their activity or restricting the freedoms and rights of citizens.

## **Article 196**

### **Police**

The police is a systematic, civilian, technical, disciplined, hierarchical professional and specialized body. Its mission shall be to combat crime, preserves public safety and peace, maintain order, respect the law, and protect the rights, freedoms, security, and property of persons. Police personnel shall receive training in respect to human rights and methods to prevent and discover crimes.

## **Chapter Eleven**

### **Transitional Measures**

## **Article 197**

### **Transitional Justice Measures**

The State shall be committed to adopt the following measures:

1. Preserve national memory through uncovering and documenting human rights violations including linguistic and cultural violations, crimes of corruption, the fate of missing persons, victims, and persons harmed by violations, military operations and armed conflicts on the individual and regional level.
2. The State shall commit to compensate victims and persons harmed by systematic violations to human rights and fundamental freedoms a compensation proportionate to the harm. Compensation may be financial or symbolic and may be individual or collective. Treatment of the psychological and social effects and rehabilitation of victims, while taking into consideration the administrative and judicial measures that have already been taken, without prejudice to the right of the State to prosecute persons who committed these violations.
3. Ensure the rights of persons whose property and movable assets were violated or seized provided that the State shall ensure the rights of the original owner by restitution or compensation, taking into consideration the financial status of the occupant of the property and the construction added to it, the previous administrative and judicial measures in accordance with the law.

4. Return the remains of war victims from abroad.
5. Prosecute criminally all those who had a role in human rights violations and corruption crimes provided that all of this is in accordance with international standards and national reconciliation requirements within the framework of the Islamic Sharia. Legal provisions that are in conflict with the mechanisms of transitional justice shall not be applied.
6. A body for transitional justice and reconciliation shall be established for the implementation of the programs of transitional justice. The law shall regulate its structure and the duration of its work. Programs on truth, justice and reconciliation shall be designed in accordance with the rules of effectiveness and comprehensiveness and to represent the components of the Libyan people in a way that guarantees impartiality, independence and efficiency.

#### **Article 198**

##### **Guarantees of Non-Repetition**

The State shall be committed to adopt the following measures:

1. Examine public institutions for their structural reform and to clear them from those who committed human rights violations and corruption crimes. Review the entitlements of ranks, grades, and positions in accordance to the law. Any public institution found to be in violation of the Constitution must be dissolved.
2. Disarm and dismantle all armed formations and provide psychological and professional rehabilitation for their members.
3. Reveal the truth of community disputes, showing and addressing the root causes to achieve national reconciliation.

#### **Article 199**

##### **Reconstruction**

The State shall give priority to projects of reconstruction of cities and villages ravaged by military operations and armed conflicts, according to the urgency of the obligations, taking into account the demands of development across the country. The State shall enact the necessary mechanisms for this.

#### **Article 200**

##### **Recovery of Public Funds**

The State shall commit to take the necessary measures to pursue and recover public funds, including real properties and public forests that were subject to actions that contravened effective legislations, as well as confiscate funds emanating from corruption crimes through direct or indirect means, and the account for internal and external investments.

#### **Article 201**

##### **The Recovery of Endowment Funds**

The State shall commit to take the necessary measures to pursue and recover endowment funds and to correct their utilization and investment, as to ensure achieving the purposes of the endowment.

## **Article 202**

### **Transitional Measure to Elect the Shura Council and the President of the Republic**

1. Elections for the first President of the Republic, the House of Representatives and the Senate shall be conducted at the same time within 180 days after the Constitution enters into force.
2. The existing legislative authority shall issue, as soon as the Constitution enters into force, laws regulating the Presidential, Senate and House of Representative elections. This authority shall also restructure the High National Elections Commission. All this shall be within 90 days after the Constitution enters into force.
3. In case it is not possible to elect the First President of the Republic, the most senior advisor in the Supreme Court, outside the members of the Constitutional Chamber, shall assume temporarily the position of the President for a maximum term of one year. The case of inability to elect the President shall be realized through a decision issued by the High National Elections Commission and shall be effective upon approval by the Constitutional Chamber of the Supreme Court. Upon assuming the position, the interim President of the Republic shall be deemed resigned from all his other duties and he shall not be entitled to run for presidential elections for 15 years.
4. The interim President of the Republic and his government shall assume the powers stipulated in this Constitution within the necessary minimum requirements to manage the operation of public facilities.

The interim President, in all cases, shall not be allowed to exercise any of the following powers:

- Call for referendum.
- Propose draft laws.
- Grant decorations and medals.

Also, the interim President shall not be entitled to issue special amnesty or conclude conventions and agreements according to the Constitution or issue decrees with the force of law or dissolve the legislative authority.

## **Article 203**

### **Prohibition of Provisional Extension for the President of the Republic**

The term for the President of the Republic for the first and second electoral cycles shall be one non-renewable term.

## **Article 204**

### **On Political Parties**

Political parties shall be re-organized by a law that shall be issued in the first legislative session.

## **Article 205**

### **Special Provision for Women**

Any electoral system shall guarantee a quota for women of no less than twenty-five percent of the total seats in the House of Representatives and Local Councils for a period of twelve years following the issuance of this Constitution, taking into consideration the right to run in general elections.

**Article 206**  
**On Nationality**

1. Procedures of naturalization shall be suspended for 10 years from the day on which the Constitution enters into force.
2. The State shall be committed to decide on applications of naturalization submitted before 17 February 2011 according law in force prior to this Constitution. The State shall also be committed to classify the status of persons holding Arab nationality in terms of original and acquired citizenship.
3. Upon entry of this constitution into force, the registry system for persons of Libyan descent, which is applicable in Libyan embassies, shall be suspended.
4. The Higher Judicial Council shall form a judicial committee under the chairmanship of an advisor from the Court of Appeals, whereby all guarantees of independence and impartiality are ensured. This committee shall review all cases of granting nationality issued as of 15 February 2011. The decisions of the committee shall be subject to challenge before the competent judicial authorities.

**Article 207**  
**On Investment**

The competent state authorities shall review investment contracts, which provide evidence of fiscal or administrative corruption, and shall review investment contracts that were ratified during the period between 1980 until the entry of this Constitution into force. They shall take the necessary procedures without taking into account the effects of statute of limitation.

**Chapter Twelve**

**General Provisions**

**Article 208**  
**Declaration of the State of Emergency**

The President, in consultation with the Prime Minister, the President of the House of Representatives, and the President the Senate, shall declare a state of emergency when the State faces a calamity, a siege, or a danger which threatens the safety of the State. The Shura Council shall hold a special session within three days from the declaration of the state of emergency, based upon the request of the President of the Republic or on its own, to endorse or cancel the state of emergency in accordance with the provisions of the Constitution. If the declaration of the state of emergency occurs when the Shura Council is in recess, the Shura Council must call a session as soon as possible, within a period not exceeding seven days from the announcement of the state of emergency. The Shura Council shall be in permanent session until the President of the Republic declares the end of the state of emergency.

The duration of the state of emergency must not exceed sixty days with the approval of the majority of elected members of the Shura Council. It may be renewed for a term or two, each not exceeding 60 days, with the approval of two-thirds majority of the elected members of the Shura Council. In

all cases, the declaration of a state of emergency must define the objective, region, and duration of the state of emergency, in accordance with the law.

**Article 209**  
**Martial Law**

The President of the Republic may, in the case of war or in the case of a severe threat to national security, request the Shura Council to declare a state of martial law. The Council shall approve the request with the absolute majority of its elected members in a period that do not exceed three days, in which the President shall announce the state of emergency in the specified region.

The regions that shall be subjected to martial law must be specified; [martial law] may not be imposed on the entire country. Martial law shall be lifted by a decision from the Shura Council, based upon the request of the President of the Republic, and the President shall submit monthly reports on it. The law shall regulate the provisions related to it.

**Article 210**  
**Restrictions during the State of Emergency and Martial Law**

1. The law shall specify the reasons for declaring a state of emergency and martial law and their respective range, extent, and duration and the rights, which may be constrained, and the measures and procedures, which may be taken.
2. Taking into account Articles 37, 38, and 40, the President of the Republic may not impose restrictions on fundamental rights and liberties during a state of emergency or martial law, except to the extent necessary for maintaining public security and safety of the country.
3. All decisions and actions during a state of emergency or martial law shall be subject to the oversight of the judiciary.
4. The military judiciary may not consider civil proceedings during a state of emergency or martial law.
5. Elected councils may not be dissolved during a state of emergency or marital law.
6. When the declaration of a state of emergency or martial law takes place at the end of the session of any elected council, it [council] shall extend its terms until their [the state of emergency or martial law] end.
7. During a state of emergency or martial law, the State shall commit to respect the principle of lawfulness and shall not obstruct State institutions.
8. The Constitution may not be amended nor its provisions obstructed during a state of emergency or martial law. In addition, elections may not be held, the elections laws may not be amended, nor shall the established guarantees of the Shura Council be prejudiced.

**Article 211**  
**Issuing Judicial Decisions**

Judicial decisions shall be issued in the name of Allah, the Most Gracious, Most Merciful.

## **Article 212**

### **Prohibition against Exercising Other Functions**

Members of the Shura Council, President of the Republic, Prime Minister and Ministers as well as members of local councils and constitutional bodies may not exercise any other public functions or pursue any other activity that may provide them with financial returns. Any monetary or in kind gifts received in person or through an intermediary in relation to the position or its opportunities shall become property of the public treasury of the State.

## **Article 213**

### **Prohibition against Assuming Some Positions**

Those who assume the management of the Civil Register, General Command of the Army, Department of General Intelligence and the Department of Immigration, Passports and Nationality as well as the Governor of the Central Bank of Libya and his deputy and heads of diplomatic missions must be Libyans, who do not hold a foreign nationality and who were not naturalized.

## **Article 214**

### **Organization of Constitutional Bodies**

Within the first period of the entry of the Constitution into force, the legislative authority shall issue the necessary laws to organize the independent constitutional bodies and specify their headquarters in accordance to the provisions of this constitution.

## **Article 215**

### **Financial Disclosure**

Members of the Shura Council, the President of the Republic, the Prime Minister and Ministers, members of local councils and independent constitutional bodies shall present a financial disclosure for themselves personally, along with their spouses and minor children, within the first month after taking the oath and undertaking the duties of their positions, as regulated by the law. Disclosures shall be kept with the Constitutional Court.

## **Article 216**

### **Organic Unity of the Provisions of the Constitution**

The Constitution, with its preamble and provisions, shall be one indivisible unit. Its provisions shall be interpreted and considered as a coherent organic unit.

## **Article 217**

### **Amendment of the Constitution and its Procedures**

1. It shall be prohibited to amend the provisions of this Constitution until after five years from its entry into force.
2. It shall be prohibited to infringe upon the principle on which Article 8 of this Constitution is based, the principle upon which Article 2 is based, and the principles related to political pluralism, peaceful transfer of power, unity and integrity of national territory and guarantees related to rights and liberties, except for the purpose of enhancing them; it shall also be prohibited to increase the number of terms or duration of the Presidency of the Republic.

3. The President of the Republic or one third of the House of Representative or one third of the Senate may request the amendment of one or more articles in the Constitution provided that the request states the articles to be amended, the reasons, and the alternative proposals.
4. The request for amendment shall be discussed by the chamber to which it is presented, within a period that does not exceed 30 days from the date of submitting the request, and it shall be approved by the absolute majority of its elected members in accordance with the rules of procedure of each chamber. It shall then be referred to the other chamber for approval or rejection within the same date.
5. In the event that the amendment is approved, the President of the Republic shall submit it to the Constitutional Court to oversee the soundness of procedures and the permissibility of submitting a request for amendment within a period not exceeding 15 days.
6. When the Constitutional Court acknowledges the validity of the request for amendment, it shall be put to a referendum and approved by the absolute majority of valid votes.
7. When the request is declined, it may not be submitted again during the same legislative session.

#### **Article 218**

##### **A Special Provision**

The flag of the State and State anthem shall be subjected to a general referendum before the end of the second legislative session.

#### **Article 219**

##### **Amendment of Legislations**

Effective legislations shall be amended in accordance with the provisions of this Constitution.

#### **Article 220**

##### **Institution Building**

The legislative authority shall issue the necessary legislations to build institutions specified in this Constitution during the first election cycle. The authorities and public institutions shall continue exercising their duties until authorities, established pursuant to the provisions in this Constitution, assume powers.

#### **Article 221**

##### **Implementation of the Constitution**

This Constitution shall enter into force after the people approve it in a referendum and after its publication in the Official Gazette. All previous constitutional documents and declarations shall be null and void.