

Libyan 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, Tuareg and Tubo 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: State flag, anthem, emblem and official holidays.

A law passed by a two-thirds majority of the members of the Parliament shall determine the flag, anthem, emblems and official holidays of the State.

Article 6: Source of Legislation

Islam shall be the religion of the State, and Islamic Sharia shall be the source of legislation.

Article 7: 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 8: 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 9: Defending the State

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

Article 10: Nationality

The provisions of nationality and the acquisition and withdrawal of the Libyan nationality shall be governed by a law that takes into account the national interest, maintaining of demographic composition, and the ease of integration in Libyan society.

Article 11: 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 12: 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 13: 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 14: 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 15: 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 16: Equal Opportunity

Equal opportunities are guaranteed to citizens. The State shall endeavour to take measures to achieve this.

Article 17: 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 18: 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 take 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.

Article 19: 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 20: Public Money

Public money shall be safe guarded. It shall not be permissible to seize them, and the State must protect, develop, and safe guard 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 limitation s shall not apply to crimes involving public funds. It shall not be permissible to pardon these crimes.

Article 21: 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 22: 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 23: 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 24: 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 25: 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 26: 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 27: 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.

Article 28: 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 29: 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. 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 30: 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.

Chapter Two Rights and Freedoms

Article 31: 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 32: 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 33: 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 34: 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 35: 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 36: 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 37: Freedom of Expression and Publication

Freedom of speech and its integrity shall not be separated. Expression and publication are two safe guarded 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 38: 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. 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 case of journalism shall not be permissible.

Article 39: 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 40: 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 41: 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 42: 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 43: 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 44: 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 45: 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 46: 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 47: 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 48: 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 49: Supporting Rights of Women

The State shall be committed to supporting and caring for women, 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 giving them opportunities in all areas; it shall also take the necessary measures to support their acquired rights.

Article 50: 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 and divorcees, in addition to 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. The law shall regulate their situations in a manner that achieves this.

At all events, the State shall devise regulations to achieve cooperation and social solidarity among citizens.

Article 51: 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 52: 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, parameters of Libyan identity, benefiting from human experiences, strengthening the concept of citizenship, social harmony, and peaceful coexistence, as well as teaching human rights and fundamental freedoms.

Article 53: University, Technical and Vocational Education

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 is committed to encouraging and developing technical education as appropriate to the development imperatives.

Article 54: The Priority of Education and Scientific Research

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. 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 55: 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 56: 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 57: 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.

Article 58: 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 59: 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 60: 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 61: 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 62: Principle of Criminal Legitimacy and Assumption of Innocence

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 63: 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 64: 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, based on the regulations of the law.

Article 65: 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 66: 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 legislation 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 67: 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 68: 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 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 69: 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 and to be resident in the electoral district, as well as any other conditions specified by the law.

Article 70: 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 71: 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.

Article 72: 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 42 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 73: 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 in accordance with Article 79 of the Constitution.

Article 74: 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 75: Forming the Senate

The Senate shall be composed of seventy-eight (78) members chosen by general, free confidential and direct poll by way of individual election where no voter shall be less than eighteen years old. For the purpose of applying this provision, seats shall be allocated among the three electoral districts as follows:

1. Western region Tripoli thirty-two (32) members
2. Eastern region twenty six (26) members
3. southern region twenty (20) members

This should guarantee representation of cultural and linguistic components by a reality of two members for each component. Geographical distribution within each constituency shall be taken into account with the limitations of the law.

Article 76: 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 77: 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 78: 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 79 and 80, provide that among them are no less than eight members from each constituency.

Article 79: 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 80: 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 81: Joint Committee

If the two chambers have a dispute over a law set forth in Article 79, 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 82: 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. A number of no less than ten of the senate members are committed to propose new laws.

Third: General Provisions for the Two Chambers

Article 83: 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 84: 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 85: 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 86: 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. 1.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 87: 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. The rules of procedure for the two chambers will specify the necessary sanctions to ensure regular attendance of its members.

Article 88: 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 89: 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 90: 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 91: 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 call for a presidential election.
- 3- The oath taking by the President of the Republic.
- 4- Listening to the speeches of presidents.
- 5- Listening to an address by the President of the Republic on issues of national importance.
- 6- Holding consultative sessions for the two chambers.

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

Article 92: 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 93: 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 president or the prime minister.

Article 94: Granting Decorations and Medals

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

Article 95: 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 91 and 92, until a placement chamber is elected.

Article 96: Remuneration

Members of the Shura Council shall receive remuneration no higher than the ratio of 1:12 of the average salaries of state employees 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.

Article 97: The Executive Authority

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 98:**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 99: 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 one 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 thirty five 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.

Article 100: 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 distributed geographically to constituencies according to the percentage determined by law.

The President of the Republic shall be elected one hundred and twenty 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 101: 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 102: 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 whole heartedly, 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 103: 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

If the position is vacant due to the temporary absence of the President, 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.

The Constitutional Court shall convene to officially establish the permanent vacancy of the position. The president of the senate shall assume the functions of the president, in case that is not possible the President of the House of Representatives shall assume the post 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 a hundred and twenty days.

Article 104: Competences of the President

The President shall be competent with the following matters:

- 1- Appointing the Prime Minister, 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 105: 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 106: 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 107: 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 108: 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 109: 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 assesses 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.

Article 110: 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 court delivers its decision by a majority of its members. 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 103 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 111: Composition of the Government

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

Article 112: 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 113: Appointment Conditions for Government Members

The following conditions shall apply to whom to be appointed as Prime Minister or a minister: he must be a Libyan Muslim, he must not hold another nationality, he must be at least thirty years of age, he must hold a university degree or its equivalent, he must enjoy civil and political rights; must not have had a final court ruling for a premeditated felony or a dishonourable or treacherous misdemeanour, even if rehabilitated.

Article 114: 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 115: 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 116: 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 117: 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 118: 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 119: 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 120: 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.

Article 121: 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 122: 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 123: Prohibition of Special Courts

Establishment of special courts shall be prohibited.

Article 124: Higher Judicial Council

The judiciary shall have a council named the Higher Judicial Council, which shall ensure the proper function in, 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.

Article 125: 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 126: Composition of the Council

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

Article 127: 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 its general assembly. The President and deputy shall be among the three most senior judges. A ruling is issued by the President of the Republic for their nomination.

Article 128: 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 129: 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 130: 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 131: 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 132: 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 133: 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 134: 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 135: 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 136: 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 137: Oath of the Constitutional Court members

The Constitutional Court member 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 be faithful to God and the homeland, I will respect the Constitution and the law, and I will perform my duties with honesty and sincerity.

Article 138: Terms of Membership

It is required that members of the Court be Libyans, who hold no other nationality, not married to a foreigner 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 139: 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 140: 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 141: Appeal before the Court

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

Article 142: 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 143: 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 144: 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 145: 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 146: 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. The law regulates the selection of governors.

Article 147: 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 148: 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 149: Subsequent Oversight

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

Article 150: 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 151: 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 152: 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 153: 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 council shall be regulated by law.

Chapter Seven Independent Constitutional Bodies

Article 154: 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 155: 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 156: 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 157: 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.

Article 158: 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 159: 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- Support women to obtain their constitutional and legal rights and to ensure that they are not discriminated against.
- 4- Recommend ratification of, or accession to, international covenants of human rights in a way that is not incompatible with the provisions of the Constitution.
- 5- 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 160: 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 161: 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, taking into account the dominant jurisprudential heritage in the country.

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 162: 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 163: 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 164: 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 165: 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 166: 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 167: 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 168: 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 169: 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 170: 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 171: Localization of Alternative Projects

The State is committed to establishing alternative development projects for non-renewable resources in the producing areas according to their spatial potential. A law is issued in the first election to allocate part of the treasury receipts for financing these projects.

The State is committed to including this in its policies and legislation in order to achieve sustainability and to ensure that environmental, health problems and the damage caused by its exploitation are addressed.

Article 172: 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 173: 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 174: 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 175: 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 176: 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 177: 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 178: 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. Members of the Army have the right to vote but not to be a candidate. The law shall stipulate the necessary measures for that and national service shall be regulated by the stipulations and conditions of law.

Article 179: Duties of the Army

The Army shall assume the task of 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 180: 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. They have the right to vote but not to be a candidate.

Chapter Eleven Transitional Measures

Article 181: Transitional Justice Measures

1- The State is committed to applying transitional justice measures and promulgates a law regulating truth-seeking, reparation, accountability, accountancy and examination of institutions.

2- 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 182: 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 183: 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 240 days from the date, electoral laws enter 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 medal.

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 184: 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 185: 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 two electrical cycles, taking into consideration the right to run in general elections.

Article 186: 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.

Chapter Twelve General Provisions

Article 187: Declaration of the State of Emergency

The President, in consultation with the Prime Minister, the President of the House of Representatives, and the President of 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 on 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 188: 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 specific; 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 189: 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 31, 32, and 34, 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 martial 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 190: Issuing Judicial Decisions

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

Article 191: 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 a property of the public treasury of the State.

Article 192: Prohibition against assuming sovereign functions

Those who assume sovereign functions must be Libyans, who do not hold a foreign nationality and who were not naturalized.

Article 193: Financial Disclosure

Members of the Shura Council, the President of the Republic, the Prime Minister and Ministers, members of local councils and independent constitutional 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 194: 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 195: 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 2 of this Constitution is based, the principle upon which Article 6 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 196: Legislative and Institutional Building

Effective legislations shall be amended in accordance with the provisions of this Constitution. The legislative authority shall issue the necessary legislations to build institutions and

independent constitutional bodies specified in this Constitution and to determining their premises during the first election cycle. The authorities and public institutions shall continue exercising their duties until authorities, established pursuant to the provisions of this Constitution, assume powers. Work continues with the current flag and anthem.

Article 197: 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.