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# Libya's Draft Constitution of 2016

Draft of 2 Mar 2016

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## Preamble

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

With loyalty of Libyans, past and present, some who become righteous martyrs, sacrificing so much for the sake of independence and liberation from injustice and tyranny, a victory for all the oppressed,

To move towards freedom, peace, and preservation of the country's unity, to completely break with autocracy, to build the rule of law, to achieve social and economic growth, to establish a society built on citizenship, peaceful rotation of power, good governance, and solidarity, justice, and equality for all Libyans, and in continuation of the Libyan State that was established in 1951, the three provinces (Cyrenaica, Tripolitania, and Fezzan), and the transition to a united state in 1963,

With a view to work with the people of the world within the framework of equality, mutual interests, and respect for national sovereignty, God opened the horizons widely for us to build a State of Law and its institutions.

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

## CHAPTER ONE: Form and Fundamental Pillars of the State

### Article 1: Name and Form of the State

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

### Article 2: Identity

The Libyan Republic is a part of the Arab and Muslim World, Africa, and the Mediterranean Basin, it is based on inclusive and diverse principles, and cherishes all parts its social, cultural, and linguistic elements.

### Article 3: Capital

The political Capital of the Libyan Republic is Tripoli; the economic Capital is Benghazi; and the tourist and cultural Capital is Sabha.

### Article 4: The Borders of the State

The borders of the Libyan Republic are:

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

## Article 5: The State Flag

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

## Article 6: The National Anthem

The National Anthem shall be the independence anthem (“Ya Beladi” or “Oh My Country”) and a law shall regulate this.

## Article 7: The State Emblem

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

## Article 8: Source of Legislation

Islam shall be the religion of the State, and Islamic Shariya shall be the source of legislation in accordance with the recognized doctrines and interpretations without being bound to a particular jurisprudential opinion on discretionary matters. The provisions of the Constitution shall be interpreted and bound in accordance with this.

## Article 9: Citizenship

Male and female citizens shall be equal in and before the law. There shall be no discrimination between them by way of diminishing, restricting, or depriving [of rights] in accordance with the provisions of this Constitution.

## Article 10: Political System

The political system shall be based on the principles of political pluralism, peaceful rotation of power, separation of powers, and balance and integration of powers on the basis of good governance predicated on transparency, oversight, and accountability.

## Article 11: Defending the State

Every citizen, male and female, shall defend the State, its unity, and its independence.

## Article 12: Nationality

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

## Article 13: Acquiring Nationality

The regulatory law shall take into account national interest, demographics, and the ease of integration into Libyan society when granting citizenship. This shall be done according to the following:

1. The law shall define preferential stipulations for children of Libyan women.
2. Legal entry and uninterrupted residence for a period no less than 15 years shall be among the necessary conditions to grant citizenship.
3. The law shall regulate special conditions to grant citizenship to a foreigner married to a Libyan, and to those who possess rare and distinguished expertise.

## Article 14: Revoking and Withdrawing Nationality

Libyan nationality shall not be revoked for any reason. It is permissible to withdraw it from whoever acquired it within ten years following its acquisition. The law shall explain cases of withdrawal and its effects.

## Article 15: International Relations

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

## Article 16: Foreign Policy

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

## Article 17: International Treaties and Conventions

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

## Article 18: Political Asylum

The State shall guarantee political asylum. Political refugees may not be extradited, unless to international judiciary. The conditions and circumstances shall be regulated by law.

## Article 19: Foundations of the Economy

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

producers. The State shall support and stimulate the private sector.

## Article 20: Investment

The State shall work to promote private, public, and joint investment to meet the needs of society and to achieve comprehensive development.

## Article 21: Equal Opportunities

Equal opportunities are a right for all citizens. The State shall adopt the necessary measures to achieve this.

## Article 22: Assuming Public Posts

Public posts shall be open to all Libyans based on the criteria of merit and eligibility. The law shall determine the salaries of employees based on the standards of efficiency, responsibility, hierarchy, and needs of decent life.

## Article 23: Environment

The State, all persons residing in it, and persons crossing its territory shall protect the environment. The State shall adopt the necessary measures to develop and maintain its elements against pollution, to preserve natural biodiversity, and to exploit natural resources in a balanced and safe manner. The State ensures that damages inflicted by responsible officials shall be recompensed, and lawsuits on the wellbeing of the environment are a general right without judicial decrees. No statutory limitation shall apply to related crimes.

## Article 24: Agriculture, Industry, and Tourism

Agriculture, industry, and tourism shall be considered among the key pillars of the national economy. The State shall pass legislation and adopt the necessary measures to support, promote, develop, and protect them.

## Article 25: Public Funds

Public funds shall be preserved and may not be sequestered. The State shall protect, develop, and safeguard public funds. Encroaching on public funds or disposing of them in contravention of the provisions of the Constitution and the law shall be prohibited. The State shall guarantee the recovery of public funds and shall seek compensation for destroying or harming these funds. No statutory limitation shall apply to crimes involving public funds. These crimes shall not be pardonable.

## Article 26: Management of Public Utilities

Public utilities shall be established and managed in accordance with the standards of good governance and respect for human rights. It shall be a guaranteed right of beneficiaries to receive services regularly and equally, to have their affairs dealt with equitably, and to submit appeals and complaints to which they receive a reply.

Management of public utilities shall be committed to justifying their decisions, simplifying their procedures, and periodically evaluating their performance in accordance with what the law determines.

## Article 27: Social Justice and Development

The State shall develop cities and villages on the basis of the demands of social justice, sustainable and balanced development and its indicators, and the prudent exploitation of wealth. They shall also guarantee the fair and balanced distribution of projects, interests, public companies, and services between cities guaranteeing distribution of work opportunities and encouraging investment and appropriate activities therein. This is also to ensure the removal of the developmental imbalance.

## Article 28: Combating Corruption

The State shall adopt the necessary measures to combat administrative and financial corruption. Any person who is sentenced a misdemeanor or felony for corruption shall be prohibited from assuming posts in the cases that are defined by the law.

## Article 29: Taxes

To impose, exempt, or amend a tax shall only be done by a law. When imposing it, the interest of society and the achievement of social justice shall be taken into consideration.

## Article 30: Charity (Zakat)

The State shall ensure the collection and disbursement of Zakat in its legitimate banks. It may not be mixed with public revenues.

## Article 31: Religious Endowments (Awqaf)

1. 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 within the bounds of what Islamic Sharia allows.
2. A special body to administer, manage, and oversee the endowments shall be established by law to guarantee its development and the achievement of its goals and legitimate purposes within the limits of the law.

## Article 32: National Languages and the Official Language

The languages spoken by a part of the Libyan people shall be considered national languages, a part of its cultural and linguistic heritage, and a common asset for all Libyans. Arabic shall be the official language of the State.

## Article 33: Family

The family based on legal marriage between a man and a woman shall be the basis of society. It is founded on religion, ethics, complementary roles between its members, affection, and mercy. The State shall ensure its protection, sponsor and encourage marriage, protect motherhood and childhood, and seek to reconcile the obligations of the woman and her work.

• Official or national languages

• Rights of children  
• Right to found a family  
• Right to marry

## Article 34: Children and Youth

The State shall create the appropriate environment to develop children and youth, provide ways to increase their capacities, and support their effective role in national life. The State shall open up opportunities for them to work, participate in development, and benefit from various sciences and human cultures that enables them to participate in political, social, and economic life with a spirit of citizenship and responsibility.

## Article 35: Protecting Antiquities and Manuscripts

1. The State shall be committed to protecting, preserving, restoring, and excavating antiquities, cities, and historical regions. Abusing, trafficking, or presenting them as gifts shall be prohibited. The State shall do what is necessary to recover any antiquities that have been seized. No statutory limitation shall apply to crimes involving antiquities.
2. The State shall ensure the protection of historical manuscripts, documents, and coins and it shall work to maintain and preserve them. They may not be encroached upon or tampered with. No statutory limitation shall apply to crimes involving them.
3. In the event that a private property is considered to be of historic nature, the relationship between the relevant owners and the State shall be subject to a special law that ensures the owners' legal rights.

## Article 36: Housing

The State shall be committed to developing national policies and plans that provide adequate housing and shall take Libyan privacy into consideration to achieve balance between growth rates, the proper distribution of the population, and available resources. The State shall put policies into place that carefully regard families with few resources, promote the private sector, support individual enterprise, and regulate the use of State land for purposes of construction to achieve the general good.

## Article 37: Sports

Practicing a sport as a hobby or a profession shall be a right for every individual. The State shall adopt the necessary measures to support, advance, encourage investment, and provide the proper sports facilities for the regions according to their needs. It shall ensure the independence of sports bodies and settle disputes between them in accordance with international standards.

# CHAPTER TWO: Rights and Freedoms

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## Article 38: Protecting the Right to Life

Every human being has the right to life. The State shall adopt the necessary measures to ensure indemnity of the dead when the criminal is unknown in accordance with what the law regulates.

## Article 39: Right to Safety

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

## Article 40: Security and Peace

Every human being has the right to security and peace. The State shall be committed to providing security and peace to its citizens and residents in its territory.

## Article 41: Human Dignity

The State shall be committed to protecting human dignity and preventing all types of violence, torture, and enforced disappearance. No statutory limitation shall apply to their crimes. All forms of human trafficking and degrading treatment shall be prohibited, as well as forced labor unless out of a necessity or an alternative penalty.

## Article 42: Sanctity of Private Life

Private life shall enjoy its sanctity. Private places may not be entered except for a necessity, and they may not be searched except in the case of flagrante delicto or with a court warrant. Personal data may not be violated, and communications and correspondence may not be monitored except based on the permission of the authorized judge.

## Article 43: Rights of Foreigners

Foreigners who have legal residency have the right to movement and may own a residence. Deporting them collectively or arbitrarily shall be prohibited. Extraditing those who are accused or sentenced shall be prohibited if they are expected to face torture, as is appropriate within judicial guarantees.

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

## Article 44: Displacement

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

## Article 45: Crimes Against Humanity

All patterns of behavior that constitute crimes against humanity, war crimes, and genocide shall be prohibited. No statutory limitation shall apply to them, and they shall not be pardonable as is consistent with the provisions of this Constitution. International jurisdiction shall be left to the Libyan judiciary.

- Prohibition of cruel treatment
- Human dignity
- Prohibition of slavery
- Prohibition of torture

- Regulation of evidence collection
- Right to privacy

- Power to deport citizens
- Extradition procedure

## Article 46: Freedom of Expression and Publication

Freedom of expression and its preservation shall not be separated. The State shall guarantee freedom of expression and publication and shall adopt the necessary measures to protect private life. The State shall prohibit incitement to hatred, violence, and racism, as well as declaring others as infidels and imposing ideas by force.

## Article 47: Freedom of Press and Media

The State shall guarantee the freedom, plurality, and independence of the press and media. Citizens shall have the right to ownership of press and media outlets. They shall be regulated in a way that agrees with the foundations of a democratic society and Libyan character. Press and media may not be banned except by a court order and dissolved except by a court ruling. Precautionary imprisonment in cases of journalism shall not be permissible.

## Article 48: Right to Vote and Run for Office

Every citizen has the right to vote in referenda and to vote or run for office in free, fair, transparent, and equitable elections in which all citizens are equal in accordance with the law. No citizen may be deprived of referenda, nomination, or election except based on a court ruling.

## Article 49: Freedom to Form Political Parties

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

## Article 50: Civil Society

The State shall guarantee the freedom to form civil society organizations and right of affiliation according to the necessary standards for balancing the requirements of independence and the needs of transparency. They may not be suspended except by court order or dissolved except by court ruling.

## Article 51: 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 an issued regulatory law.

## Article 52: Freedom of Assembly, Association, and Demonstration

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

- Freedom of expression
- Freedom of press

- State operation of the media
- Freedom of press

- Referenda
- Restrictions on voting

- Right to form political parties

- Freedom of association

- Legislative initiatives by citizens
- Right of petition

- Freedom of assembly
- Freedom of association



## Article 53: Right to Movement and Residency

The State shall guarantee for all citizens 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. A travel ban shall only be by a court order and for a period defined by the law. No citizen may be deported or prevented from returning home. Extradition shall also be prohibited except based on international obligation by an international judicial body.

## Article 54: Rights of Libyans Abroad

The State shall adopt the necessary measures to protect and preserve Libyans abroad, ensure their affiliation with their home country, participation in the electoral process, and their contribution to development. The State shall follow violation of their rights and extend the jurisdiction of the Libyan judiciary pertaining to these rights.

## Article 55: Transparency and Right to Information

The State shall adopt the necessary measures for transparency and shall ensure the freedom of receiving, sending, exchanging, access to information, and multiplying its sources. This freedom shall not compromise military secrets, secrets of public security, the requirements of the administration of justice, the sanctity of private life, what was agreed upon with another country as secret, or the right to keep the source confidential.

## Article 56: Right to Food and Water

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

## Article 57: 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 is 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 system of mutual understanding of responsibility. 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 a danger to life shall be prohibited.

## Article 58: Supporting Rights of Women

Women are sisters of men. The State shall be committed to supporting and caring for women, enacting laws to protect them, promoting their status in society, eliminating the negative culture and social customs that belittle their dignity, preventing discrimination against them, and ensuring accessible opportunities for them in all sectors. The State shall adopt the necessary measures to support their acquired rights.

## Article 59: Right to Decent Life

1. The State shall guarantee to all citizens decent life and welfare commensurate with its economic conditions.

- Right to establish a business
- Extradition procedure
- Freedom of movement
- International law

- Right to information

- Right to health care

- Equality regardless of gender

- Right to reasonable standard of living

2. Social security is a right for citizens. The State shall protect the rights of its residents.
3. Society shall be based on social solidarity. The State shall guarantee decent life to for the needy, including elderly, orphans, widows, divorcees, those who do not marry at an early age, and those who have lost support.
4. The State shall guarantee the rights of the retired to ensure 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 to ensure their integration within society and that they enjoy all rights without discrimination. The law shall regulate their situations to achieve this.
6. With the exception of political rights, the foreign children of Libyan women shall enjoy all the rights that the Libyan citizen enjoys.

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

## Article 60: Intellectual Property

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

## Article 61: 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. Education shall be compulsory until the age of eighteen and free to citizens in all stages at 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 educational policies. The State shall also ensure the inviolability of educational institutions.

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

## Article 62: University Education and Scientific Research

The State shall adopt the necessary measures for the independence of universities and research centers and shall guarantee competitiveness and academic freedom for them in line with general national standards. The right of affiliation shall not be restricted except according to the standards of appropriate scientific knowledge for the specialization.

The State shall adopt the necessary measures to develop scientific research and provide it with institutional frameworks. It shall ensure the rights of researchers and their creations and innovations, sponsor creative, innovative, and talented persons, and provide them with the means to display and develop their competencies.

## Article 63: Artistic and Vocational Education

The State shall promote and develop artistic and vocational education in line with the requirements of development.

## Article 64: Priority of Education and Scientific Research

Priority shall be given to various levels of education and to scientific research in the progressive distribution of national income ratios to agree with international standards.

## Article 65: National Languages and Cultures

Every person shall have the right to use and learn national languages and to participate in cultural life, either individually or collectively. The State shall protect national languages and provide the necessary means to learn and use 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 66: Right to Work

Every citizen has the right to work. The State shall work to provide safe and healthy conditions. The employee has the right to choose the type of work and the fairness of its terms, and to join trade and labor unions. The State shall promote this and provide opportunities for job seekers.

## Article 67: Right to Enterprise

The State shall guarantee the right to enterprise under free competition while barring monopolistic practices and not to harm others or harm the interest of society.

## Article 68: Private Property

Private property shall be safeguarded as a right. No custodianship shall be imposed on private property except by a court order and in the cases that are determined by the law. It shall not be taken away except for the general good and in exchange for fair compensation. In cases other than emergency and martial law, compensation for property shall be paid in advance and property shall not be seized except by a court order. General seizure shall be prohibited.

## Article 69: Rights of the Child

The State shall adopt all measures for the child to fully enjoy his/her rights and protect him/her from conditions that endanger his/her interests, education, and growth. The State shall adopt legislation and policies based on the child's best interest.

- Reference to art

- Reference to science

- Reference to art
- Right to culture
- Protection of language use

- Right to join trade unions
- Right to choose occupation
- Right to work
- Right to safe work environment

- Right to establish a business
- Right to competitive marketplace

- Emergency provisions
- Protection from expropriation
- Right to own property

- Rights of children

## Article 70: Rights of Persons with Disability

The State shall be committed to guaranteeing the health, social, educational, economic, and entertainment rights of persons with disability. The State shall protect persons with disability and create the necessary institutional framework to meet their needs. It shall provide the proper working conditions, accommodating environment for them, support communications and ways to integrate them into society in a complete and effective manner.

## Article 71: Right to Litigation

The right to litigation shall be guaranteed for all. Every person shall have the right to a fair trial before his normal 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 the jurisdiction of the judiciary.

## Article 72: Principle of Criminal Legitimacy and Origin of Acquittal

Crimes shall be classified into felonies, misdemeanors, and violations. There shall be no felony or misdemeanor except by law; there shall be no sentence depriving them of freedom for violations; there shall be no sentence except for actions that are committed after a law becomes effective. The sentence shall be personal and proportionate to the crime and its perpetrator. An accused person shall be innocent until proven guilty

## Article 73: Procedural Guarantees

Every individual shall enjoy the respect of human dignity, as is his/her right, in all criminal proceedings. The competent authorities shall provide grounds for their orders that affect rights and freedoms. There shall be no detention except in designated places and for a specific legal period that is proportionate to the accusation, while making this 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 to not be forced to submit evidence against himself or his responsibility for any statements he makes, to choose and contact an attorney, and to seek the help of a translator. The State shall guarantee judicial assistance.

## Article 74: Deprivation of Freedom

Every individual has the right to personal freedom. There shall be no deprivation of freedom except in the case of insufficient measures, procedures, or alternative penalties. Any person who is deprived of his/her freedom as a precaution or in implementation of a sentence shall be entitled to proper reparations upon acquittal or an order that there is no cause for punishment because of an unsubstantiated crime or a lack of evidence based on the stipulations of the law.

## Article 75: Restrictions on Exercising Rights and Freedoms

Any restriction of rights and freedoms must be necessary, clear, defined, and proportionate to the interest to be protected and the characteristics of democratic society. Going back on legal guarantees shall be prohibited by law in a way that does not contradict the provisions of this Constitution.

- State support for the disabled

- Right to fair trial
- Right to speedy trial

- Protection from ex post facto laws
- Presumption of innocence in trials
- Principle of no punishment without law

- Right to counsel
- Human dignity
- Protection from self-incrimination
- Trial in native language of accused

- Protection from false imprisonment

## Article 76: Drafting Legislative and Executive Policies

All legislative and executive policies and development programs shall be founded 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

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### Legislative Authority

#### Article 77: The Shura Council

The legislative authority in the Shura Council shall be made up of two assemblies: the House of Representatives and the Senate.

The Shura Council 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, to exercise control over the works of the executive branch, and that which is described in the Constitution.

### PART I: The House of Representatives

#### Article 78: Forming the House of Representatives

The House of Representatives shall be composed of a number of members elected by general, free, confidential, and direct election in accordance with the standard population with consideration for the geographic criterion in a manner that guarantees equal representation for voters. No one under the age of eighteen years old shall be permitted to vote under the provisions of the electoral law.

#### Article 79: Membership of the House of Representatives

The candidate for membership in the House of Representatives shall be: Libyan; Muslim; shall not carry another citizenship; shall enjoy his/her civil and political rights; shall hold a bachelor's degree or its equivalent; shall not be younger than twenty five years old on the day of candidacy; and any other conditions the law determines.

#### Article 80: Term of the House of Representatives

The term for the House of Representatives shall be four years starting on the first day of the first session. The election of the new council shall be held during the ninety days prior to the expiration of the council.

#### Article 81: Presidency of the Council

The Council shall convene its first sessions under the presidency of the oldest member, and the youngest shall be the rapporteur. During the first sessions, members shall elect the President and two vice presidents. Council elections for presidency of the House of Representatives shall be held every two years.

- Structure of legislative chamber(s)

- Economic plans

- Secret ballot
- First chamber selection
- Restrictions on voting

- Minimum age for first chamber
- Eligibility for first chamber
- Eligibility for second chamber

- Scheduling of elections
- Term length for first chamber

- Leader of first chamber

## Article 82: Presence Quorum and Voting

Council sessions shall not be considered valid without the presence of at least the absolute majority of its members. Decisions shall be reached with the absolute majority of members when proposed legislation and bills are being considered, taking into account the other cases stipulated by the Constitution.

The Council shall take the necessary measures to set bylaws ensuring the regulatory attendance of its members.

## Article 83: Proposals and Draft Legislation

Each draft law from the Head of State or the Prime Minister shall be sent to the concerned committees in the House of Representatives for review so to reach a decision and submit it therein to the Council within one month of the day it was received. Draft legislation presented by at least ten representatives and in agreement with Article 51 shall be sent to the concerned committees for review within a period not to exceed 60 days. In the case of its rejection, the decision shall be substantiated. Proposals shall advance before draft legislation if the legislature is congested.

## Article 84: Issuing and Publishing the Laws

If the House of Representatives ratifies a proposal or draft legislation, then it must proceed to the Head of State within a maximum period of seven days for his enactment and publication in the official newspaper, which shall take place within a period not to exceed fifteen days from the date of its ratification. 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 legislation shall become legally effective two days after the date it was published, unless stated otherwise.

If the president sends the legislation that has been ratified back to the Council for amendments, the Council shall ratify it with or without his amendments within fourteen days with the absolute majority of its elected members.

## Article 85: Inquiry and Hearing

Each member of the Council shall address inquiries to the Prime Minister or ministers and their request for questioning is in accordance with the internal procedures of the Council.

## PART II: The Senate

### Article 86: Forming the Senate

The Senate shall be composed of seventy-two members chosen by general, free, confidential, and direct poll by way of individual election where no voter shall be less than eighteen years old. Representation in the Senate shall similar to the election of a constituent body, taking into account the geographic balance in the distribution of seats inside each electoral district.

- Quorum for legislative sessions

- Attendance by legislators

- Legislative committees
- Initiation of general legislation

- Approval of general legislation
- Veto override procedure

- Legislative oversight of the executive

- Secret ballot
- Size of second chamber
- Second chamber selection
- Restrictions on voting

## Article 87: Membership of the Senate

Membership to the Senate shall be the same conditions for membership to the House of Representatives, and the nominee shall not be younger than forty years old on the day of his candidacy.

## Article 88: Term of the Senate

The term of the Senate shall last six years beginning from the first day of the first session. A member may not be reelected for more than two election cycles. Elections for the new Senate shall be held during the ninety days prior to the expiration of the Council.

## Article 89: Presidency of the Council

The Council shall convene its first sessions under the presidency of the oldest member, and the youngest shall be the rapporteur. During the first sessions, members shall elect the President and two vice presidents. Council elections for presidency of the Senate shall be held every two years.

## Article 90: Presence Quorum and Voting

Council sessions shall not be considered valid except with the attendance of the absolute majority of its elected members. Decisions shall be made on matters stipulated in Articles 50 and 51 with the exact majority, not to be less than six members from each electoral district. The Council shall take the necessary measures to set internal rules of procedure ensuring the regulatory attendance of its members.

## Article 91: Legislative Competence of the Council

The Senate shall review legislation that has been submitted by the House of Representatives for ratification or amendment in the following areas:

1. State Financial System Law.
2. Public Budget Law.
3. Local Government Law.
4. Citizenship and Immigration Law.
5. Referendum and Elections Laws.
6. Natural Resources Law.
7. Emergency and Martial Law.
8. General Amnesty Law.
9. Laws related to State insignia, the State flag, national anthem, and State emblem.

- Minimum age for second chamber
- Eligibility for second chamber

- Scheduling of elections
- Term length of second chamber
- Term limits of second chamber

- Leader of second chamber

- Attendance by legislators
- Quorum for legislative sessions

- Division of labor between chambers
- Second chamber reserved policy areas

- Budget bills

- Emergency provisions

- National anthem
- National flag

10. Ratification of international treaties and conventions.

11. Proposed constitutional amendments.

The Senate shall request clarification from the concerned bodies regarding any draft law entering their jurisdiction.

## Article 92: Council Jurisdiction on Some Functions

The Senate shall confirm the nominations for the House of Representatives for the following posts:

1. Constitutional Court judges selected by the Legislature.
2. Presidents and members of management of independent constitutional bodies.
3. The Governor of the Central Bank of Libya and his Deputy.

In all situations, the President of the Republic shall nominate the candidates. The Senate shall ratify presidential nominations for ambassadors and state representatives to international organizations adhering to standards of integrity, eligibility, merit, and achievement of the higher interests of the nation within the time period and according to the conditions that the law determines.

## Article 93: The Joint Committee

If the two councils differ on a law set forth in Article 52, then a joint committee of equal number from the two chambers shall be formed to resolve the dispute and propose a compromised text to be submitted to the two chambers for their ratification and referral to the President of the Republic for his enactment. If the joint committee is unable to reach a compromise within a period not to exceed thirty days from the day the draft was presented, it shall be sent to the Senate for ratification with a two-thirds majority, then to the House of Representatives for submission to the President of the Republic for his enactment. Should this be impossible to accomplish, the law shall be postponed until the following parliamentary session. The two Councils shall remain in session until the adoption of the Budget Law.

## Article 94: Senate Consultation

The House of Representatives shall send draft bills to the Senate for advisory feedback.

The Senate shall return it to the House of Representatives within a period no longer than thirty days from the day it was submitted.

## PART III: General Provisions for the Two Chambers

### Article 95: Non-restrictive Agency

Members of the Shura Council represent all of the people and may not limit their agency on restriction or condition.



## Article 96: Oath of the Shura Council

Every member of the Shura Council must swear in the presence of the Council before he/she begins his/her work the following oath: "In the name of the Almighty God, I swear to be faithful to God and my country, to respect the Constitution and the Law, and to perform my job in faithfulness and truth".

## Article 97: Member's Devotion to the Shura Council

One may not be a member of both Councils. The member shall carry out his/her work full-time and keep his/her job in accordance with what the law regulates.

## Article 98: Immunity

1. Every member of the Shura Council shall enjoy full liberty to express an opinion within the bounds of the internal procedures of his/her affiliated council. No one shall be permitted to question voting, a stated opinion, or a speech made during council or committee sessions.
2. If either of the two councils indicts any member and there is sufficient and available evidence that he/she committed a crime of high treason, a serious breach of the Constitution, or crimes against confidentiality or honor during the fulfillment of work, then the individual case shall be sent to the Attorney General for the enactment of the necessary legal procedures.
3. In the case of a non-flagrante delicto, urgent criminal proceedings may not be taken without prior permission from the affiliated council and a written request from the Attorney General as are the rights and freedoms of the Member. While the council is not in session, the Presidency of the Council may issue the order and the council shall be notified in the first session. That shall be in accordance with the provisions of the internal procedures of the council.

## Article 99: By-laws of the Two Councils

Each of the two councils shall issues bylaws with its internal procedures during the period not to exceed thirty days from the date of the first session. Bylaws shall be published in the official newspaper when each council enacts its internal procedures, taking into consideration the complementarity and consistency with the other council.

## Article 100: Expiration of Membership

Membership of the Shura Council shall expire for one of the following reasons:

1. Inability to perform the tasks
2. Resignation
3. Dismissal
4. Losing of one of the conditions for candidature
5. Death

A decision to terminate membership shall be issued by the affiliated council of the member, as stipulated by the bylaws.

## Article 101: Vacancy of a Seat in the Shura Council

If one of the members of the Shura Council should vacate his/her seat for any reason enumerated in the previous article before the expiration of his membership by at least six months, the law shall determine how to fill the seat.

## Article 102: Headquarters and Provisions of the Shura Council

Headquarters of the Shura Council shall be in the city of Benghazi, and its meetings may be held in any other place inside the country. Both of the two councils shall convene their normal hearings by rule of law in the two regular sessions, each one of them lasting five months.

Session dates shall be one for each of the two chambers. The first session shall start within fourteen days from the date the final results of the elections were announced.

## Article 103: Shura Council Meetings

The Shura Council with the majority of the members from both chambers shall meet under the leadership of the president of the Senate. In the event of his/her 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 assume leadership. Shura Council meetings will convene under the following circumstances:

1. The opening of the legislative session.
2. The President of the Republic takes his oath.
3. Listening to the speeches of kings and presidents.
4. Listening to an address by the President of the Republic on issues of national importance.
5. Holding advisory sessions for the two chambers.

## Article 104: Special Sessions of the Shura Council

The Shura Council may convene for a special 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 each chamber, and in the following cases:

1. Authorization declaring a state of war or the end of war.
2. Institution of a state of emergency or martial law.
3. Authorization of sending military forces beyond the State's borders.

#### 4. Consideration of a specific agenda.

The president of the Senate shall head special sessions or his successor. 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 council.

### Article 105: Public Hearings

The hearings of both councils shall be public. The deliberations shall be documented in the minutes as prescribed by the bylaws for each chamber and published according to what the law determines. Either one or both of the councils may convene for a secret session with the approval of the majority of those present at the request of twelve members or a request of the executive authority.

### Article 106: Awarding of Medals and Decorations

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

### Article 107: Devolution of Competencies of One of the Chambers to the Other

If one of the chambers has dissolved and until the election of a new council, then the tasks entrusted to the dissolved council shall devolve to the standing council according to Articles 103-104.

### Article 108: Financial Remuneration

Each member of the Shura Council shall receive remuneration defined by law. No amendment to this law shall be valid unless considered from the beginning of the following session by those who issued the amendment.

## The Executive

### Article 109

Executive authority shall be vested in the President of the Republic and his/her government in accordance with the provisions of this Constitution. Headquarters of the executive branch shall be in Tripoli; meets may be held and decisions may be made in any other place inside the country.

## PART I: The President of the Republic

### Article 110

The President of the Republic shall preserve the unity of the country, the independence of the nation, and the safety of its lands. The President shall also ensure the interests of the people, hold free, confidential, and direct elections, and perform his functions and his defined responsibilities as stated in the provisions of the Constitution.

• Public or private sessions  
• Publication of deliberations

• Compensation of legislators

• Name/structure of executive(s)

## Article 111: Conditions to Run for the Presidency of the Republic

The following conditions shall apply to the presidential candidate of the Republic:

1. The candidate shall be Libyan and Muslim, and born to Libyan and Muslim parents.
2. The candidate shall not have held another citizenship or shall have renounced another citizenship five years prior to the date of candidacy.
3. The candidate shall not be married to a foreigner.
4. The candidate shall have obtained a university degree or its equivalent.
5. The candidate shall not be younger than forty years old.
6. The candidate shall enjoy civil and political liberties, and shall not have been convicted of a deliberate felony or a dishonorable or treacherous misdemeanor, even if he/she has been rehabilitated.
7. The candidate shall be capable of executing his/her work.
8. In the event that the candidate served in the military or belonged to the security apparatus, at least two years shall have passed from the end of his/her service before assuming the candidacy.
9. The candidate shall have resided in Libya for a period of no less than five consecutive years before candidature.

## Article 112: Presidential Election

The President shall be elected by public, free, confidential, and direct election, by the absolute majority of the valid votes, and with balance between the two criteria, population and geography, to ensure geographic distribution of the votes. The law regulates this.

The President of the Republic shall be elected ninety days before the expiration of the incumbent president's term in the time of presidential elections. The final results shall be announced two weeks before the end of the previous term. In the case that presidential elections are unable to be held for compelling reasons or because of recognized, present danger as decided by the Constitutional Court, the Shura Council shall determine the necessary procedures and dates to conduct the presidential elections later.

No one may assume the presidency for more than two complete, consecutive or nonconsecutive terms. In the event of resignation, that period shall be considered a full presidential term.

## Article 113: Special Cases

1. Presidential elections shall be cancelled and new elections held in the event of the death of the winning candidate before the announcement of his/her victory.

2. If a candidate dies before the second round is executed, a candidate withdraws, or a legal barrier arose preventing the candidature, the next candidate in line shall take his or her place according to the announced results.

## Article 114: Term of Presidency

The term of presidency shall be five years from the date he/she is sworn in and shall be renewable one time.

## Article 115: Oath of the President

The President-elect of the Republic shall take his/her oath before the Shura Council before assuming his/her duties according to the following model: "In the name of the Almighty God, I swear that I will perform my duties wholeheartedly, I will respect the Constitution and the law, I will preserve the independence of the country and its unity, and I will protect the interests of the people and the nation".

## Article 116: Vacancy of the Presidency

The office of the president shall be considered permanently vacant in the following cases:

1. Resignation by written notice addressed to the Shura Council.
2. Dismissal.
3. Loss of one or more of the conditions of candidacy as determined by ruling of the Constitutional Court.
4. Death.

The Constitutional Court shall convene to officially establish the permanent vacancy of the office. The Prime Minister shall assume responsibility of the president's duties. Within a period no longer than fifteen days from the date the Prime Minister was notified of the Constitutional Court's resolution, the Shura Council shall announce within ninety days the beginning of the new presidential race and the new presidential election.

If the presidential office is temporarily vacant because of an illness, travel, or any other compelling reason, the Prime Minister shall fill his position for a period not to exceed one hundred and twenty days. In the event that this period is exceeded, the office of the President shall be considered vacant.

## Article 117: Competences of the President

The president shall have authority over the following matters:

1. Appointing the Prime Minister, forming of the government, and making ministerial changes.
2. Defining and directing the general policies of the Executive Branch.
3. Calling for a referendum in the cases and under the conditions stipulated in the Constitution.

- Extraordinary legislative sessions
  - Initiation of general legislation
  - International organizations
  - Emergency provisions
  - Establishment of judicial council
  - Power to pardon
  - Designation of commander in chief
  - Power to declare/approve war
  - Foreign affairs representative
  - International law
  - Treaty ratification
  - Head of state decree power
4. Calling the Shura Council to special sessions and identifying the issues that shall be addressed.
  5. Issuing the laws and their publication in the official newspaper in accordance with the Constitution.
  6. Proposing draft legislation. The conclusion of international agreements of a technical nature as established by law.
  7. Accreditation of representatives of diplomatic missions to nations and international organizations.
  8. Awarding medals and decorations according to the law.
  9. Appointments and exemptions in senior positions headed by the State and affiliated institutions.
  10. Declaring a state of emergency and requesting the declaration of martial law in accordance with the provisions of the Constitution.
  11. Any other competences that the Constitution stipulates.

## Article 118: Special Amnesty

The President of the Republic shall issue a special pardon after considering the opinion of the Prime Minister and the President of the Higher Judicial Council in a manner that does not conflict with the provisions of the Constitution.

## Article 119: Commander-in-Chief of the Armed Forces

The President of the Republic shall be the Commander-in-Chief of the Armed Forces. He shall declare war and invoke peace in accordance with the provisions of the Constitution.

## Article 120: State Representation Abroad

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

## Article 121: Decrees with Power of Law

In the event that the two councils are not in session or if the House of Representatives has been dissolved, the President of the Republic shall issue decrees with power of law in a necessary, urgent event as regulated by law. The House of Representatives shall review all such decrees within seven days from the date of the beginning of the following session for their ratification or repeal. No decrees may be issued concerning the Shura Council's competence.

## Article 122: Dissolution of Legislative Authority by the President

The President of the Republic may dissolve the House of Representatives, the Senate, or both councils in a general referendum for valid reasons associated with the obstruction of the State's public policy, the development plan, or budget suspension without real justification and in accordance with the following:

1. The President of the Nation shall refer the reasons and justifications to the Constitutional Court to urgently give its advisory opinion on the seriousness and relevance of the evidence.
2. If the court determines that the reasons are serious and the President holds a general referendum resulting in favor of dissolving one or both of the councils, the President shall issue a decree for its dissolution. If the referendum results in "No" then the President shall form a new government.
3. If the court determines that the reasons are not serious or relevant and the President holds a referendum that rejects the dissolution of one or both of the councils, then the President shall submit his resignation.

In all cases, neither one of the two councils may be dissolved during its first year of assembly, a state of emergency, a declaration of martial law, or in the last six months of the President's term.

## Article 123: Presidential Impeachment

The House of Representatives or the Senate may charge the President of the Republic upon a substantiated request from the absolute majority of the elected members of each council with high treason, a serious breach of the Constitution, or committing dishonorable or treacherous crimes. Two-thirds majority of the Shura Council shall be required to issue the accusation after the Attorney General conducts an investigation.

The President shall stop his/her work when the indictment is issued until a verdict has been reached in the trial. This is considered a temporary vacancy of the office. The President of the Republic shall be tried before a special court comprised of a president and four members, led by the President of the Higher Judicial Court and with the two oldest counselors of the Court of Cassation and the two oldest counselors of the Courts of Appeals. The Attorney General is the prosecutor before the court. The Court's rulings are final. The law shall regulate the investigation and trial procedures. If the ruling convicts the President of the Republic, s/he shall be dismissed from office without prejudice to other procedures. The office shall be considered permanently vacant and the provisions of Article 116 of this Constitution shall be applied.

In cases besides those, urgent criminal action may not be taken, as is the President's freedom. Nor shall criminal action be brought against him until after the end of his term. All periods of prescription shall be discontinued, as is his right.

## PART II: The Government

### Article 124: Composition of the Government

- Dismissal of the legislature
- Referenda

- Cabinet removal
- Head of government removal

- Head of state removal

- Emergency provisions

- Head of state removal
- Head of state immunity

- Establishment of cabinet/ministers
- Name/structure of executive(s)

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

## Article 125: Competences of the Prime Minister

The Prime Minister shall assume the following responsibilities:

1. Forming the government, presiding over its hearings, and suggesting amendments to it.
2. Managing the government and supervising its works.
3. Coordinating the duties of the members of the government without infringing upon their competences and direct responsibilities.

The law shall establish the general foundations for organizing ministries and various state agencies. The Prime Minister shall delegate some of his competences to the Ministers.

## Article 126: Terms of Appointment for Members of Government

Whoever shall be appointed Prime Minister shall be Libyan and Muslim born to two Libyan parents; he/she shall not be younger than thirty five years old; he/she shall have obtained a university degree or its equivalent; he or his spouse shall not carry another citizenship; he/she shall enjoy civil and political liberties; he/she shall not have had a court rule issued against him/her for a deliberate felony, a dishonorable or treacherous misdemeanor, even if s/he has been rehabilitated; in addition to the terms above, a minister shall not be younger than thirty years old.

## Article 127: Taking the Oath

The Prime Minister and ministers shall take their oath before the President of the Republic according to the following model: "In the name of the Almighty God, I swear to be faithful to God and then my country, to respect the Constitution and the Law, and to perform my job in faithfulness and truth".

## Article 128: No-Confidence in the Government

If the House of Representatives decides with the two-thirds majority of its elected members that it does not trust the government, then the government shall be forced to resign. If the decision pertains only to one of the ministers, then the absolute majority of the House of Representatives' elected members is required, and he shall resign from the ministry. The House of Representatives shall not consider a request to prevent the faith in the government until after the hearing upon written request submitted by at least fifteen members. This request may not be up for discussion until eight days after the day of its submission and opinions regarding the matter shall not be taken until two days after the completion of the discussion.

## Article 129: Responsibility of the Prime Minister and Ministers

The law shall define the procedures of indictment for the Prime Minister and Ministers for crimes that occur amongst them while performing their jobs.

• Head of government powers

• Cabinet selection

• Minimum age of head of government  
• Eligibility for head of government

• God or other deities  
• Oaths to abide by constitution

• Cabinet removal  
• Head of government removal

• Head of government immunity



## Article 130: Competences of the Cabinet of Ministers

The Cabinet of Ministers shall have authority over the following matters:

1. Executing the general plan.
2. Preserving the nation's safety, protecting the rights of citizens, and ensuring respect for the laws and governments.
3. Proposing legislation.
4. Drafting the general budget law.
5. Drafting the general plan of the State.
6. Establishing, dissolving, and integrating general utilities, institutions, companies, and interests.
7. Regulating and overseeing affiliated State departments, institutions, and agencies.
8. Discussing proposals, plans, and policies of each ministry in regards to the implementation of its duties.
9. Issuing regulatory and enforcement regulations, control regulations, regulating public utilities within the scope of its jurisdiction.
10. Appointing undersecretaries to the Ministries and senior positions in the government based on the principles of equal opportunities, merit, transparency, and that which the law determines.
11. Any other competences that the law prescribes.

## CHAPTER FOUR: Judicial Authority

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### Article 131: The Independence of the Judiciary

The Judiciary shall be independent. Its function shall be the establishment of justice, the guarantee of the rule of law, and the protection of rights and freedoms. Judges shall be independent in performing their tasks and subject to nothing other than the law. Judges shall commit to the principles of neutrality and impartiality. Interference with the work of the judiciary shall be a crime to which no statutory limits shall apply.

## Article 132: Members of the Judiciary

The members of the Judiciary shall be comprised of: the judges and the members of the department of the public prosecutor. The law shall determine the conditions for their appointment and advancement, as to ensure their selection and the advancement of the best and most capable. Their rights, duties, and the rest of their functional affairs shall be established by law.

## Article 133: Guarantees for Members of the Judiciary

A member of the judiciary shall not be dismissed, removed from his or her work, or punished in a disciplinary fashion, except by a justified decision from the Higher Judiciary Council, in accordance with the safeguards and cases defined by the law. In cases of non-flagrante delicto, urgent procedures may not be taken that infringe upon rights and liberties, except with prior approval of the Higher Judiciary Council. The member of the Judiciary shall be charged only with work that agrees with its independence and neutrality according to the law.

## Article 134: Mandate of the Courts

The courts, regardless of their variation or rank, shall be in charge of rendering judgment on disputes and crimes, in accordance with the system of judicial specialization and the requirements of justice. Judicial proceedings shall be public except in juvenile courts, or when the court decides that observance of public order and etiquette requires the proceedings to be private. All judicial pronouncements shall be public, according to the law.

## Article 135: Litigation

Except for misdemeanors and cases of de minimis importance as defined by the law, trials shall be organized in two degrees. The law shall determine the jurisdiction of the courts and the procedures they follow.

## Article 136: Prohibition of Special Courts

Special courts shall not be established.

## Article 137: Higher Judicial Council

The judiciary shall have a council called the Higher Judicial Council, which shall ensure the proper functioning of the judiciary and its independence. It shall enjoy a legal personality and financial and administrative independence. The draft budget for the council shall be prepared for its discussion in front of the legislative authority. Its headquarters shall be in Tripoli and the Council shall be permitted to hold its meetings anywhere inside the country.

- Supreme court selection
- Ordinary court selection

- Establishment of judicial council
- Supreme/ordinary court judge removal

- Privileges for juveniles in criminal process
- Right to public trial

- Establishment of judicial council

## Article 138: Competences of the Council

The Higher Judicial Council shall be dedicated to appointing, promoting, moving, and disciplining the members of the judiciary along with all of its functional affairs. It shall also be dedicated to establishing courts and judicial powers according to the law, passing opinion on bills related to the judiciary, proposing the establishment or removal of independent judicial bodies, and finally, preparing an annual evaluation report on the validity of legislation and its application, which shall be circulated in the official newspaper. The law shall regulate the other jurisdictions and powers of the High Council.

## Article 139: Composition of the Council

The Higher Judicial Council shall be comprised of twelve members led by a counselor from the Court of Cassation who is chosen by all the General Assembly, counselors of the Courts of Appeal, judges of primary courts, members of the public prosecution, two individuals with legal specialization outside of the judiciary and not belonging to any political party, and that which is in accordance with the law.

## Article 140: The Court of Cassation

The Court of Cassation shall be comprised of the president, the deputy, and a sufficient number of counselors, whose ranks may be no less than that of President of the Court of Appeals, or its equivalent, to be chosen for the Higher Judicial Council. The President, Deputy, and three oldest counselors shall be chosen by the General Assembly.

## Article 141: Competences of the Court

The Court of Cassation shall be dedicated to appeals of cassation. The law shall specify its other jurisdictions and powers.

## Article 142: The Prosecutor General

The Public Prosecutor's Office shall be a part of the judiciary and shall be led by the Prosecutor General. The members of the Public Prosecutor's Office shall be the Prosecutor General's agents in exercising his jurisdictions relating to criminal proceedings, with the exception of what is excluded by the law. The appointment of the Prosecutor General shall be issued by a decree from the President of the Republic, based upon the nomination of the Higher Judicial Council. Nominees shall be chosen from the counselors of the Court of Cassation, the presidents of the Courts of Appeal, or the public attorneys from group (A), for a period of six years or until reaching retirement, whichever comes sooner, for one term only.

## Article 143: Body of Judicial Inspection

The Body of Judicial Inspection shall be a judicial body. Its designated members shall be introduced by a decision from the Higher Judicial Council. The Judicial Inspector Authority shall be comprised of a president, a deputy, and a sufficient number of counselors, whose ranks may be no less than that of a deputy of the Courts of Appeal, or its equivalent rank. The Judicial Inspector Authority shall have authority over inspecting the members of the judicial authority, and any other domains determined by the law.

## Article 144: Legal Profession

The legal profession is a partner in achieving justice and lawyers shall enjoy legal safeguards, which shall allow them to perform their duties to contribute to the establishing justice and defending rights and freedoms. The law shall regulate this.

## Article 145: Military Judicial System

The military judiciary shall be a judiciary that has authority over military crimes, which are committed by military persons, in accordance with the procedures defined by the law, as to ensure fair trial. This includes the right to appeal according to what the law determines.

## Article 146: The Compulsion of Judicial Rulings

Judicial rulings shall be binding for all. Refraining from the implementation of judicial rulings or the obstruction of their enforcement without a legal cause to do so is prohibited.

# CHAPTER FIVE: The Constitutional Court

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## Article 147: Independence of the Constitutional Court

The Constitutional Court is a legal personality that with full administrative and financial independence. The Court shall submit its draft budget to the legislative authority, express its opinion on related legislation, and its members shall enjoy safeguards and prescribed benefits for members of the judiciary. Its headquarters shall be in Sabha and the Court may hold its hearings and practices its competences in any other city within the country.

## Article 148: Composition of the Court

The Constitutional Court shall consist of twelve members, including a president and a deputy. The Higher Judicial Council shall choose six counselors to be heads of Courts of Appeal. The President of the Republic shall choose three members, and the legislative authority shall choose three members. Those chosen by the president and legislative authority shall possess the competencies and carry high degrees in at least law, political science, and Islamic Sharia for non-members of the judiciary. They shall also possess more than twenty years of work experience in their field of expertise. The General Assembly of the Higher Judiciary Council shall choose the president and deputy of the Constitutional Court. A vacancy shall be filled by the exact party who chose the original member in accordance with the same standards. The President of the Republic shall issue a decree naming the nominees.

## Article 149: Terms of Membership

A member of the Court shall be Libyan; the member shall not carry another citizenship; the member shall not be younger than forty five years old; the member shall not belong to any political party; the member may not engage in any other post or work during his/her membership to the Court. Membership shall last eight years for one term and every four years half of the members shall be renewed according to the principle of rotation. The law regulates workflow, the procedures the Court will

- Establishment of military courts

- Establishment of constitutional court

- Eligibility for const court judges
- Constitutional court selection
- Establishment of judicial council

- Min age of const court judges
- Constitutional court term limits
- Eligibility for const court judges
- Constitutional court term length

follow, the rights and duties of its members, and other functional affairs.

## Article 150: Competences of the Court

The Constitutional Court and no other court shall have the following authority:

1. Judicial oversight of the constitutionality of laws and the regulations of the House of Representatives and the Senate.
2. Consideration of the constitutionality of the procedures for constitutional amendments.
3. Litigation relating to the legislative authority's failure to fulfill its constitutional obligations.
4. Decision regarding disputes that arose from the implementation of rendered verdicts.
5. Review international treaties and conventions before ratification and subsequent submission to the Senate.
6. Review electoral and referenda laws before enactment.
7. Review laws ruled unconstitutional before being reissued.
8. Any other area of jurisdiction that the law prescribes.

## Article 151: The Provisions of the Court

The Court's decisions shall be justified with a majority of its members and may deviate from the principles it established in accordance with what the law determines.

## Article 152: Appealing Before the Court

Every individual with a personal, direct interest may appeal to the Constitutional Court to challenge the constitutionality of a law or join in a pending case before the Court, according to what the law regulates.

## Article 153: Authority of the Court's Decision

The decisions of the Constitutional Court shall be final and binding for all, and shall be published in the official newspaper. Article law that has been ruled unconstitutional shall lose its binding force on the day following the publication of the ruling. The Court shall determine the effective date of the ruling of unconstitutionality.

## CHAPTER SIX: Local Governance

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### Article 154: Decentralization

Local governance shall be based off the principle of extended decentralization. The State shall support this within the framework of State unity.

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

The State may be divided into governorates and municipalities in accordance with the demands of national security and the balancing of residential standards, space and geographical contiguity, necessities of social justice, peace and communal harmony, economic and historical factors, and requirements of development, while taking efficiency and effectiveness into account. It shall be permissible to create, integrate, or dissolve administrative units if the public interest requires it, as prescribed in the law.

### Article 156: Independence of Local Government Units

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

### Article 157: Governorate and Municipal Councils

Governorate and Municipal councils shall be chosen directly through free elections, taking into account the formation of the governorate assembly, which represent municipalities located in its circumscription, as the law regulates.

### Article 158: Competence of Local Government Units

Local government councils shall enjoy autonomous, transferrable, and shared powers from and with the central government. Shared and transferrable powers shall be distributed. Governorates shall also be charged with issuing regulatory legislation in accordance with the law.

### Article 159: The Funding of Local Units of Governance

There shall be for the governorates and municipalities centralized funds, which shall be consistent with the necessary amount of funds required to execute their duties, along with localized funds derived from duties, sanctions, local taxes, investment returns, and what shall be received from donations and wills, in addition to what shall be obtained through loans and other returns specified by the law. The State shall guarantee financial balance between the local government units to ensure solidarity among them. Every competence transferred to local government units by the central government shall be connected to the appropriate financial resources. Local government units, within the bounds of its ratified budget, shall be free to spend its resources according to the rules of good governance.

### Article 160: Subsequent Oversight

- Municipal government
- Subsidiary unit government

- Municipal government
- Subsidiary unit government

- Municipal government
- Reference to fraternity/solidarity
- Subsidiary unit government

The local government units shall be subject to subsequent oversight regarding the legitimacy of its works.

## Article 161: Interference of Executive Authority

The executive authority shall not interfere with the competences of local government units, except to prevent the transgression of jurisdictional boundaries, when it is to the detriment of public interests, national security, or the other interests of local units. The executive authority may also intervene if the units cannot perform their tasks or they fail to comply with national standards, plans, and policies. Interference shall be done with a direct decree clarifying the length of inability to perform their tasks and determine the remedies as the law regulates.

## Article 162: Principle of Partnership and Cooperation

The local government units may establish mutual partnerships in accordance with the principle of integration to implement programs or to achieve works of shared interest. They may also establish economic regions between them and coordinate with the central government to establish foreign relationships for partnerships and cooperation, to serve developmental purposes. All of this shall be according to the precepts defined by the law.

## Article 163: Local Participation

Local units of government shall adopt the necessary measures to ensure citizens' and civil society's contributions to plan local development programs and their implementation according to the law.

## Article 164: Higher Council for Local Governance

The Higher Council for Local Governance shall be made up of governors and shall be responsible for the following tasks:

1. Expressing opinions on draft legislation on local planning, budget, and finances, and any other laws relating to local governance. The Council may also present draft laws.
2. Strengthen the coordination and cooperation between local units of government and with relevant executive bodies.
3. Resolve conflicts between local units of government.

Headquarters of the Council shall be in Sabha. The Council may hold meetings in any other city in the country. The law regulates this.

• Municipal government  
• Subsidiary unit government

• Initiation of general legislation

## CHAPTER SEVEN: Independent Constitutional Bodies

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### Article 165: Independence of Constitutional Bodies

The bodies stipulated in this chapter shall enjoy a legal personality and technical, administrative, and financial independence. They may be consulted on draft laws that are relevant to their area of expertise. They shall carry out their work in accordance with the provisions of the Constitution and law. They shall be distributed geographically throughout the country.

### Article 166: Administration of Constitutional Bodies

The legislative authority shall elect independent persons who are competent and honest to administer these bodies. Those persons may not be dismissed before the end of their term unless they lose any of the conditions of their election or in the cases that are stipulated by the law.

### Article 167: Control of Legislative Authority on these Bodies

Constitutional bodies shall be subject to the control of the House of Representatives and shall submit reports to it and the Cabinet of Ministers about their work in accordance with what is regulated by the law. The House of Representatives may publish these reports after discussing them.

### Article 168: High National Commissioner for Elections

The High National Commissioner for Elections shall, to the exclusion of all others, manage and organize public referenda and general and local elections in all stages with transparency and credibility, including the announcement of the final results. The commission shall be managed by a board made up of nine members, and the legislative authority shall elect one of them to be the chairman of the board. They shall carry out their tasks for one term lasting six years. One third of them shall be renewed every two years.

### Article 169: Accounts Department

The Accounts Department is the highest authority for financial oversight and audit in the State. It shall have comprehensive oversight of State funds, the parties that the State finances wholly or partially, and any other bodies specified by the law. It shall also enjoy the authority to keep track of these funds.

The Accounts Department shall be managed by a president and a vice president who will undertake their duties for a six-year term that is eligible for renewal one time.

- Electoral commission
- Human rights commission

- Electoral commission
- Referenda



## Article 170: Human Rights National Council

The Human Rights National Council shall strengthen the values of human rights and public freedoms as stated in Islamic Shariya and international conventions and shall promote them and disseminate their culture. It shall also be concerned with the following:

1. Observing human rights conditions and monitoring violations thereof. It shall report them to the competent national authorities and follow up on this.
2. Supporting citizens in obtaining their rights as stipulated by the Constitution and the law.
3. Recommending the ratification of, or accession to, international covenants of human rights in a way that does not conflict with the provisions of the Constitution.
4. Promoting cooperation with national and international human rights organizations.

The Council shall be comprised of nine members and shall take care to represent women and youth. The legislative authority shall elect one of them to be commissioner and another as vice chairman, and they shall carry out their tasks for one term lasting six years. One third of them shall be renewed every two years.

## Article 171: Cultural and Linguistic Heritage National Council

The Council shall preserve and document the diverse cultural and linguistic heritage of the Libyan people and shall devote attention to ensure the preservation of its authenticity, integration, and peaceful coexistence among Libyans. The Council shall be managed by nine members, who reflect the cultural and linguistic diversity of the Libyan people. The legislative authority shall elect a chairman for one term lasting six years.

## Article 172: Council of Senior Scholars

The Council of Senior Scholars shall assume the following duties:

1. Expressing opinions on matters referred to it by State authorities to analyze and form opinions of them based on legal (Shariya) evidence.
2. Conducting specialized Shariya research to address modern religious issues, seeking the help of specialists in all fields, and giving recommendations therein.
3. Issuing individual fatwas on the affairs of beliefs, acts of worship, and personal transactions.

The Council shall be made up of fifteen members who are specialized in Islamic Shariya selected by the legislative authority for a six-year renewable term. There shall be a president and vice president presiding over the Council for three-year terms. 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 what the law regulates.

## Article 173: Body of Sustainable Development

The Body of Sustainable Development shall assume the following tasks:

1. Recommending the appropriate measures for achieving sustainable and balanced development.
2. Proposing the appropriate policies, plans, and programs for building and developing human capacities, the diversity of resources, and identifying the priorities of national development to ensure close development levels between the various regions.
3. Offering technical advice on development plans to the local and national levels.
4. Assessing development plans and how to implement them in light of the indicators of sustainable and balanced development and the need for maintaining the rights of future generations.

The body shall be managed by a council made up of six members elected by the legislative authority, who will determine the president and vice president, for six-year terms that can be renewed only once. One third of them shall be renewed every two years.

## Article 174: Other Bodies

The law shall regulate bodies for Administrative Oversight, Transparency and Anti-Corruption, the Census, Higher Council for the Media and Press, and the Council for Science, Technology, and Innovation. The law shall determine their composition, competences, labor system, and guarantees of their independence and neutrality of their members in accordance with what is stipulated in this chapter.

# CHAPTER EIGHT: The Financial System

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## Article 175: Public Finance

The State's public finance shall be subject to principles of transparency and accountability, based upon on the following foundations:

1. The State financial system shall function as a single entity.

- Municipal government
- Subsidiary unit government

2. National revenues shall be distributed fairly and equitably between local and national levels of governance, taking into account population density, local population distribution, levels of infrastructure and services, and indexes of spatial and human development.
3. Government budgets shall be prepared to ensure effective and fair access to services and to strengthen the efficiency of the national economy.
4. Resource usage shall be managed in a way that facilitates sustainable development and preserves the rights of future generations.
5. Local government units shall be guaranteed financial independence according to what is stipulated in this Constitution.

## Article 176: State Revenues

All public revenues shall be delegated to the public treasury; public treasury funds or any expenditures derived from these funds may not be allocated for any purpose, unless prescribed by the law and in accordance with the provisions of this Constitution.

- Budget bills

## Article 177: Public Budget

The government shall present the proposed budget to the House of Representatives annually by the end of September at the latest so the budget may be reviewed and adopted by the end of December at the latest. The government may not postpone the specified deadline to present the budget to the House of Representatives without the permission of the House of Representatives in urgent and emergency situations. The public budget shall be issued by law.

- Budget bills

## Article 178: Opening of Provisional Monthly Supplies

In the event that the budget is not ratified before the beginning of the fiscal year, the Prime Minister may spend 1/12 of the previous year's budget by presidential decree for salaries, general expenses, and that which is in accordance with State financial law stipulations.

## Article 179: Out-of-Budget Spending

Any spending not stipulated in the budget or exceeding the budget's initial provisions, must be authorized by the Shura Council. Permission from the Council must be requested every time a sum would like to be moved from one partition of the budget to another.

## Article 180: Loans and Financial Obligations

The government may not contract loans, or become attached to financial obligations, that result in spending from the public treasury, except in accordance with the legal provisions of the State's financial system.

## Article 181: Closing Accounts

The government shall submit the final accounts, as it stands at the end of December, to the House of Representatives, so that it may be discussed and adopted by the end of April, at the latest, for the fiscal year. The government may not postpone the deadline. If it shall inquire to do so, it must support the budget with funds from the central bank.

The House of Representatives shall discuss the final accounts in light of the Accounts Department report and adopt it within sixty days of its submission.

## Article 182: Emergency and Budget Subvention Accounts

State financial law shall regulate the creation of a strategic emergency account to face the crises that impede the government from covering the expenses of the adopted budget such as cataclysms, disorder, national economic depression, and emergency situations.

State financial law shall also regulate the creation of a subvention account in case of diminished financial resources for the State, extension in development spending, or increased prices in regional and international markets. Both accounts shall receive funding and shall be spent as prescribed by the law.

## Article 183: Central Bank of Libya

The Central Bank of Libya shall enjoy a legal personality with financial, administrative, and technical autonomy. It shall execute its work with transparency in the framework of the State's public policy. It shall assume responsibility for enacting monetary policy, issuing the national currency, preserving the State's stability, administering the State's foreign currency reserves, organizing the credit policy, organizing credit policy implementation, monitoring and supervising the banking sector's performance, and any other activities determined by the law.

# CHAPTER NINE: Natural Resources

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## Article 184: Ownership of Natural Resources

Natural resources, including oil, gas, minerals, and water, 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 that all regions benefit from natural resources in an equitable manner, thus preserving the rights of future generations.

## Article 185: Contracts and Agreements on Natural Resources

Contracts and agreements related to natural resources shall be subject to legislative authorities and their counsels for review during specific periods and in cases which are regulated by law, in order to ensure the preservation of natural resources, environmental balance, the necessities of transparency, the protection of the rights of future generations, the reduction of damaging harmed regions, and the guarantee of social accountability.

## Article 186: Localization of Alternative Projects

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

## Article 187: Guaranteeing the Rights of Future Generations

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

## Article 188: Water

The State shall commit to taking the necessary measures to improve water resource administration, thereby ensuring its preservation, protection from pollution and attack, and guaranteed economization of consumption. The State shall also explore alternatives to water and ways to achieve water security and shall provide reparations to the areas from which groundwater is transported.

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

## Article 189: Renewable Energy

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

## Article 190: Animal and Marine Resources

The State shall work towards protecting animal and marine resources, improving their utilization and development, preserving their genealogy, and fostering sustainability and regeneration.

## Article 191: Vegetation

The State shall commit to taking the necessary measures to protect vegetation with good 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 may not transfer its ownership of forests nor take possession of them through occupancy.

• Protection of environment

• Reference to science

• Reference to science

• Protection of environment

• Protection of environment

## CHAPTER TEN: Army and Police

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### Article 192: State Monopoly of 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 general good. Individuals, parties, and groups shall be prohibited from forming military or paramilitary groups.

### Article 193: Admission in Army and Police

There shall be no discrimination among those who wish to join army and police forces. The law shall stipulate the conditions for cases that require special qualifications, skills, or knowledge. Army and police personnel shall not be allowed to join or belong to political parties.

### Article 194: Army

The army is a national, armed military force based on discipline and rank, and it is formed and organized structurally in accordance with the law. It shall be obliged to observe complete neutrality, and it shall be subject to civilian authority. It shall have no role in the peaceful rotation of power and shall not interfere with political life. The law shall stipulate the necessary measures for this and national service shall be regulated by the stipulations and conditions of a law.

### Article 195: Duties of the Army

The Army shall defend 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, obstructing their activity, and restricting the freedoms and rights of citizens.

### Article 196: Police

The police is a statutory body that is professional, specialized, systematic, civilian, technical, and disciplined. Its mission shall be to combat crime, preserve 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 crime.

## CHAPTER ELEVEN: Transitional Measures

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### Article 197: Transitional Justice Measures

The State shall be committed to adopting the following measures:

1. To uncover and document human rights violations, crimes of corruption, the fate of missing persons, victims, and persons harmed by war violations and operations and armed conflicts on the individual and regional level.

2. To compensate victims and harmed persons proportionate to the harm. Compensation may be financial or symbolic and may be individual or collective. The State shall be committed to treating the psychological and social effects and rehabilitating victims, while taking into consideration the administrative and judicial measures that have already been taken, without prejudicing the right of the State to prosecute persons who committed these violations.
3. To ensure the rights of persons whose property and movable assets were violated or seized provided that the State shall ensure the rights of the original owner by restitution or compensation and take into consideration the financial status of the occupant of the property and the construction added to it, and previous administrative and judicial measures in accordance with what the law regulates.
4. To return the remains of war victims from abroad.
5. To criminally prosecute all those who had a role in human rights violations and corruption crimes provided that all of this is done in accordance with international standards and within the framework of the Islamic Shariya. No legal provision that conflicts with the mechanisms of transitional justice may be applied.

## Article 198: Guarantees of Non-Repetition

The State shall be committed to adopting the following measures:

1. To examine public establishments for their structural reform and to clear them from those who had a hand in human rights violations and corruption crimes, and to review the entitlements of ranks, grades, and positions in them in accordance with the law. Any public institution found to be in violation of the Constitution must be dissolved.
2. To disarm and dismantle all armed organizations and provide psychological and professional rehabilitation for their personnel.
3. To uncover the truth of mass disputes and showing and addressing the root causes to achieve national reconciliation.

## Article 199: Reconstruction

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

## Article 200: Recovery of Public Funds

The State shall commit to taking the necessary measures to pursue and recover public funds, including properties and public forests, which were conducted in violations of effective legislation, in addition to the confiscation of funds derived from corruption crimes through direct or indirect means, and the retention of

internal and external investments.

## Article 201: The Recovery of Endowment Funds

The State shall commit to taking the necessary measures to pursue and recover endowment funds and to re-evaluate their exploitation and investment, as to insure the actualization of the purposes of the endowment.

## Article 202: Transitional Measure to Elect the First President of the Republic

The first president of the republic shall be elected after the implementation of the Constitution and before the election of the legislative authority according to the following:

1. For the purpose of the first presidential election alone, divide the country into four constituencies for each electoral district of the three regions.
2. The President of the Republic is considered the candidate who received the absolute majority of the number of votes cast when distributed geographically across two-thirds of the electoral districts, then half of the districts, according to the percentage of representation in the constituencies that the law determined.
3. If no candidate met the conditions mentioned in the previous paragraph, the two candidates who obtained the most geographic representation among the electoral districts and received the minimum of total votes according to what the law stipulates for the second round shall move forward. The winner shall be the candidate who received the absolute majority of the votes cast

## Article 203: Prohibition of a Provisional Extension of the term of the President of the Republic

The term for the President of the Republic shall be for the first two election cycles; the first and second are one term. Renewal shall be unacceptable.

## Article 204: As for Political Parties

All political parties shall be dissolved and procedures for their establishment shall be suspended for a period of four years, during which a law shall be passed according to which they shall be re-formed.

## Article 205: Special Provision for Women

Any electoral system shall guarantee a quota for women of no less than twenty-five percent of the total seats in elected councils for a period of three consecutive electoral cycles.

## Article 206: As for Nationality

1. Procedures of naturalization shall be suspended for 10 years from the day when the Constitution goes into effect.

• Head of state selection

• Head of state term length  
• Head of state term limits

• Right to form political parties

• First chamber representation quotas  
• Second chamber representation quotas

• Requirements for naturalization



2. The State shall be committed to deciding on applications of naturalization submitted before 17 February 2011 according to the effectual law before this Constitution. The State shall also be committed to classifying the status of Arab nationality holders between those who have original and acquired citizenship.
3. With the implementation of this Constitution, the records system binding those of Libyan decent in Libyan embassies in neighboring countries shall stop working.
4. All decisions granting nationality issued as of 15 February 2011 in violation of the provisions of the Nationality Law, which was in force at the time of issuing them, shall be annulled.

## Article 207: As for Investment

The State's responsible parties shall review investment contracts, which provide evidence of fiscal or administrative corruption, and shall review investment contracts that were ratified during the period between 1980 and the implementation of this Constitution. They shall take the necessary procedures without reliance upon the effects of prescription.

# CHAPTER TWELVE: General Provisions

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## Emergency Provisions and Martial Law

### Article 208: Declaration of the State of Emergency

The President, in consultation with the Prime Minister, the President of the House of Representatives, and the President the Senate, shall declare a state of emergency when the State faces a calamity, a siege, or a danger which threatens the safety of the State. The Shura Council shall gather during the three days following the declaration of the state of emergency in a special session, based upon the request of the President of the Republic or on its own, to ratify 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, they must call a session as soon as possible, not exceeding seven days from the announcement of the state of emergency. The Shura Council shall be in constant deliberation until the President of the Republic declares the cessation of their convening session.

The duration of the state of emergency must not exceed sixty days with the approval of the elected majority of Shura Council members. In all cases, the objective, region, and duration of the state of emergency must be defined in its declaration, in accordance with the law.

### Article 209: Martial Law

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

The regions which shall be subjected to martial law must be specified; martial law may not be imposed on the entire country. Martial law shall be raised by a decision of the Shura Council, based upon the request of the President of the Republic. The law shall regulate the special provisions for this.

## Article 210: Restrictions of 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; the law shall specify the rights which may be constrained and the legal measures which may be taken. Considering Articles 38, 39, and 41, the President of the Republic may not impose restrictions on fundamental rights and liberties during a state of emergency or martial law, but to the necessary extent to preserve the public security and safety of the country.
2. All decisions and actions during a state of emergency or martial law shall be subjected to the inspection of the judiciary.
3. The military judiciary may not consider civil suits during a state of emergency or martial law.
4. Elected councils may not be dissolved during a state of emergency or marital law.
5. When the declaration of a state of emergency or martial law is at the end of a council session, any elected council shall extend its term until the end of the state of emergency or martial law.
6. The State shall commit to respecting the principle of lawfulness and shall not obstruct State institutions during a state of emergency or martial law.
7. 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 election laws may not be amended, nor shall the established guarantees of the Shura Council be touched.

## Article 211: Issuing Judicial Decisions

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

## Article 212: Prohibition against Exercising Other Posts

Members of the Shura Council, the President of the Republic, the Prime Minister, Cabinet of Ministers, and members of local councils and constitutional bodies may not exercise any other public positions or pursue any other activity that provides financial returns. Any monetary gift or in kind received in person or through an intermediary relating to the position or its opportunities shall be property of the State public treasury.

## Article 213: Prohibition against Assuming Some Posts

For those who assume a post managing the Civil Register, General Command of the Army, Intelligence Department, Governor of the Central Bank of Libya, and all who represent the State on diplomatic delegations, s/he shall be Libyan; not carry a foreign nationality; be naturalized for a period no less than ten years.

## Article 214: Authorizations of Financial Disclosure

Members of the Shura Council, the President of the Republic, the Prime Minister, Cabinet Ministers, and members of local councils and constitutional bodies shall present a financial disclosure for themselves personally, along with their spouses and children that are minors, 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 215: Organic Unity of the Provisions of the Constitution

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

## Article 216: Amendment of the Constitution and its Procedures

1. It is prohibited to amend the provisions of this Constitution before five years from its entry into force.
2. It is prohibited to infringe upon the principle on which Article 8 of this Constitution is based nor those related to political pluralism, peaceful rotation of power, unity and safety of national territory, and guarantees related to rights and freedoms except for the purpose of enhancing them, nor the increase of the 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 an article or more of 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 bylaws of each chamber. It shall then be referred to the other chamber for approval or rejection within the same period.
5. In the event that the amendment is adopted, the President of the Republic shall submit it to the Constitutional Court to control that the procedures have been followed and that the request for amendment is valid within a period that does not exceed 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 voters.
7. If the request is declined, it may not be submitted again during the same legislative term.

## Article 217: A Special Provision

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

## Article 218: Amendment of Legislation

• Earnings disclosure requirement

• Constitution amendment procedure

• Unamendable provisions

• Referenda

• National anthem  
• National flag

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

### **Article 219: Institution Building**

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

### **Article 220: Implementation of the Constitution**

This Constitution shall enter into force after the people adopt it in a referendum and it is circulated in the official newspaper. All previous constitutional documents and declarations shall be nullified.

• Referenda

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