

# Proposal of a Consolidated Draft Constitution

Submitted by a number of members of the Constitutional Consolidation Committee

Al Bayda – 16 April 2017 AD

**In the name of God, the Most Merciful, the Most Compassionate**

**We, the people of Libya, Libyan men and women  
Herby adopt this Constitution.**

**Al Bayda**

**Day: \_\_\_\_\_**

**Date: / / 1438 AH - Corresponding to: / / 2017 AD.**

## **Chapter (1) – Form and Fundamental Components of State**

### **Article (1)**

#### **Name and Form of the State**

Libya shall be an independent and indivisible State. It shall not be permissible to relinquish the sovereignty thereof nor any part of its territory. It shall be called the Republic of Libya.

### **Article (2)**

#### **Identity and Language**

Libyan identity is based on inclusive and diverse principles. Libyans are proud of all their social, cultural, and linguistic elements. Libya is part of the Arab World, Africa, the Muslim World, and the Mediterranean Basin.

The languages spoken by Libyans or part thereof, including Arabic, Amazigh, Tuaregi, and Tubu, shall be considered a cultural and linguistic heritage and a common asset among all Libyans. The State shall take the necessary measures to protect them, ensure the preservation of their authenticity, and promote their teaching and use among their speakers.

Arabic shall be the language of the State.

The Law shall regulate in the first electoral term the details of integrating other Libyan languages in the areas of public life at the local level and State level.

### **Article (3)**

#### **Capital**

The capital of the Republic of Libya shall be Tripoli.

### **Article (4)**

#### **Borders of the State**

The borders of the Republic of Libya shall be:

To the north: the Mediterranean Sea; to the east: Egypt and Sudan; to the south: Sudan, Chad, Niger, and Algeria; and to the west: Tunisia and Algeria.

### **Article (5)**

#### **State's Flag, National Anthem, Emblems, and Official Holidays**

A law voted on by a two-thirds majority of the members shall be issued to determine the State's flag, national anthem, emblems, and official holidays.

### **Article (6)**

#### **Source of Legislation**

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

### **Article (7)**

#### **Citizenship**

Male and female citizens shall be equal in and before the law. There shall be no discrimination therebetween. All forms of discrimination for any reason, such as ethnicity, color, language, gender, birth, political opinion, disability, origin, or geographical affiliation, shall be prohibited in accordance with the provisions of this Constitution.

### **Article (8)**

#### **Political System**

The political system shall be based on the principles of political pluralism, peaceful rotation

of power, separation of powers, and balance and oversight between powers based on good governance founded on transparency, oversight, and accountability.

**Article (9)**  
**Defense of the State**

It shall be the duty of all male and female citizens to defend the State and maintain its unity and independence.

**Article (10)**  
**Nationality**

A law shall regulate the provisions of Libyan nationality and how it is conferred and withdrawn. The law shall take into consideration the national interest, preservation of the demographic composition, and ease of integration into the Libyan society. Libyan nationality may not be revoked for any reason whatsoever.

**Article (11)**  
**International Relations**

The relations of the State shall be based on the principle of good neighborliness, non-interference in the internal affairs of other States, common interests, and resolution of disputes through peaceful means.

**Article (12)**  
**Foreign Policy**

Foreign policy shall be based on the principle of independence and sovereignty of the State, the ensuring of its national interests, development of friendly relations with other States, and cooperation with regional and international organizations within the framework of international law.

**Article (13)**  
**International Treaties and Conventions**

Ratified international treaties and conventions shall supersede the law but shall be subordinate to the Constitution. The State shall take the necessary measures to enforce such treaties and conventions so as not to conflict with the provisions of this Constitution.

**Article (14)**  
**Political Asylum**

The State shall guarantee political asylum and political refugees may only be handed over to international justice. The conditions and circumstances of the handover shall be regulated by a law.

**Article (15)**  
**Foundations of the Economy**

The State shall work to establish a diverse economy that achieves welfare and prosperity, raises the standard of living, ensures the right to entrepreneurship, and is based on the diversity of sources and the standards of transparency, quality, accountability, balance between economic efficiency and social justice, competitiveness, and protection of the rights of consumers and producers. The State shall also support private, public, and joint investment so as to fulfill the needs of society and achieve comprehensive development.

**Article (16)**  
**Equal Opportunity**

Equal opportunity shall be guaranteed for male and female citizens. The State shall take the necessary measures to achieve the same.

**Article (17)**  
**Holding of Public Posts**

The holding of public posts for all Libyans shall be based on the criteria of eligibility and merit.

The law shall determine the salaries of employees in accordance with criteria of competence, responsibility, professional hierarchy, and the needs for a decent life.

**Article (18)**  
**Environment**

Everyone shall uphold the protection and safety of the environment, as regulated by law. The State shall take the necessary measures to develop the environment, preserve the elements and components thereof from pollution, and maintain natural biodiversity. The State shall also ensure compensation for damages by those responsible. An environmental sanitation fund shall be established and regulated by law.

**Article (19)**  
**Agriculture, Industry, and Tourism**

Agriculture, industry, and tourism shall be among the main pillars of the national economy. The State shall enact the legislation and take the necessary measures to support, promote, develop, and protect them.

**Article (20)**  
**Public Funds**

Public funds shall be inviolable. The State shall protect, develop, and safeguard such funds. Public funds may not be encroached on or disposed of in contravention of the provisions of the Constitution and the law. The State shall guarantee the recovery of public funds and seek compensation for damage or harm thereto. Crimes related to public funds shall not be subject to a statute of limitations and may not be pardoned.

**Article (21)**  
**Management of Public Facilities**

Public facilities shall be established and managed in accordance with the standards of good governance and respect for human rights. They shall guarantee the right of beneficiaries to receive their services regularly, steadily, and equally, deal with their affairs fairly, and submit their petitions and complaints and respond thereto. Public facilities shall justify their decisions, simplify their procedures, and periodically evaluate their performance in accordance with the law.

**Article (22)**  
**Social Justice and Development**

The State shall undertake to rehabilitate villages and cities in accordance with the requirements of social justice, sustainable and balanced development and its indicators, and prudent exploitation of wealth. The State shall guarantee the fair distribution of projects, interests, public companies, and services between all cities, in a manner that ensures the distribution of work opportunities, encourages investment and appropriate activities therein,

and takes into consideration the areas that are less developed. All of this shall be in a manner that ensures the developmental imbalance will be eliminated.

**Article (23)**  
**Combating Corruption**

The State shall take the necessary measures to combat, uncover the cases, and remedy the effects of administrative and financial corruption. Any person who is sentenced in a misdemeanor or felony related to corruption shall be prohibited from holding public posts in the circumstances specified by law.

**Article (24)**  
**Taxes**

The imposition, exemption, and amendment of taxes shall only be through a law. When imposing taxes, the interest of society and the achievement of social justice shall be taken into consideration.

**Article (25)**  
**Zakat**

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

**Article (26)**  
**Endowments**

Charitable endowments shall be inviolable and shall not be mixed with State funds. They may only be disposed with the permission of the responsible court so as to achieve the interest of the endowment and to the extent allowed by the Islamic Sharia.

A special body shall be established by law to manage, administer the affairs, and oversee the endowments, so as to ensure their development, and the achievement of their goals and the purposes of the Sharia within the limits of the law.

**Article (27)**  
**Family**

The family formed by legal marriage between a man and a woman shall be the foundation of society, being based upon religion, ethics, complementarity of roles between its members, affection, and mercy. The State shall ensure its protection, sponsor and encourage marriage, and protect motherhood and childhood.

**Article (28)**  
**Adolescents and Youth**

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

**Article (29)**  
**Protection of Antiquities and Manuscripts**

The State shall protect, sponsor, rehabilitate, and excavate antiquities, cities, and historical regions. The latter may not be attacked, trafficked, or presented as gifts. The State shall take the necessary procedures to recover any antiquities that have been seized. The State shall

protect, maintain, and preserve historic manuscripts, documents and coins. The latter may not be violated or tampered with. The statute of limitations shall not apply to crimes against them.

In the event that an item of personal property is deemed to be an antiquity, the relationship of the concerned party with the State shall be subject to a special law that guarantees their legitimate rights.

### **Article (30)**

#### **Housing**

The State shall develop national policies and plans that provide adequate housing, so as to achieve balance between growth rates, the requirements of the appropriate distribution of the population, and available resources. The State shall develop policies that take into consideration families with limited income, promote the private sector, support individual initiatives, and regulate the use of State lands for construction so as to achieve the public interest.

### **Article (31)**

#### **Sports**

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

### **Chapter (2)**

#### **Rights and Freedoms**

### **Article (32)**

#### **Protection of the Right to Life**

Every person shall have the right to life. Such right may not be revoked and the State shall ensure the protection thereof. The State shall take the necessary measures to ensure the payment of blood money of victims killed when the perpetrator is unknown in accordance with the regulations of the law.

### **Article (33)**

#### **Right to Safety**

Every person shall have the right to personal, physical, and mental safety. Material gain from human beings and human organs shall be prohibited. The State shall take the necessary measures to compensate citizens and legal residents who are victims of calamities.

### **Article (34)**

#### **Security and Tranquility**

Every person shall have the right to security and tranquility. The State shall provide security and peace to its citizens and residents in its territories.

### **Article (35)**

#### **Human Dignity**

The State shall protect human dignity, prevent all types of violence, and disavow torture and cruel, humiliating and inhumane treatment, forced disappearance, and all forms of slavery, involuntary servitude, forced labor, and human trafficking. Such crimes shall not be subject

to the statute of limitations. Forced labor shall be prohibited unless it is out of a necessity or to carry out a penalty in accordance with a court ruling.

#### **Article (36)**

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

Private life shall be inviolable and private places may not be entered except upon necessity and they may not be searched except in the even of *flagrante delicto* or with a court warrant. Personal data may not be seized and communications and correspondence may not be surveilled except with the permission of the competent judge.

#### **Article (37)**

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

All forms of behavior that constitute crimes against humanity, war crimes, genocide, and terrorism shall be prohibited, shall not be subject to the statute of limitations, and shall not be pardoned, in so far as this does not contradict the provisions of the Constitution. The international jurisdiction of the Libyan judiciary shall apply thereto.

#### **Article (38)**

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

Freedom of speech and the integrity thereof shall not be separated and freedom of expression and publication shall be two safeguarded rights. The State shall take the necessary measures to protect private life and prohibit incitement to hatred, violence, and racism based on ethnicity, color, language, gender, birth, political opinion, disability, origin, geographic affiliation, or any other reason whatsoever. Accusations of unbelief (*takfir*) and imposition of opinions by force shall also be prohibited.

#### **Article (39)**

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

The State shall guarantee the freedom, plurality, and independence of the press and media outlets, and the right of citizens to own such outlets. Such outlets shall not be suspended, except by judicial order, or disbanded, except by judicial ruling. Provisional detention in cases related to journalism shall be prohibited.

#### **Article (40)**

##### **Right to Vote and Run for Office**

Every citizen shall have the right to vote in referendums and vote and run for office in free, fair, transparent, and equitable elections where all citizens are equal in accordance with the law. Eligible citizens may not be prohibited to vote except by a judicial ruling.

#### **Article (41)**

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

Every citizen shall have the right to choose his political leanings. The State shall guarantee the freedom to form political parties based on national unity, transparent funding, and rejection of violence and hate speech. Every citizen shall have the right to join such political parties or withdraw therefrom without any discrimination whatsoever.

#### **Article (42)**

##### **Civil Society**

The State shall guarantee the freedom to form and join civil society organizations according

to the standards needed to balance between the requirements of their independence and needs for transparency. Civil society organizations may not be suspended or disbanded except by a judicial ruling.

#### **Article (43)**

##### **Right to Participation**

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

#### **Article (44)**

##### **Right to Assembly, Association, and Demonstration**

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

#### **Article (45)**

##### **Right to Movement and Residency**

The right to movement, residency, and movement of property, the freedom to exercise economic activities within the entire country, and freedom of travel and migration shall be guaranteed to all citizens. Travel may only be banned by a reasoned judicial order and for a period defined by the law. Citizens may not be deported, forced to emigrate, or banned from returning to their country. Citizens may only be extradited according to an international obligation and to an international judicial body.

#### **Article (46)**

##### **Rights of Libyans Abroad**

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

#### **Article (47)**

##### **Transparency and Right to Information**

The State shall develop the necessary measures for transparency and shall ensure the freedom of receiving, sending, exchanging, and examining information from multiple sources without prejudice to military secrets, public security secrets, the requirements of administration of justice, the sanctity of private life, and matters agreed upon as secret with another country, with the right to keep the source confidential.

#### **Article (48)**

##### **Right to Water and Food**

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

#### **Article (49)**

##### **Right to Health**

Health shall be a right for every human being and a duty of the State and society. The State shall guarantee comprehensive and quality healthcare for all citizens and provide them with preventive services. It shall also provide them with treatment services in all stages based on

an appropriate solidarity system and ensure the fair geographic distribution of health facilities. Refusal to provide treatment in various forms to any person in cases of emergency or danger to life shall be prohibited.

#### **Article (50)**

##### **Support of Women's Rights**

The State shall support and care for women, enact laws that ensure their protection, promote their status in society, eradicate negative culture and social customs that detract from their dignity, prohibit discrimination against them, ensure their right to representation in general elections, and open opportunities to them in all fields. The State shall also take the necessary measures to support the acquired rights of women.

#### **Article (51)**

##### **Right to Decent Life**

1. The State shall guarantee to all citizens a decent life and welfare commensurate with its economic conditions.
2. Social security shall be a right for citizens. The State shall protect the rights of its residents in accordance with the regulations of the law.
3. Society shall be based on social solidarity and the State shall guarantee a decent life for those in need, including the elderly, orphans, widows, female divorcees, those who do not marry at an early age, and those who have lost support.
4. The State shall guarantee the rights of retirees so as to ensure that pensions are compatible with legal positions, regardless of the date of retirement.
5. The State shall undertake to provide social care and education for children of unknown parents, so as to ensure their integration in society. The law shall regulate their status.

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

#### **Article (52)**

##### **Intellectual Property**

The State shall protect the material and immaterial rights of intellectual property in all forms and fields. It shall support it in accordance with the provisions of the law.

#### **Article (53)**

##### **Right to Education**

Education shall be an inviolable right. The State shall promote it and provide it commensurate with mental and scientific capacities and without discrimination. Education shall be compulsory until the age of eighteen and free to citizens in all stages in public education institutions and in accordance with what the law determines for foreign residents. The State shall incentivize private education and ensure the compliance thereof with its educational policies. The State shall also ensure respect of the sanctity of educational institutions.

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

#### **Article (54)**

##### **University and Technical and Vocational Education**

The State shall take the necessary measures to ensure the independence of universities and research centers and shall guarantee their competitiveness and academic freedom in

accordance with general national standards. The right to enroll therein shall only be restricted by the standards of the appropriate scientific ability for the specialization. The State shall undertake to encourage and develop technical and vocational education commensurate with the requirements of development.

#### **Article (55)**

##### **Priority of Education and Scientific Research**

The State shall take the necessary measures to develop scientific research and provide the institutional frameworks therefor. It shall ensure the rights of researchers and sponsor creativity and innovation. It shall give priority to education in all forms and stages and to scientific research in the percentages of distribution of the national income, in a progressive manner in accordance with international standards.

#### **Article (56)**

##### **Libyan Languages and Cultures**

As individuals or groups, people shall have the right to use and learn their languages and participate in cultural life.

The State shall guarantee the protection and promotion of local cultures, heritage, traditional knowledge, literature, and arts and disseminate cultural services.

#### **Article (57)**

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

All citizens shall have the right to work. The State shall provide safe and appropriate work conditions. Workers shall have the right to choose the type of work and fairness of the conditions thereof and union rights shall be guaranteed. The State shall raise the value of work and provide opportunities for jobseekers.

#### **Article (58)**

##### **Private Property**

Private property shall be an inviolable right. No custodianship may be imposed thereon except by a judicial ruling and in the cases determined by law. Expropriation shall only be for public interest and with a fair compensation. In cases other than emergency and martial law, compensation shall be in advance. Private property shall only be seized by a judicial ruling. General expropriation shall be prohibited.

#### **Article (59)**

##### **Rights of Children**

The State shall take all measures for children to enjoy their rights in full and to protect them from conditions that put their interests, education, and growth in risk. The State shall base the legislation and policies thereof on the best interests of the child.

#### **Article (60)**

##### **Rights of Persons with Special Needs**

The State shall undertake to guarantee all the health, social, educational, political, economic, sports-related, leisure-related, and other rights of people with special needs, and in an equal manner with others. The State shall prepare public and private facilities and the surrounding environment that enable them to integrate into society in a complete and effective way. The State shall take the necessary measures to activate laws that guarantee the same.

**Article (61)**  
**Right to Litigation**

The right to resort to the judiciary shall be guaranteed for all. Every person shall have the right to a fair trial before his natural judge and within a reasonable period determined by law and during which all guarantees shall be provided. No legislation or administrative decision shall be immune from the control of the judiciary. No conduct detrimental or threatening to rights and freedoms may be excluded from the judiciary's jurisdiction.

**Article (62)**  
**Principle of the Assumption of Innocence and Criminal Legitimacy**

People shall be initially assumed innocent and a person charged shall be presumed innocent until proven guilty. Crimes shall be classified into felonies, misdemeanors, and petty offenses. There shall be no felony or misdemeanor except as determined by law. Petty offenses shall not be punishable by custodial penalties. Punishment shall be for acts committed after the date on which the law enters into effect. The sentence shall be personal and proportionate to the crime and the perpetrator thereof.

**Article (63)**  
**Procedural Guarantees**

Every person shall have the right to have his human dignity respected in all criminal proceedings. The competent authorities shall justify their orders that affect rights and freedoms. Detention may only be in places designated therefor and for a period determined by law and shall be notified to the competent judicial body and the family, or the person of choice, of the detained. The location of the detainee shall be indicated and he shall be given sufficient time and the necessary facilities to prepare his defense. He shall be notified of the reason for his detention and his right to not be forced to submit any evidence against himself and his responsibility for the statements he makes, as well as his right to seek assistance from an interpreter and to choose and contact a lawyer. The State shall guarantee judicial assistance.

**Article (64)**  
**Deprivation of Freedom**

Every person shall have the right to personal freedom. Freedom shall only be deprived if alternative measures, procedures, or penalties are insufficient. The State shall undertake to rehabilitate prisoners and integrate them into society. Any person who is deprived of his freedom provisionally or in implementation of a sentence shall be entitled to proper compensation upon an order to dismiss or upon the issuance of a judgement of acquittal due to the lack of a crime or evidence, as regulated by law.

**Article (65)**  
**Controls on Restriction of the Exercise of Rights and Freedoms**

Any restriction of rights and freedoms shall be necessary, clear, defined, and proportionate to the interest being protected. The guarantees provided by law may not be revoked. All this shall not contravene the provisions of this Constitution.

**Article (66)**  
**Basis of Legislative and Executive Policies**

All legislative and executive policies and growth and development programs shall be based on the protection and promotion of human rights. In this regard, the State shall periodically evaluate its legislation and policies and disseminate the bases and results of the evaluation in the Official Gazette.

## **Chapter (3)** **System of Governance**

### **Legislative Authority**

#### **Article (67)** **Shura Council**

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

It shall have the authority to enact legislation, adopt the public policy of the State, the public plan for economic and social development, and the public budget of the State, and it shall conduct oversight of the work of the executive authority, as stipulated in the Constitution.

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

##### **Article (68)** **Composition of the House of Representatives**

The House of Representatives shall be composed of a number of members elected by general, free, secret, and direct election based on the population, taking into consideration geographic distribution when delineated major electoral districts and sub-districts, so as to ensure that regions with low populations are represented and guarantee the minimum level of representation for cultural and linguistic components. This shall be in accordance with the regulations of the law. The age of voters shall not be less than eighteen years old.

##### **Article (69)** **Membership of the House of Representatives**

Candidates for the membership of the House of Representatives shall be Muslim Libyans and may not hold any other nationality. They shall enjoy their civil and political rights and possess an educational qualification. Their age shall not be less than twenty-five years old on the day of candidacy is opened and they shall reside in the electoral district of which they are running. They shall also abide by any other condition stipulated by the law.

##### **Article (70)** **Term of the House of Representatives**

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

##### **Article (71)** **Speaker of the House of Representatives**

The House of Representatives shall convene its first sessions with the oldest member as speaker, while the youngest shall be the rapporteur, in order to elect the Speaker and their two deputies. Elections of the Speakers of the House of Representatives shall be held every two years.

##### **Article (72)** **Quorum and Voting**

The sessions of the House of Representatives shall only be considered valid in the presence of at least an absolute majority of the elected members. Decisions shall be taken with the same

majority when ratifying draft laws and proposed laws. The public budget law shall be ratified by a two-thirds majority.

### **Article (73)**

#### **Draft Laws and Proposed Laws**

Any draft law submitted by the President of the Republic or the Prime Minister shall be referred to the competent subject matter committees in the House of Representatives to examine and submit a report thereon to the House of Representatives within one month from the date of receipt. Proposed laws submitted by at least ten members of the House of Representatives or submitted in accordance with Article (43) shall be referred to the subject matter committees to examine them within a maximum period of sixty days. In the event they are rejected, the decision shall be justified. Draft laws shall have priority over proposed laws.

### **Article (74)**

#### **Issuing and Publishing Laws**

If the House of Representatives ratifies a draft or proposed law, the latter shall be referred to the President of the Republic within a maximum period of seven days to issue it and order the publication thereof in the Official Gazette within a maximum period of fifteen days from the date of ratification. If the President of the Republic does not order the publication of the law, the Speaker of the House of Representatives shall issue it and publish it under his own signature.

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

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

### **Article (75)**

#### **Questioning and Interpellation**

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

## **Second: The Senate**

### **Article (76)**

#### **Composition of the Senate**

The Senate shall be composed of seventy-eight (78) members elected by general, free, secret, and direct election by way of individual election. The age of voters shall not be less than eighteen years old.

For the purposes of application of this text, the seats of the Senate shall be distributed between three electoral districts in accordance with the following:

1. Western electoral district (Tripoli): 32 members.
2. Eastern electoral district (Cyrenaica): 26 members.
3. Southern electoral district (Fezzan): 20 members.

This distribution shall guarantee the representation of cultural and language components by way of two members for each component. The geographical distribution of seats within each electoral district shall be taken into consideration. All this shall be conducted as specified by law.

## **Article (77)**

### **Membership of the Senate**

Membership in the Senate shall follow the same conditions as membership in the House of Representatives. The age of candidates shall not be less than forty years old on the day candidacy is opened.

## **Article (78)**

### **Term of the Senate**

The term of the Senate shall be four years starting from the date of the first meeting thereof. Members may not be reelected for more than two terms. The new Senate shall be elected within the ninety days preceding the end of the term of the current Senate.

## **Article (79)**

### **Speaker of the Senate**

The Senate shall convene its first sessions with the oldest member as speaker, while the youngest shall be the rapporteur, in order to elect the Speaker and their two deputies. Elections for the Speaker of the Senate shall be held every two years.

## **Article (80)**

### **Quorum and Voting**

The sessions of the Senate shall only be considered valid in the presence of an absolute majority of its elected members. Decisions on issues stipulated in Articles (81) and (82) shall be taken with the same majority, provided the majority includes no less than eight members from each electoral district.

## **Article (81)**

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

The Senate shall review the laws referred thereto by the House of Representatives for its ratification or amendment in the following matters:

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

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

## **Article (82)**

### **Competence of the Senate on Some Positions**

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

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

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

**Article (83)**  
**Joint Committee**

If the two chambers have a dispute over one of the laws stipulated in Article (81), a joint committee of an equal number of members from each of the two chambers shall be formed to resolve the dispute and reach a reconciliatory solution within a maximum period of thirty days from the date the law is submitted thereto. If the joint committee is unable to reach a reconciliatory solution, the law may be ratified by a two-thirds majority. In both cases, the law shall be referred to the two chambers for endorsement and the President of the Republic for issuance. If this is not possible, the law shall be postponed until the following legislative session.

**Article (84)**  
**Senate Consultation**

The House of Representatives shall refer draft laws to the Senate to express its advisory opinion thereon and return them to the House of Representatives within a maximum period of thirty days from the date of referral thereof. A number of at least ten members may submit proposed laws.

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

**Article (85)**  
**Non-Restriction of Delegation**

Members of the Shura Council shall represent all of the people and the delegation thereof may not be limited with restrictions or conditions.

**Article (86)**  
**Oath of Shura Council Members**

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

**Article (87)**  
**Dedication of the Members of the Shura Council**

Memberships in both chambers may not be permitted. Members shall carry out their work on a full-time basis. Their job shall be maintained as regulated by law.

**Article (88)**  
**Immunity**

1. Each of the members of the Shura Council shall enjoy full liberty to express opinions within the limits of the rules of procedure of their respective chamber. They shall not be questioned about any vote, opinion, or speech given during the sessions of the chamber or the committees subordinate thereto.
2. Either chamber may initiate impeachment of any of its members in the event of sufficient evidence on the commitment of the crime of high treason, a serious breach of the Constitution, or crimes involving a breach of integrity or honor during the fulfillment of their work. The member shall be referred to the Prosecutor General to take the necessary legal procedures.
3. In cases other than *flagrante delicto*, criminal proceedings that affect the rights and

freedoms of the member may not be taken without prior permission from their respective chamber and based on a written request from the Prosecutor General. Outside the legislative session, permission shall be issued by the speaker of the chamber, provided the chamber is notified when it first re-convenes, in accordance with the chamber's rules of procedure.

### **Article (89)**

#### **Rules of Procedure of the Two Chambers**

Each of the two chambers shall issue its rules of procedure within a maximum period of thirty days from the date of its first meeting. The rules of procedure shall be published in the Official Gazette. When developing the statute, each chamber shall take into consideration complementarity and consistency with the other chamber. The rules of procedure shall indicate for each chamber the penalties necessary to ensure the orderly attendance of members.

### **Article (90)**

#### **End of the Membership**

Membership of the Shura Council shall end for any of the following reasons:

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

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

### **Article (91)**

#### **Vacancy of a Seat in the Shura Council**

In the event that a seat in the Shura Council becomes vacant, no less than six months prior to the end of the membership, for any of the reasons stated in the previous Article, the law shall determine how the seat shall be filled.

### **Article (92)**

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

The venue of the two chambers of the Shura Council shall be in the city of Benghazi. The Shura Council may convene in any other location within the country. Each of the two chambers shall convene their regular sessions in accordance with the law in two regular legislative sessions and the duration of each shall be five months.

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

### **Article (93)**

#### **Shura Council Meetings**

The Shura Council shall meet with the majority of the members of both chambers with the President of the Senate as speaker. In their absence, the speaker of the House of Representatives shall assume the chairmanship. If the latter is absent, the oldest member shall chair the meeting. This shall take place in the following cases:

1. Opening of the electoral cycle.
2. Calling the elections of the President of the Republic.

3. Taking of the oath by the President of the Republic.
4. Listening to the speeches of presidents.
5. Listening to an address by the President of the Republic on issues of national importance.
6. Holding consultative sessions for the two chambers.

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

#### **Article (94)**

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

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

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

The President of the Senate or the successor thereof shall chair this session. Decisions shall be taken by the majority of the members attending the session, provided that the number of attendees is at least half of the members of each chamber.

#### **Article (95)**

##### **Public Sessions**

The sessions of both chambers shall be public and the deliberations therein shall be documented in minutes in accordance with the rules of procedure and they shall be published as specified by law. Either one or both of the chambers may convene an in camera session with the approval of the majority of attendees at the request of twelve members or at the request of the President of the Republic or the Prime Minister.

#### **Article (96)**

##### **Awarding Decorations and Medals**

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

#### **Article (97)**

##### **Devolution of Competences of One of the Chambers to the Other**

If one of the chambers is dissolved, the functioning chamber shall inherit the competences thereof in accordance with Articles (93) and (94) until a replacement chamber is elected.

#### **Article (98)**

##### **Remuneration**

Members of the Shura Council shall receive remuneration as determined by law. Amendments to the law that determines remuneration shall only be valid after the start of the term of the Council that succeeds the one that issued the amendment.

#### **Executive Authority**

#### **Article (99)**

Executive authority shall be vested in the President of the Republic and the government in accordance with the provisions of this Constitution. It shall be headquartered in Tripoli. It may hold its meetings and take its decisions in any other location within the country.

## **Article (100)**

### **First: The President of the Republic**

The President of the Republic shall maintain the unity of the country, national independence, and territorial integrity of its land, and he shall protect the interests of the people. They shall exercise his competences, and their responsibilities shall be defined in accordance with the provisions of this Constitution.

## **Article (101)**

### **Conditions of Candidacy for the Presidency of the Republic**

The following conditions shall apply to presidential candidates:

1. They shall be Libyan, Muslim, and born to Libyan Muslim parents.
2. They shall not have acquired another nationality, unless he renounced it five years prior to the date of candidacy.
3. They shall not be married to a foreigner.
4. They shall hold a university degree or the equivalent thereof.
5. Their age shall not be less than forty years old.
6. They shall enjoy civil and political rights, and not have been convicted of a premeditated felony, or a dishonorable or treacherous misdemeanor, even if rehabilitated therefrom.
7. They shall be able to perform their functions.

## **Article (102)**

### **Election of the President**

The President shall be elected by public, free, secret, and direct ballot, with the absolute majority of the valid votes of voters, so as to ensure the equal value of votes and their geographic distribution among electoral districts, in accordance with the percentage specified by law.

The President of the Republic shall be elected one hundred and twenty days before the end of the term of the current president at the time of presidential elections. The final results shall be announced two weeks before the end of the previous term. If it is not possible to hold the presidential elections for compelling reasons endorsed by the Constitutional Court, the Shura Council shall determine the necessary procedures and dates to hold the presidential elections at a later time.

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

## **Article (103)**

### **Term of the Presidency**

The term of presidency shall be five years from the swearing-in date and shall be renewable once.

## **Article (104)**

### **Oath of the President**

The President-elect shall take the following oath before the Shura Council prior to assuming their duties: "In the name of God Almighty, I swear that I will perform my duties with loyalty, respect the Constitution and the law, preserve the independence and unity of the country, and protect the interests of the people and the nation."

**Article (105)**  
**Vacancy of the Post of President**

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

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

If the position is vacant due to the temporary absence of the President due to a temporary compelling reason for a maximum period of one hundred and twenty days, the Prime Minister shall fill their position. In the event this period is exceeded, the position of the President shall be considered vacant.

The Constitutional Court shall convene to establish the permanent vacancy of the position. The Speaker of the Senate shall assume the functions of the President and in the event this is not possible, the Speaker of the House of Representatives shall assume the post. Within a maximum period of fifteen days from the date of issuance of the Constitutional Court decision permanently vacating the position, the Shura Council shall announce the opening of candidacy and the election of a new President within one hundred and twenty days.

**Article (106)**  
**Competences of the President**

The President shall have competence in the following matters:

1. Appoint the Prime Minister, ratify the formation of the government, and make changes to the composition of the Cabinet.
2. Define and guide the general policies of the executive authority.
3. Call for a referendum in the cases and under the terms stipulated in the Constitution.
4. Convene the Shura Council to hold extraordinary sessions and identify the issues to be addressed.
5. Issue laws and order the publication thereof in the Official Gazette in accordance with the Constitution.
6. Propose draft laws.
7. Conclude international agreements of a technical nature in accordance with the law.
8. Accredite the representatives of diplomatic missions of States and international organizations.
9. Grant medals and decorations according to the law.
10. Conduct appointments and exemptions for senior positions in the Presidency of the State and the institutions subordinate thereto.
11. Declare a state of emergency and request the declaration of martial law in accordance with the provisions of the Constitution.
12. Any other competences stipulated by the Constitution.

**Article (107)**  
**Special Amnesty**

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

**Article (108)**  
**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 conclude reconciliation in accordance with the provisions of the Constitution.

#### **Article (109)**

##### **Representation of the State Abroad**

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

#### **Article (110)**

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

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

#### **Article (111)**

##### **Measures to Dissolve the Legislative Authority**

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

1. The President of the Republic shall refer the reasons and justifications to the Constitutional Court to provide its advisory opinion on the seriousness and pertinence of the reasons or violation of provisions of the Constitution.
2. In the event that the Court assesses that the reasons are serious or that a violation of the provisions of the Constitution has occurred and the President holds a general referendum resulting in favor of dissolving one of the two chambers, the President shall issue the decree on dissolution. In the event that the referendum rejects the dissolution, the President shall form a new government.

In all cases, none of the two chambers may be dissolved during the first year that they are convened, during a state of emergency or the declaration of martial law, or during the last six months of the term of the President.

#### **Article (112)**

##### **Impeachment of the President**

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

The President shall be suspended from carrying out their functions upon the issuance of the impeachment until a verdict is reached on the case. This shall be considered a temporary vacancy of the post. The President of the Republic shall be tried before a special court comprised of a presiding judge and four members and chaired by the President of the Supreme Judicial Council with the two most senior judges of the Court of Cassation and the two most senior judges of the Courts of Appeals as members. The Prosecutor General shall conduct the prosecution before the same, while ensuring the right of defense. The Court shall issue its rulings by a majority of the members and such rulings shall be considered final. The law shall regulate the investigation and trial procedures. If the President of the Republic is convicted,

he shall be removed from office, without prejudice to other penalties. The office shall be considered permanently vacant and the provisions of Article (105) of the Constitution shall apply.

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

## **Second: The Government**

### **Article (113)**

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

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

### **Article (114)**

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

The Prime Minister shall have the following competences:

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

The law shall determine their other functions, as well as the general bases for the organization of ministries and various state agencies. The Prime Minister may delegate some of their competences to the ministers.

### **Article (115)**

#### **Conditions to Appoint Government Members**

A person appointed as Prime Minister or Minister shall be Libyan and Muslim and not hold any other nationality. He shall be at least thirty years of age and shall hold a university degree or the equivalent thereof. He shall enjoy civil and political rights and may not have had a final court ruling for a premeditated felony or a misdemeanor of moral turpitude, even if rehabilitated therefrom. The law shall regulate all other conditions.

### **Article (116)**

#### **Oath Taking**

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

### **Article (117)**

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

If the House of Representatives decides with a two-thirds majority of its elected members to give a vote of no confidence on the Government, the government shall resign. The decision shall be taken by the absolute majority of the elected members if it is related to one of the ministers, who, in such case, shall resign from office. The House of Representatives shall only consider a request for a vote of no confidence on the government after a questions session and upon a written request submitted by at least fifteen members. Such request may only be put for discussion eight days after the date of submission and opinions shall only be sought two days after the completion of discussions thereon.

**Article (118)**  
**Responsibilities of the Prime Minister and Ministers**

A law shall determine the impeachment proceedings of the Prime Minister and ministers for offences related to the job performance thereof.

**Article (119)**  
**Competences of the Cabinet**

The Cabinet shall have the following competences:

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

**Chapter (4)**  
**Judicial Authority**

**Article (120)**  
**Independence of the Judiciary**

The judiciary shall be independent, and its function shall be to administer justice, guarantee the rule of law, and protect rights and freedoms. Judges shall be independent in performing their functions, shall only be subject to the law, and adhere to the principles of integrity and impartiality. Interference with the work of the judiciary shall be a crime that is not subject to the statute of limitation.

**Article (121)**  
**Members of the Judiciary**

The members of the judiciary shall be the judges and the members of the Public Prosecution Office. A law shall determine the requirements for their appointment and promotion, ensuring the selection and promotion of the most efficient and capable. The law shall also regulate their rights, duties, and other professional affairs.

**Article (122)**  
**Guarantees for the Members of the Judiciary**

Members of the judiciary may not be removed, dismissed, transferred from office, or disciplined except by a reasoned decision by the Supreme Judicial Council, in accordance with the guarantees and cases determined by the law. In cases other than *flagrante delicto*, procedures that affect rights and freedoms may only be taken against them by authorization

of the Supreme Judicial Council.

**Article (123)**  
**Jurisdiction of Courts**

The various types and levels of courts shall adjudicate disputes and offences in accordance with the system of judicial specialization, so as to fulfill the requirements of justice. Hearings shall be public, except in juvenile courts or when the court decides to hold closed hearings in consideration to public order and morals. In all cases, rendering rulings shall be public and in accordance with the law.

**Article (124)**  
**Levels of Litigation**

Except for petty offenses and cases of minimum importance as defined by the law, trials shall be organized on two levels. The law shall determine the jurisdiction of the courts and the procedures followed therebefore.

**Article (125)**  
**Prohibition of Extraordinary Courts**

The establishment of extraordinary courts shall be prohibited.

**Article (126)**  
**Supreme Judicial Council**

The judiciary shall have a council named the Supreme Judicial Council to ensure the proper functioning, independence, integrity, effectiveness, and development thereof. It shall enjoy legal personality and administrative and financial independence. It shall prepare its draft budget to be discussed before the legislative authority.

**Article (127)**  
**Competences of the Supreme Judicial Council**

The Supreme Judicial Council shall have the competence to appoint, promote, transfer, discipline, and handle all the professional affairs of the members of the judiciary. It shall also establish courts and prosecution offices according to criteria defined by the law, express opinions on draft laws related to the judiciary, submit proposals related thereto, propose the reorganization of existing judicial bodies, establish, integrate, or abolish other judicial bodies, and prepare an annual assessment report on the implementation of the legislation in force by the courts. Such report shall be referred to the legislative authority and published in the Official Gazette. The law shall regulate the other competences of the Supreme Judicial Council.

**Article (128)**  
**Composition of the Supreme Judicial Council**

The Supreme Judicial Council shall be formed by a law, provided the independence and development thereof are guaranteed.

**Article (129)**  
**Court of Cassation**

The Court of Cassation shall consist of a president, deputy, and a sufficient number of counselors at levels no less than that of President at the Court of Appeal or the equivalent thereof. They shall all be selected by the general assembly and appointed by the Supreme Judicial Council. The President and the deputy thereof shall be among the three most senior

judges in the general assembly.

**Article (130)**  
**Competences of the Court**

The Court of Cassation shall have the competence to review appeals in cassation. The law shall determine its other competences.

**Article (131)**  
**Public Prosecution**

The Public Prosecution shall be part of the judiciary and shall be headed by the Prosecutor General. Members of the public prosecution shall act on behalf of the Prosecutor General in exercising competences related to criminal proceedings, except as excluded by the law. The President of the Republic shall issue a decree to appoint the Prosecutor General based on a nomination by the Supreme Judicial Council from among the judges of the Court of Cassation, the presidents at the Court of Appeal, or advocates-general of category (A) for a period of six years or for the remaining period until reaching the age of retirement, whichever comes sooner and for one term only.

**Article (132)**  
**Judicial Inspection Authority**

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

**Article (133)**  
**Judicial Bodies**

The State Cases Authority, the Department of Public Defense, and the Department of Law shall be judicial bodies regulated by the law. The law shall also determine the competences thereof.

**Article (134)**  
**Law Practice**

The practice of law shall be a partner in achieving justice. Lawyers shall enjoy the legal guarantees that enable them to perform their duties to contribute to the establishment of justice and defense of rights and freedoms. The law shall regulate the same.

**Article (135)**  
**Military Judiciary**

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

**Article (136)**  
**Enforceability of Judicial Rulings**

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

## **Chapter (5)** **Constitutional Court**

### **Article (137)**

#### **Independence of the Constitutional Court**

A Constitutional Court shall be established to enjoy legal personality and administrative and financial independence. It shall submit its draft budget to the legislative authority and its opinion shall be sought on draft laws related thereto. Its members shall enjoy the guarantees and privileges prescribed for members of the judiciary. It shall be headquartered in Sabha and it may hold its hearings and exercise its competences in any other location in the country.

### **Article (138)**

#### **Composition of the Court**

The Constitutional Court shall be comprised of twelve members, including a president and a deputy. The Supreme Judicial Council shall select six judges at the level of president at the Court of Appeal, the President of the Republic shall select three members, and the legislative authority shall select three members. Those selected by the legislative authority and the President of the Republic shall be experienced lawyers, who hold as a minimum an advanced degree in the specializations of law, political science, and Islamic Sharia and who are not members of the judicial authority. Their practical experience in their area of expertise shall not be less than twenty years. The President of the Court shall be among the members selected by the Supreme Judicial Council through its general assembly. Vacant memberships shall be filled by the same selection authority and in accordance with the same criteria. They shall all be designated by a decree issued by the President of the Republic.

### **Article (139)**

#### **Conditions of Membership**

Members of the Court shall be Libyans and hold no other nationality. They shall not be married to a foreign spouse. They shall not be less than forty-five years of age and may not be affiliated with any political party. They shall not exercise any other function or work during their membership in the Court. The membership term shall be eight years for one term, and half of them shall be renewed every four years according to the principle of rotation. The law shall regulate the workflow in the court, the procedures followed theretofore, and the rights and duties of the Court members and their other professional affairs.

### **Article (140)**

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

The Constitutional Court shall have exclusive jurisdiction over the following:

1. Judicial oversight of the constitutionality of laws and regulations of the House of Representatives and the Senate.
2. Consideration of the constitutionality of the procedures on constitutional amendments.
3. Litigations related to the failure of the legislative authority to fulfill its constitutional obligations.
4. Challenges against the presidential elections.
5. Decision on disputes arising from the implementation of the rulings it issued.
6. Review of international treaties and agreements before their ratification.
7. Review of the laws of elections and referendums before their issuance.
8. Review of laws ruled unconstitutional before their issuance.
9. Any other competences stipulated by the Constitution.

## **Article (141)**

### **Rulings and Decisions of the Court**

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

## **Article (142)**

### **Appeal before the Court**

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

## **Article (143)**

### **Binding Force of Rulings and Decisions of the Court**

The rulings and decisions of the Constitutional Court shall be final and binding for all and shall be published in the Official Gazette. Any text ruled as unconstitutional by the Court shall lose its binding force as of the day following the publication of the ruling. In case of necessity, the Court may determine the date that the ruling on unconstitutionality enters into effect.

## **Chapter (6)**

### **Local Governance**

## **Article (144)**

### **Decentralization**

Local governance shall be based on the principle of expanded decentralization. The State shall undertake to support local governance within the framework of the unity of the country.

## **Article (145)**

### **Levels and Standards of Local Governance**

The State shall be divided into governorates and municipalities according to the requirements of national security and the balancing of the standards of population, area, geographical unity, and economic and historic factors, so as to ensure social justice, peace, communal harmony, and development, taking into consideration efficiency and effectiveness. Other administrative units may be established if so required by the public interest. All of the above shall be in accordance with the law.

## **Article (146)**

### **Independence of Local Governance Units**

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

## **Article (147)**

### **Governorate and Municipal Councils**

Governorate and municipal councils shall be selected by general, free, secret and direct ballot. The formation of the governorate council shall take into consideration the representation of municipalities located within the circumscription thereof. The Cabinet shall appoint the governor from among the elected members of the Council or others. All of the above shall be in accordance with the law.

## **Article (148)**

### **Competences of Local Governance Units**

Local governance units shall enjoy autonomous, transferrable, and shared powers from and with the central authority. Shared and transferrable powers shall be distributed based on the principle of subdivision. Local units shall be competent to issue regulations and decisions. All of the above shall be in accordance with the law.

## **Article (149)**

### **Funding of Local Governance Units**

Governorates and municipalities shall have centralized resources commensurate with the necessary amounts to carry out their duties, along with self-generated resources, including duties, penalties, and taxes of a local nature, as well as the returns on their investments, grants, and wills they receive and whatever they acquire in loans and any other returns specified by the law. The State shall guarantee financial balance among the local governance units so as to ensure harmony therebetween. Every competence transferred to local governance units from the central authority shall be associated with the appropriate financial resources. Local governance units, within the framework of the approved budget, shall be free to dispose of their resources according to the rules of good governance.

## **Article (150)**

### **Subsequent Oversight**

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

## **Article (151)**

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

The executive authority shall only interfere to ensure the sustainability of public facilities, taking into consideration national standards in accordance with the Constitution and the law. The judiciary shall be competent to rule on any conflict between or among local governance units and the central authority.

## **Article (152)**

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

Local governance units may establish mutual partnerships, in accordance with the principles of balance and complementarity, to implement programs or accomplish works of shared interest. They may establish economic zones therebetween. They may also establish foreign relationships for partnerships and cooperation to serve equal and balanced development under the supervision of the central authority. All of the above shall be according to the controls and procedures determined by the law.

## **Article (153)**

### **Local Participation**

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

## **Article (154)**

### **Local Governance Advisory Council**

A council named the Local Governance Advisory Council shall be established and shall be

comprised of the governors. It shall undertake the following duties:

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

The Council shall be regulated by law.

## **Chapter (7)** **Independent Constitutional Bodies**

### **Article (155)** **Independence of Constitutional Bodies**

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

### **Article (156)** **Management of Constitutional Bodies**

The legislative authority shall elect independent persons of competence and integrity to manage such bodies. Those persons shall not be removed from office before the end of their term unless they fail to meet any of the conditions of their election or in the cases stipulated by the law.

### **Article (157)** **Legislative Authority Oversight over the Bodies**

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

### **Article (158)** **High National Election Commission (HNEC)**

The High National Election Commission (HNEC) shall exclusively undertake the management and organization of public referendums and all the stages of general and local elections with transparency and credibility, including the announcement of the final results. The HNEC shall be run by a board of nine members, including the chairman, who shall be elected by the legislative authority. The members shall carry out their functions for one term that lasts six years. The term of one-third of the members shall be renewed every two years.

### **Article (159)** **Audit Bureau**

The Audit Bureau shall be the highest authority for financial control and audit in the State. It shall be responsible for comprehensive oversight of State funds, entities financed by the State, in whole or in part, including local governance units, and any other bodies specified by the law. It shall also have authority to track such funds.

The Audit Bureau shall be run by a chairman with the capacity of public auditor and one or more deputies with the capacity of deputy minister, who will undertake their functions for a

term of six years, renewable once.

#### **Article (160)**

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

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

1. Observe human rights conditions, monitor their violations, report such violations to the competent national authorities and follow up on them.
2. Support citizens in obtaining their rights established by the Constitution and the law.
3. Support women in obtaining their rights established by the Constitution and the law and ensure non-discrimination against them.
4. Recommend ratification of or accession to international treaties related to human rights in that it is not contrary to the provisions of the Constitution.
5. Promote cooperation with national and international human rights organizations.

The Council shall consist of nine members and the representation of cultural and linguistic components, women, and youth therein shall be taken into consideration. The Council members shall carry out their duties for one term of six years and each one-third thereof shall be renewed every two years. The legislative authority shall elect the chairman as a commissioner and a deputy from among those members.

#### **Article (161)**

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

The Council shall develop and protect Libyan languages and preserve, document, and care for the diverse cultural and linguistic heritage of the Libyan people, so as to ensure the preservation of its authenticity within the framework of collective Libyan identity.

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

#### **Article (162)**

##### **Sharia Research Council**

The Sharia Research Council shall assume the following duties:

1. Express an opinion on the matters referred thereto by State authorities to research and form opinions thereon based on Sharia evidence.
2. Conduct specialized Sharia research to address various current and general religious issues with the assistance of specialists in all fields and issue recommendations thereon.
3. Issue individual fatwas on beliefs, acts of worship, and personal interactions.

The Council shall comprise fifteen members specialized in Islamic Sharia and selected by the legislative authority for a six-year term renewable once. There shall be a chairman and deputy therefor from among the members for a three-year term. The Council shall also have a number of specialists in various fields. Geographic distribution shall be taken into consideration when selecting the members of the Council and the latter shall have branches. All of the above shall be as regulated by law.

#### **Article (163)**

##### **Sustainable Development Authority**

The Sustainable Development Authority shall assume the following tasks:

1. Recommend the appropriate measures to achieve sustainable and balanced development.
2. Propose appropriate policies, plans, and programs to build and develop human capabilities,

diversity of resources and identify national development priorities, to ensure the convergence of the development level among different regions.

3. Offer technical consultation on development plans at the local and national levels.
4. Assess development plans and the implementation thereof in the light of sustainable and balanced development indicators and the need to maintain the rights of future generations.

The Authority shall be run by a council consisting of six members elected by the legislative authority, which shall appoint a chairman and deputy thereof from among the members for a period of six years renewable once. One-third of the members shall be renewed every two years.

#### **Article (164)** **Other Bodies**

A law shall regulate the Administrative Oversight Authority, the Transparency and Anti-Corruption Authority, the Statistics Authority, the Higher Council for Media and Press, and the Council for Science, Technology, and Innovation. The law shall determine their compositions, competences, and work systems and shall guarantee the independence and impartiality of their members in accordance with what is stipulated in this Chapter.

### **Chapter (8)** **Financial System**

#### **Article (165)** **Public Finance**

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

1. The financial system of the State shall work as one unit.
2. National revenues shall be distributed fairly and equitably among the local and national levels of governance, taking into consideration population density, the distribution of the population in the local unit and their distance from the center, the level of infrastructures and services, and balanced spatial and human development indicators.
3. Government budgets shall be prepared so as to ensure effective and fair access to services and strengthen the efficiency of the national economy.
4. Rationalize the usage of resources so as to achieve sustainable development and preserve the rights of future generations.
5. Guarantee the financial independence of local governance units according to the stipulations in this Constitution.

#### **Article (166)** **State Revenues**

All State revenues shall be sent to the public treasury. No part of public treasury funds may be allocated or disbursed therefrom for any purpose whatsoever unless based on a law and in accordance with the provisions of this Constitution.

#### **Article (167)** **Loans and Financial Obligations**

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

## **Article (168)**

### **Emergency and Budget Support Accounts**

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

The financial law of the State shall also regulate the establishment of a budget support account in the event that the financial resources of the State decline, development expenditure expands, or an increase in prices in regional and international markets occur. Both accounts shall be financed and disbursed from as stipulated by a law.

## **Article (169)**

### **Central Bank of Libya**

The Central Bank of Libya shall enjoy legal personality and administrative, financial and technical independence. It shall perform its work with transparency within the framework of the public policy of the State. It shall undertake the establishment of monetary policy and the issuance of the national currency. It shall maintain the stability of the currency, manage the foreign currency reserves of the State, organize the credit policy, monitor the implementation thereof, oversee and supervise the performance of the bank sector, and conduct any other competences determined by the law.

## **Chapter (9)**

### **Natural Resources**

## **Article (170)**

### **Ownership of Natural Resources**

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

## **Article (171)**

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

Contracts and agreements related to natural resources shall be referred to the Senate for ratification within specific periods and in the cases indicated by law. This shall aim to ensure the preservation of natural resources, environmental balance, and the necessities of transparency, the protection of the rights of future generations, the repair of damaged regions, and the guarantee of social accountability.

## **Article (172)**

### **Localization of Alternative Projects**

The State shall undertake to establish development projects alternative to non-renewable resources in the production regions, according to the spatial capabilities thereof. A law shall be issued during the first electoral term to allocate funding resources to such projects. The State shall also include the same in the policies and legislation thereof so as to achieve sustainability, reserves, prevention, and competence.

### **Article (173)**

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

A law shall allocate a percentage of the returns from natural resources for the benefit of future generations. The State shall undertake to establish the necessary measures to develop and invest such resources with high quality and in accordance with the necessary safety standards.

### **Article (174)**

#### **Water**

The State shall take the necessary measures to properly manage water resources so as to ensure their preservation and protect them from pollution and attacks. It shall also rationalize the consumption of water resources and find alternatives thereto and ways to achieve water security. It shall further provide reparations to the regions from which groundwater is transferred.

A law shall establish a special body to undertake scientific research and develop and oversee the implementation of policies and programs necessary therefor.

### **Article (175)**

#### **Renewable Energy**

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

### **Chapter (10)**

#### **Army and Police**

### **Article (176)**

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

The State shall monopolize the armed forces and security forces in accordance with the law and for the public benefit. Individuals, political parties, and groups may not form military or paramilitary groups.

### **Article (177)**

#### **Army**

The army shall be a national armed military force based on discipline and hierarchy. It shall be formed and organized structurally in accordance with the law. It shall be obliged to observe complete neutrality and shall be subject to civilian authority. It shall neither interfere in the peaceful rotation of power nor in political life. Army members may not join any political party and the law shall stipulate the necessary measures therefor. The conditions and terms of national service shall be regulated by law.

### **Article (178)**

#### **Duties of the Army**

The Army shall assume the task of defending the country and its independence, unity, and territorial integrity. It shall support security apparatuses in accordance with the law. The Army may neither undermine the constitutional system and State institutions, obstruct their activity, nor restrict the rights and freedoms of citizens.

### **Article (179)**

#### **Police**

The police shall be a systematic, civilian, technical, disciplined, hierarchical, professional, and

specialized body. Its mission shall be to combat crime, provide public safety and peace, maintain order, respect the law, and protect the rights, freedoms, security, and property of persons. Police personnel shall receive training on the respect of human rights and methods to prevent and uncover crimes. They may not exercise political work.

## **Chapter (11)** **Transitional Provisions**

### **Article (180)** **Transitional Justice**

1. The State shall apply the measures of transitional justice. A law shall be issued regulating the uncovering of the truth and compensation of damages, accountability, responsibility, and the examination of institutions.
2. A body for transitional justice and reconciliation shall be established and the law shall determine its formation, so as to ensure impartiality, independence, and efficiency. The law shall also regulate the term of the body. The body shall design and implement programs of transitional justice in the framework of comprehensive national reconciliation.

### **Article (181)** **Reconstruction**

The State shall give priority to projects of reconstruction of cities and villages damaged by military operations and armed conflicts, according to the urgency of the obligations, taking into consideration the requirements of development throughout the country. The State shall develop the necessary mechanisms therefor.

### **Article (182)** **Transitional Provision to Elect the Shura Council and the President of the Republic**

1. The elections of the first President of the Republic, the House of Representatives, and the Senate shall be conducted at the same time within one hundred and eighty days after this Constitution enters into effect.
2. When this Constitution enters into effect, the existing legislative authority shall issue the laws that regulate the elections of the President of the Republic, the House of Representatives, and the Senate. This authority shall also restructure the HNEC. All of the above shall be conducted within ninety days after this Constitution enters into effect.
3. In the event it is not possible to elect the first President of the Republic, the most senior advisor in the Supreme Court outside the members of the Constitutional Chamber, shall temporarily assume the post of President of the Republic for a maximum term of one year. The case of inability to elect the President shall be determined in a decision issued by the HNEC. Such decision shall enter into effect upon the approval thereof by the Constitutional Chamber of the Supreme Court. Upon assuming the post, the interim President of the Republic shall be deemed to have resigned from all his other functions and he may not run for presidential elections for fifteen years.
4. The interim President of the Republic and his government shall assume the powers stipulated in this Constitution within the necessary minimum requirements to manage the operation of public facilities.

In all cases, the interim President may not exercise any of the following competences:

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

The interim President may neither issue special amnesty, conclude treaties and conventions according to the Constitution, issue decrees with the force of law, nor dissolve the legislative authority.

### **Article (183)**

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

The term for the President of the Republic for the first and second electoral terms shall be one term that may not be renewed.

### **Article (184)**

#### **Special Provision for Women**

Any electoral system shall guarantee a quota for women of twenty-five percent of the total seats in the House of Representatives and local councils for two electoral terms, taking into consideration the right of women to run as candidates in general elections.

### **Article (185)**

#### **On Nationality**

1. The procedures of naturalization shall be suspended for ten years from the day the Constitution enters into effect.
2. The State shall undertake to decide on the applications of naturalization submitted before 17/02/2011 AD according to the law in force prior to this Constitution. The State shall also commit to classify the status of persons holding Arab nationality in terms of original and acquired citizenship.
3. When this Constitution enters into effect, the registry system for persons of Libyan descent applicable in Libyan embassies shall be suspended.
4. The Supreme Judicial Council shall form a judicial committee under the chairmanship of a counselor from the Court of Appeal whereby all guarantees of independence and impartiality are ensured. This judicial committee shall review all the cases of granting nationality issued as of 15/02/2011 AD. The decisions of the committee shall be subject to challenge before the competent judicial authorities.

### **Chapter (12)**

#### **General Provisions**

### **Article (186)**

#### **Declaration of a State of Emergency**

In consultation with the Prime Minister and the two Speakers of the House of Representatives and the Senate, the President of the Republic shall declare a state of emergency when the State faces a calamity, a siege, or a danger which threatens its safety. The Shura Council shall hold an extraordinary session within three days from the declaration of the state of emergency, upon the request of the President of the Republic or at its own discretion, to endorse or cancel the state of emergency in accordance with the provisions of the Constitution. If the declaration of the state of emergency occurs outside the legislative sessions of the Shura Council, the latter shall convene a session as soon as possible and within a maximum period of seven days from the announcement of the state of emergency. The Shura Council shall be in permanent session until the President of the Republic declares the end of the state of emergency.

The duration of the state of emergency shall not exceed sixty days with the approval of the majority of the elected members of the Shura Council. It may be renewed for one term or two, provided that each term does not exceed sixty days, with the approval of a two-thirds majority of the elected members of the Shura Council. In all cases, the declaration of a state of

emergency shall define the objective, region, and duration of the state of emergency in accordance with the law.

#### **Article (187)**

##### **Martial Law**

In the event of war or severe threat to national security, the President of the Republic may request the Shura Council to declare a state of martial law. The Shura Council shall decide on the request with the absolute majority of its elected members within a maximum period of three days, during which the President announces the state of emergency in the specified region.

The regions that will be subjected to martial law shall be specified. The state of martial law may not be imposed on the entire country and shall be lifted by a decision from the Shura Council upon the request of the President of the Republic. The President shall submit monthly reports thereon. The law shall regulate the provisions related thereto.

#### **Article (188)**

##### **Restrictions during the State of Emergency and Martial Law**

1. The law shall specify the reasons for declaring a state of emergency or martial law and their respective range, extent, and duration, as well as the rights that may be constrained and the measures and procedures that may be taken.
2. Subject to Articles (32), (33), and (35), the President of the Republic may not impose restrictions on fundamental rights and freedoms during a state of emergency or martial law, except to the extent necessary for maintaining public security and the public safety of the country.
3. All the decisions and actions during a state of emergency or martial law shall be subject to the oversight of the judiciary.
4. Civilians may not be prosecuted before the military judiciary during a state of emergency or martial law.
5. Elected councils may not be dissolved during a state of emergency or marital law.
6. Upon the declaration of a state of emergency or martial law at the end of the term of any elected council, the term of such council shall be extended until the state of emergency or martial law ends.
7. During a state of emergency or martial law, the State shall undertake to respect the principle of lawfulness and may not obstruct State institutions.
8. The Constitution may not be amended and its provisions may not be obstructed during a state of emergency or martial law. Elections may not be held and electoral laws may not be amended. The established guarantees of the Shura Council members may not be prejudiced.

#### **Article (189)**

##### **Issuance of Judicial Decisions**

Judicial decisions shall be issued in the name of God, the Merciful, the Compassionate.

#### **Article (190)**

##### **Prohibition to Exercise Other Functions**

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

treasury of the State.

### **Article (191)** **Financial Disclosure**

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

### **Article (192)** **Organic Unity of the Provisions of the Constitution**

The Constitution and all its texts shall be one indivisible unit. Its provisions shall be interpreted and considered as a coherent organic unit.

### **Article (193)** **Amendment of the Constitution and its Procedures**

1. The provisions of this Constitution may not be amended until five years after its entry into effect.
2. It shall be prohibited to infringe upon the principle on which Article (2) of this Constitution is based, the principle upon which Article (6) is based, and the principles related to political pluralism, the peaceful rotation of power, the unity and integrity of national territories, and the guarantees related to rights and freedoms, except for the purpose of enhancing them. It shall also be prohibited to increase the number of terms or duration of the Presidency of the Republic.
3. The President of the Republic, one-third of the House of Representative, or one-third of the Senate may request the amendment of one or more Articles of the Constitution, provided that the request indicates the articles to be amended, the reasons thereof, and alternative proposals.
4. The request of amendment shall be discussed by the chamber to which it is presented within a maximum period of thirty days from the date the request is submitted. The request shall be approved by an absolute majority of the chamber's elected members in accordance with the rules of procedure of each chamber. It shall then be referred to the other chamber for approval or rejection within the same date.
5. In the event the amendment is approved, the President of the Republic shall submit it to the Constitutional Court to oversee the validity of the procedures and the permissibility of the request for amendment within a maximum period of fifteen days.
6. When the Constitutional Court acknowledges the validity of the request of amendment, it shall be put to a referendum and approved by the absolute majority of the valid votes.
7. If the request is declined, it may not be submitted again during the same legislative session.

### **Article (194)** **Legislative and Institutional Basis**

The regulations in force shall be amended to align with the provisions of this Constitution. The legislative authority shall issue the necessary legislation to build independent constitutional institutions and committees provided for in this Constitution and specify their headquarters during the first election cycle. The authorities and public institutions shall continue to exercise their duties until the authorities established assume power, in accordance with the provisions of this Constitution.

**Article (195)**  
**Implementation of the Constitution**

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