

**The Constitution Drafting Assembly**

**Committee on the Form and System of Governance**

**Initial Draft for Proposed Texts**

**(The Legislative and Executive Authorities)**

**al-Bayda ... on 21 December 2014**

## **Title on the Form and System of Governance**

### **Article 1**

The governance system in the Libyan state is representative and based on the principle of political pluralism and peaceful rotation of power.

### **Public Authorities**

### **Article 2**

The Public Authorities in the Libyan State are: The legislative authority, the executive authority and the judiciary; and the relationship between these authorities shall be in accordance with the principle of balance and oversight.

## **Chapter 1 – The legislative authority**

### **Article 3**

The legislative authority consists of the national assembly, with its two houses (The House of Representatives and the Shura Council) has the authority to legislate, approve the state's public policy, the general plan for economic and social development and the state's public budget. It exercises oversight over the actions of the executive authority, each according to its competences and in the form provided for in the constitution.

### **I – The House of Representatives**

### **Article 4**

The House of representatives consists of one hundred and forty four members elected through free, secret and direct voting in accordance with provisions of the elections law, provided that voters have completed eighteen years of age. Appropriate representation of all sections and social, cultural and linguistic components of the Libyan people should be ensured (Amazigh, Tabu and Tuareg).

### **Article 5**

A candidate for the membership of the House of representatives should be: a Libyan Muslim, doesn't hold another nationality, enjoys his civil and political rights, has an educational qualification, has completed twenty five years of age upon registering candidature, and has his name enlisted on the election lists in the electoral district, not convicted of any felony or dishonorable misdemeanor, in addition to the other conditions provided for in the election law.

### **Article 6**

The House's term is four years starting on the date of its first meeting. Elections to renew the House take place during the last sixty days of its term. The President of the

State or the Prime Minister calls the House to a meeting within fourteen days of the date of announcing the final results of the elections.

#### **Article 7**

The House holds its first session chaired by its eldest member, with the youngest member acting as rapporteur, in order to elect the House's presidency which consists of a speaker and two deputies, who serve a two year term. The next election of the House's presidency takes place in accordance with the House's bylaws.

#### **Article 8**

The House's sessions shall not be valid unless attended by at least an absolute majority of the members. Decisions shall be taken with an absolute majority of members when approving laws, and in any other cases provided for by the constitution.

#### **Article 9**

Proposing a draft law, or a draft proposal to amend a law to the relevant committee in the House of Representatives is the right of:

1. The President of the State;
2. The Prime Minister;
3. Five members of any of the two houses;
4. Three thousand voters.

Any judicial authority or constitutional body might propose any draft laws related to its own affairs.

#### **Article 10**

Specialized committees in the House of Representative might accept or reject proposals for draft laws or draft proposals to amend laws within a period not exceeding thirty days, and its decision to accept or reject the proposal should be justified.

Specialized committees might hold hearings about certain proposals in the presence of experts and specialized individuals from the government, research centers and universities.

Specialized committees draft the accepted proposals in the form of draft laws, refer them within sixty days of receiving them to the House to vote on them, with the exception of draft laws received from the government, which should be referred to the House within fourteen days of receiving them. Any proposal rejected by the House might not be presented again in the same session.

#### **Article 11**

If the House of Representatives approved a draft law, or a draft amendment of a law, it shall be refereed within a period not exceeding three days to the President of the

State to pass it and have it published within thirty days of the date of referral. The law shall enter into force as of its publication in the Official Gazette.

The President of the State might return the draft law with amendments, and the House might approve the draft with amendments with an absolute majority, within fourteen days, or without amendments with two third majority. In all cases, the draft shall be referred to the President of the State to have it passed within eight days. If the House did not approve the law it becomes null and void.

The President might not return any draft approved by the Shura Council.

### **Article 12**

In addition to any other authorities provided for in the constitution, the House of Representatives has the following powers:

1. Approving draft laws and their amendments while taking into account provisions of article (20/1).
2. Providing a vote of confidence or no confidence in the Prime Minister or any of the ministers.

### **Article 13**

Every member in the House of Representatives might put questions to the Prime Minister or a minister on a subject within their mandate. They have to answer these questions in the same session, and the member has the right to comment on the answer.

### **Article 14**

Every member in the house of representatives might question the Prime Minister, or any minister, on issues within their mandate in the form shown in the house's by laws and in a manner that doesn't limit the member's right to express his opinions and comment on the answer.

No discussion, in the framework of questioning, takes place except after eight days of the date of submitting for a questioning session and within a period of thirty days, except in emergency situations and after the approval of the person questioned.

## **II- The Shura Council**

### **Article 15**

The Shura Council consists of seventy two members elected through secret, free, direct, public and individual voting in accordance with the election law, provided that voters have completed at least twenty five years of age.

Representation should be equal among the three geographical regions, and equality should be considered in distributing seats among the governorates within these regions, while ensuring appropriate representation for every section and social, cultural and linguistic component of the Libyan people (The Amazighs, Tabu and Tuareg).

### **Article 16**

A candidate for Membership of the Shura Council should be a Libyan Muslim, who does not hold another nationality, has his name listed in the election tables of the electoral district, enjoys his civil and political rights, has at least a higher education qualification, has completed forty years of age upon the date of candidature, has not been convicted in a final judicial ruling in a felony or misdemeanor which undermines honor or trust, in addition to the other conditions provided for in the election law.

### **Article 17**

The Shura Council's term is six years starting from the date of its first meeting. New members shall be elected for half the seats every three years, while the half replaced for the first time shall be chosen by drawing lots. Elections take place during the last three months of every three years, and those whose term has finished might be re-elected.

The President of the State or the Prime Minister calls for the meeting within fourteen days of the date of announcing the final results of the elections.

### **Article 18**

The Council holds its first session under the chairmanship of its eldest member, while its youngest member acts as rapporteur, to elect the Council's presidency which consists of the speaker and his two deputies. They serve a three-year term. The next elections for the Council's presidency takes place every three years.

### **Article 19**

The Council's meetings shall not be valid unless at least two thirds of the members attend; and decisions shall be taken with at least the absolute majority of the members of the Council. Draft laws shall be approved with a majority of two thirds plus one of the members of the Council.

### **Article 20**

The Shura Council has the following authorities:

1. Reviews draft laws and draft amendments of the laws referred to it by the House of Representatives to be approved or amended without prejudice to provisions of article 21, and refers them to the House of Representative to issue them within fifteen days of the date of referral, on the following subjects:
  - a. The financial system of the state and the public budget;
  - b. Local administration (local government);
  - c. Nationality and immigration;
  - d. Political asylum;
  - e. Referenda and elections;
  - f. Political parties;
  - g. Emergencies;
  - h. Political rights and public freedoms;
  - i. Exploiting natural resources;
  - j. Organizing the judiciary;
  - k. The army and the police.
2. The council might approve appointment proposals made by the President of the State, within the authorities given to him in accordance with the provisions of article 58, with following excessive list of jobs:
  - a. Judges of the Constitutional Court;
  - b. Presidents of the independent constitutional bodies;
  - c. Chief of the general staff of the armed forces;
  - d. Head of general intelligence;
  - e. Ambassadors and representatives of the state at regional and international organizations;
  - f. Governor of the Libyan Central Bank;
  - g. The Mufti;
  - h. The Public Prosecutor;
3. Ratifying regional and international agreements and treaties.
4. Approving proposed constitutional amendments.

### **Article 21**

If the two Houses disagreed twice about a draft law, a joint committee consisting of an equal number from the two houses shall be formed to settle differences and propose a consensus text after which the draft law shall be referred to the two Houses to be voted on.

If the joint committee failed to reach a consensus solution within sixty days of the date the proposal is presented for the first time to the Shura Council, the Shura Council makes the necessary amendments and approves it. The draft law shall be referred to the house of representatives to take the necessary measures to pass it.

### **Article 22**

At least twelve members of the Shura Council might submit a request to the Council's presidency, which includes good reasons to dissolve it.

The Council shall meet within eight days of the date of presenting the request to be examined. The decision to dissolve the Council shall be taken by at least the absolute

majority of the members. Otherwise, the request shall be rejected, and no other request might be presented on the same subject during the same year.

If the Council is dissolved, the existing council continues to discharge its duties until a new Shura Council is elected within sixty days of passing the decision to dissolve it. The handing over procedures shall take place in accordance with the Council's bylaws.

With the election of the new Shura Council, the President of the State submits his resignation and acts in accordance with provisions of article 57.

### **Article 23**

Upon a request presented by 24 members of the Shura Council for the resignation of the President of the State, the Shura Council meets within eight days to decide on accepting or rejecting the President's resignation. Voting shall be secret and with an at least two-third majority.

If they vote "Yes", the President submits his resignation and acts in accordance with article 57, and if the request is rejected, no other request might be made on the same subject in the same year.

### **III – General Rules for the Two Houses**

#### **Article 24**

A member of the National Assembly represents the whole people, and his electors might not limit his representation with any constraint or condition.

#### **Article 25**

Before a member of any of the two Houses takes office, he takes the following oath before his council: "I swear by Almighty God to be faithful to God and the homeland, to respect the constitution and the laws of the country and to discharge my duties with utmost truth and sincerity in the service of the homeland".

#### **Article 26**

A member of the National Assembly might not hold any other public position, nor be member in both Houses at the same time.

#### **Article 27**

Members of the National Assembly might not be brought to account for the views they express in the two houses or in the committees formed by them, while abiding by the Houses' bylaws.

#### **Article 28**

Challenges to the validity of the election of members of any of the two houses of the National Assembly might be submitted within three days of announcing the final results, and the challenge should be filed before the competent court. The High Court decides on the challenge within thirty days of the date of receiving it; and if the Court rules that the membership is invalid, the House to which the member belongs takes a decision to end his membership as of the date of informing him of the decision.

#### **Article 29**

A member of the National Assembly should dedicate all his time to discharge the duties associated with his membership. His original job shall be kept for him in accordance with the law, and the member receives a financial reward set by the law.

#### **Article 30**

Each member of the National Assembly should, within the first month of taking oath and assuming his position, declare his personal financial assets, and those of his wife or wives, and minor children. The declaration should be detail and should show their movable and fixed assets and their credits and debits inside and outside Libya. They should also provide a financial statement at the end of each year and at the end of their term in office. All the statements shall be kept at the House to which the member belongs.

### **Article 31**

Each of the two houses issues its own bylaws in accordance with the constitution, and it shall be published in the official gazette. In drafting their bylaws, each House should take into account coordination and complementarity with the other House in order to ensure efficiency of parliamentary work.

### **Article 32**

At least ten members of the House of Representatives or five of the Shura Council might propose to hold a session of the House to which they belong in order to discuss a subject or to receive clarifications about the policy of the President of the State or the government on the subject.

### **Article 33**

The speaker of each House shall keep order and security in his House; and no armed force might enter the House or be close to its doors except upon the request of its speaker; and any aggression against the premises of the two houses is considered a crime punishable by law.

### **Article 34**

Members of the National Assembly enjoy parliamentary immunity, and each of the two councils might charge any of their members of committing high treason or a violation of the constitution.

The indictment shall be issued by the House to which the member belongs upon a request made to the Speaker by at least twelve members of any or the two houses, and with the absolute majority of the members. The decision includes lifting the member's immunity and suspending him, and referring the case to the Attorney General to take the necessary legal actions.

When the member is convicted, the relevant House passes a decision to disqualify him; and the convicted person remains subject to the charge and to trial, sentence, and punishment in accordance with the law.

### **Article 35**

A member of the National Assembly shall be subject to the criminal procedures provided for by the law in cases of flagrante delicto, or a dishonorable misdemeanor. In cases other than flagrante delicto, no criminal measures might be taken against a member except upon prior permission of the House to which he belongs, and upon a written request by the Attorney General. When the House is not in session, permission is given by the House Speaker, and the House is informed in its first session.

The decision on the request to take criminal measures against the member shall be taken within fourteen days at the latest of the date of receiving the request; otherwise the request shall be considered accepted.

### **Article 36**

The resignation of any member of the two houses shall be accepted providing that it is made in writing, and providing that the House to which the member belongs has not started procedures to withdraw his membership.

### **Article 37**

Membership in any of the two houses ends for one of the following reasons:

1. Death, or becoming unable to discharge one's duties;
2. The member's resignation, dismissal, or losing one of the conditions for candidature;
3. Dismissal in accordance with the cases and mechanisms regulated by the bylaws of each House.

The decision to terminate membership is passed by the House to which the member belongs.

### **Article 38**

When a seat of a member in any of the two houses becomes vacant for any of the reasons mentioned in article 37, at least six month before the end of membership, an alternative member shall be chosen in accordance with the election law and in accordance with provisions of this constitution within thirty days of the date of the vacancy, and the term of the new member extends until the end of his predecessor's term and ends by the end of the House's term.

### **Article 39**

The National Assembly shall be based in the city of (Al Baida, Benghazi, Tripoli, Sabha), and each of its two houses holds its ordinary meetings in accordance with the law in two ordinary sessions every year, and each session shall last at least four months. It might hold its meetings in any other place.

Sessions of the two houses take place at the same time and the first session start within fourteen days of the date of announcing the final results of parliamentary elections.

### **Article 40**

Both houses of the National Assembly meet under the Chairmanship of the Speaker of the Shura Council; and in his absence the meeting is chaired Speaker of the House of Representatives, and if he is absent, the eldest member of those present chairs the session with the attendance of the majority of the members, in the following cases:

1. Opening the legislative session;
2. To hear the oath of the President of the State;
3. To listen him to the speeches of kings and presidents;
4. To listen to the speeches of the President of the State on issues of a national import;

5. Holding consultative sessions for both houses.

#### **Article 41**

Both houses of the National Assembly meet in extraordinary cases in the Assembly's headquarters or in any other place on the request of the President of the State, or whoever succeeds him in accordance with provisions of this constitution, or upon the request of a third of the members of both houses, in the following cases:

1. Approving the declaration of war and ending the war;
2. Imposing a state of emergency and lifting it;
3. Sending military forces outside the borders of the state.

The sessions shall be chaired by the President of the State or whoever succeeds him in accordance with provisions of this constitution; and decisions shall be taken with the majority of the present members, provided that the number is not less than two thirds of the members in both houses.

Any extraordinary meeting of the national assembly held in violation of this article is null and void, and any decisions taken by such a meeting are null and void.

#### **Article 42**

Sessions of both houses are public, while voting on decisions is secret, and deliberations shall be documented in minutes in accordance with the bylaws and published in accordance with the conditions stipulated by the law. Each of the two houses might meet secretly with the approval of the majority of the present members upon the request of twelve members.

#### **Article 43**

Neither House of the Assembly might be stopped or dissolved in their ordinary sessions before approving the public budget.

#### **Article 44**

Each of the two houses, in accordance with its bylaws, might create the committees necessary for its work, and which might discharge their duties during the house's vacation. Each of the two houses might also create official committees in order to investigate certain matters within their mandate. In discharging their duties, they might collect whatever evidence they find suitable and to request hearing witnesses testimony. The executive and administrative authorities should provide them with whatever documents or other materials they request.

Matters which are subject to a court trial or ruling might not be investigated.

#### **Article 45**

A member of the National Assembly might not be awarded any honors, decorations or medals during his membership.

#### **Article 46**

When the House of Representatives is dissolved, and until a new House is elected, the Shura Council discharges the tasks of the National Assembly with its two houses in accordance with articles 40 and 41.

## **Chapter 2 – The Executive Authority**

### **Article 47**

The Executive Authority shall be discharged by the President of the State and the government.

### **I – The President of the State**

#### **Article 48**

The President of the State: is the one who preserves the unity of the state, the independence of the homeland, the integrity of its territories, and shall protect the interests of the people.

The President of the State shall be elected, shall discharge his authorities and competences; and his responsibilities shall be defined in accordance with the constitution.

#### **Article 49**

The candidate for the presidency of the state should have the following:

- 1- The conditions for membership in the Shura Council
- 2- Be recommended by twelve members of the House of Representatives, or ten thousand voters from at least two thirds of the governorates with a minimum of five hundred voters from each governorate. Recommendations for more than one candidate shall not be taken into account.

#### **Article 50**

Speaker of the Shura Council announces opening the process of receiving candidacies and elections for the office of President of the State in accordance with the following:

1. The candidacies which meet the conditions laid down in article 49 shall be presented to a special committee which consists of three judges with the rank of councilor chosen by President of the High Court, who also appoints their president, and is called the Presidential Elections Committee;
2. The Presidential Elections Committee presents the candidacies which meet the conditions to the Shura Council held in an ordinary session to elect the President of the State;
3. Electing the President of the State takes place in direct, secret and free voting under the supervision of the Presidential Elections Committee, and the winner is the candidate who obtains two thirds plus one of the votes of the House.
4. If none of the candidates obtains the majority of two thirds plus one in the first round, a run off round is conducted between the two candidates who obtain the highest votes, and the winner shall be the candidate who wins the largest number of valid votes. If the votes are equal, the side which includes the Speaker wins. In all cases, the results shall be considered final and cannot be challenged before any authority.

The elected president announces, upon his victory, his withdrawal from any political party or block, and provides a written assurance of that.

#### **Article 51**

The elected President of the State shall be sworn in the next day of winning the elections before the National Assembly in the following manner: "I swear by Almighty God to discharge my duty as President of the State faithfully, to respect the constitution and the laws of the country, to preserve the independence and unity of Libya, and to protect the interests of the people and the homeland."

#### **Article 52**

The presidential term of office shall be as follows:

1. The term of office shall be five years as of the date of being sworn in, and it might be renewed for one time.
2. The Speaker of the Shura Council announces the beginning of the proceeding of candidature and election of the new President of State, and the elections take place during the last sixty days of the term in accordance with articles 49 and 50.

#### **Article 53**

The President of the State should, within one month of being sworn in and assuming his position, present a statement of his financial assets for him personally, for his wife or wives, and minor children. The statement shall be detailed and shall include all their moveable and fixed assets, their credits and debits inside and outside Libya. The President of the State shall also submit financial statements at the end of every year and at the end of his term in office, and all these statements shall be kept at the Shura Council and the Constitutional Court.

#### **Article 54**

The President of the State might not, during his term in office, occupy any other public position or exercise any activity, which might bring him financial rewards and any gifts, in cash or in kind, received by the President of the State personally, or by agency, because of his office or on his assuming office, shall be owned by the public treasury of the state.

Law shall stipulate the annual financial allocations for the President

#### **Article 55**

The President of the State, together with the government, draws and implements the public policy of the state in the way shown in the constitution. The Prime Minister and the relevant ministers who signed with the President of the State on the actions taken by him share responsibility for these actions.

#### **Article 56**

The office of the President of the State shall be considered vacant in the following cases:

1. Death;
2. Resignation, which should be in writing and addressed to the Shura Council;
3. Dismissal, in accordance with article 68;
4. Being disqualified or unable to discharge his duties;
5. Losing any of the conditions provided for in article 49, or violating provisions of article fifty;

The Shura Council passes a decision stating the vacancy of the office of the President of the State.

### **Article 57**

When the President of the State is absent, or when a temporary obstacle prevents the President from discharging his authorities, he is replaced by the Prime Minister, provided that this period doesn't exceed sixty days. After that, the Shura Council needs to decide extending the period or announcing that the position is vacant. The decision shall be passed with the approval of the absolute majority of the members.

When the position of the President becomes vacant, President of the Constitutional Court assumes temporarily the constitutional and legal authorities of the President of the State; and when he is absent, President of the High Court replaces him. When he is absent, the Constitutional Court meets to choose one of its members to replace him, and the oath stated in article 51 of this constitution shall be taken before the National Assembly.

Within seven days of the vacancy, the Speaker of the Shura Council announces the opening of the process of receiving candidacies his and electing the new president within sixty days by the latest, in according of provisions of articles 49 and 50.

The Acting President might not nominate himself for this position; neither can he ask for amending the constitution, nor dissolve the House of Representatives nor dismiss the government.

If the vacancy in the office of the President of the State coincided with the elections for one of the houses, precedence should be given to electing the Shura Council, then the President of the State and then the House of Representatives.

### **Article 58**

In addition to any other authorities given to him by the constitution or the law, the President of the State carries out the following functions:

1. Passing the decision to form the government, and accepting its resignation in accordance with the provisions of the constitution;
2. Passing decisions to appoint people in the positions stated in article 20/2 after the approval of the Shura Council;
3. Passing the laws and ordering their publication after the approval of each house in accordance with the authorities of each;

4. Proposing draft constitutional amendments and draft laws;
5. Awarding decorations and medals;
6. Appointing and dismissing individuals in the higher positions in the Presidency of the State and the institutions affiliated with it;
7. Approving death sentences;
8. The President might put issues of national importance to public referendum after the approval of the Shura Council.

#### **Article 59**

The President of the State shall have the power to grant general amnesty in accordance with the law authorizing him with this power. The law shall be approved by both houses with the absolute majority of their members, and the president has the power to issue a special amnesty in consultation with the Prime Minister and the President of the Higher Judicial Council.

#### **Article 60**

The President is the Commander in Chief of the Armed Forces whose task is to protect the sovereignty of the state, its territorial integrity and its security. The president shall declare war and conclude peace treaties.

#### **Article 61**

The President is the representative of the state in its foreign relations, and he shall conclude treaties and agreements which shall enter into force after being approved by the Shura Council.

#### **Article 62**

The President of the State might discharge his authorities directly in relation to defence and foreign affairs.

#### **Article 63**

The President of the State might delegate some of his authorities or powers to the Prime Minister, the ministers and the governors in the way regulated by the constitution and the law.

#### **Article 64**

The President of the State might call the government for consultations about its work, and he chairs the meeting. He shall also chair the meetings of the government when it discusses foreign and defence policies.

#### **Article 65**

The President of the State might, if the House of Representative is dissolved, or when the two houses haven't convened, and in consultation with the Prime Minister, pass

decrees with the power of the law. These decrees shall be considered within seven days of the beginning of the next session in order for them to be approved or rejected.

No decrees on issues within the authority of the Shura Council might be passed.

#### **Article 66**

The President of the State, in consultation with the Prime Minister, and Speakers of the House of Representatives and the Shura Council, might declare the state of emergency when the country is threatened by national disaster, siege, or a danger which threatens the safety of society.

The National Assembly meets within seven days of declaring the state of emergency in an extraordinary session, upon the request of the President to decide whether it should continue or be lifted in accordance with provisions of the constitution. If the declaration was signed when the house was not in session, the house should be called for an emergency meeting, and within a period that doesn't exceed fourteen days of the date of declaring the state of emergency. The National Assembly shall be in a permanent session until the President of the State declares that state of emergency is over.

The state of emergency shouldn't extend for more than thirty days renewable only with the approval of the majority of the present members of the National Assembly; and in all cases the declaration of the state of emergency should state the objective, the region and the duration of the state of emergency in accordance with the law.

#### **Article 67**

The President, during the state of emergency, might not impose limitations on basic rights and freedoms except to the extent necessary to preserve the public safety of the country.

All the decisions and acts taken by the President during the state of emergency are subject to challenge before the courts.

#### **Article 68**

The President of the State might pass a decision to dissolve the House of Representatives in the following cases:

1. Upon a request presented by the Prime Minister with the approval of at least two thirds of the members of the government which includes good reasons related to the house's obstruction of public policy, development plans or obstructing the budget without real justifications. The President conducts his consultations in thirty days to bring viewpoints of the different parties closer and solve the problem. If a solution could not be reached, and the President rejected the request to dissolve the House, the government resigns.

If the President accepts the resignation of the government, the issue of dissolving the House shall be presented to a popular referendum (Yes or No), and with the approval of the majority of the voters, the President

passes his decision to dissolve the House of Representatives and announces early elections within sixty days. If the referendum rejected the solution, the government is considered resigned. If the referendum is not carried out on time, the House meets again on its own on the next day of the expiry date.

2. At least twenty four members of the House of Representatives might present a request to the speaker which includes good reasons to dissolve the House. The house meets within eight days of submitting the request to exam it, and the President of the State passes the decision to dissolve the house after the approval of at least an absolute majority of its members. Otherwise, the request shall be rejected, and no other request on the same subject might be presented during the same session.

The house might not be dissolved within its first year, or during the state of emergency.

### **Article 69**

The President of the State might pass the decision dissolving the government in the following cases:

1. The House of Representative approving with an absolute majority to withdraw confidence from the government in accordance with article 77.
2. The resignation of the Prime Minister;
3. Dissolving the House of Representative in accordance with article 68.

The existing government continues to be a caretaker government until a new government is formed in accordance with provisions of the constitution.

### **Article 70**

The President of the State might be accused of high treason or of violating the constitution upon a justified request presented by 36 members of the House of Representatives or 24 members of the Shura Council to the Speaker of the Shura Council. A hearing session shall be held to discuss this within three days of making the request, and the house makes its decision within eight days of accepting or rejecting the request with a majority of two thirds of its members in a secret ballot.

If the request is accepted, the Shura Council passes a decision to make the parliament recharge against the President of the State, lift his immunity, suspend him, and referring him to the constitutional court to decide on the subject. Its rolling shall be final and not subject to any challenge.

If he is convicted, the house passes a decision dismissing him, and the convicted remains subject for indictment, trial, sentence and punishment in accordance with the law.

In cases other than flagrante delicto in a felony or a dishonorable misdemeanor, and upon a justified request by the Attorney General accusing the President of committing a criminal act, the Shura Council holds a hearing and discussion session, and within fourteen days, the house makes its decision to accept or reject the request with the majority of members in a secret ballot.

If the request is accepted, the house passes its decision to lift the President's immunity, suspends him from work, and refer the case to the Attorney General to take legal action to bring him before the courts. If he is convicted, the house passes its decision to dismiss him.

## **II – The Government**

### **Article 71**

The government is the highest executive and administrative authority in the Libyan state. It consists of the Prime Minister, the ministers and deputy ministers.

### **Article 72**

The Prime Minister heads the government, supervises its work and guides it in discharging its duties. The law defines the general principles of organizing the ministries and other state bodies. The Council of Ministers discharges its authorities in accordance with the constitution, the laws and regulations.

### **Article 73**

Those appointed Prime Minister or member of the government should be Libyan Muslim, should not hold any other nationality, should enjoy his civil and political rights, and have completed thirty years of age, and not have been convicted in a final court ruling of a felony or a dishonorable misdemeanor.

### **Article 74**

The President of the State shall, within seven days of the meeting of the House of Representatives, ask a Prime Minister from the party or the coalition which obtained the highest number of seats to form the government.

### **Article 75**

The House of Representatives gives its confidence to the government in a secret ballot with the absolute majority of the members during the session in which it hears the government's action program presented by the Prime Minister within thirty days of being asked to form the government. If the government does not get absolute majority, it resigns, and the Prime Minister forms a temporary caretaker government responsible before him.

The House should deliberate within the first year either to give its confidence to the temporary government, or agree on a new government to which it gives its confidence. If the House does not reach a decision within one full year, it shall be dissolved, and the President of the State declares early elections within sixty days.

In all cases, forming the government should take into account the proper representation of all sections and social, cultural and linguistic components of the Libyan people.

### **Article 76**

After the House of Representatives gives its confidence to the government, according to article 75, the Prime Minister and the ministers swear an oath of allegiance to the homeland before the House of Representatives as follows: "I swear by Almighty God

to be faithful to the homeland, to respect the constitution and the laws of the country, and to discharge my duties faithfully and be faithful to the service of the homeland".

#### **Article 77**

Confidence shall be withdrawn from Prime Minister or one of the ministers with the approval of the absolute majority of the House of Representatives in a direct secret ballot. If confidence is withdrawn, the Prime Minister should present his government's resignation to the President of the State, and the house might withdraw its confidence from any minister with the approval of the absolute majority of its members.

The house shall not consider the request to vote on withdrawing confidence from the Prime Minister or a minister until after an interrogation session, and upon a written request presented by twenty four members in the case of the Prime Minister, and of twelve members in the case of a minister. This shall be discussed within 14 days of being presented and should be decided within three days after the end of the discussion.

#### **Article 78**

The term of office of the Prime Minister is four years and ends by the end of the term of the House of Representatives. When his term of office is over, or when the confidence is withdrawn from him, or when he resigns, or is dismissed, all the ministers shall be considered dismissed.

#### **Article 79**

The office of the Prime Minister, or the minister shall be considered vacant in the following cases:

1. Death;
2. Resignation;
3. Dismissal in accordance with article 82;
4. No confidence in a minister in accordance with article 77;
5. Being disqualified or incapable of carrying out his duties;
6. Loosing one of the conditions of being a candidate for the position.

The House of Representatives declares the vacancy, and President of the State passes a decision stating the fact.

#### **Article 80**

The Prime Minister or any of his ministers shall, within the first month of taking the oath and assuming of his office, declare his financial assets, and the assets of his wife or wives, and his minor children. The declaration should detail their fixed and movable assets, their credits and debits inside and outside Libya. The President of the State should also make financial statements at the end of every year and at the end of his term in office. All the decisions shall be kept by the House of Representatives.

#### **Article 81**

Neither the Prime Minister, minister, nor deputy minister might occupy during their term in office, any other public office or carry out any the other activity which might bring them financial rewards. They might not buy or rent state property, let or sell it any of their assets, barter with it over some assets, enter directly or indirectly into tenders or contracts concluded by the public administration, organizations or companies under the management or oversight of the state. Neither of them might be a member of the board of directors of any company or have any active part in any commercial or financial transaction. The law decides the salaries of the Prime Minister, the ministers and deputy ministers.

#### **Article 82**

The Prime Minister and the ministers enjoy immunity; and in the case of committing high treason or violating the constitution, what applies to members of the House of Representatives applies to them; and the indictment shall be made by the House of Representatives in accordance with article 34.

#### **Article 83**

The government might not borrow, obtain funding, or shift allocations from one budget item to another except after being approved by the House of Representatives and the Shura Council.

#### **Article 84**

Distributing authorities:

The authorities of the council of ministers:

1. Implementing the government program approved by the House of Representatives;
2. Preserving the security the homeland and protecting the rights of citizens and ensuring respect for laws and regulations;
3. Proposing draft laws and draft law amendments;
4. Preparing the draft law of the public budget;
5. Organizing state companies, institutions and bodies on their different levels, supervising and following them up;
6. Discussing the proposals, plans and policies of every ministry within its area of work;
7. Passing bylaws, organization and executive rules, and organizational rules of public utilities;
8. Appointing deputy ministers and civilian and military officials upon a suggestion from the relevant minister;
9. Any other authorities provided war by the constitution or by the laws;
10. Passing the necessary regulations to implement its authorities.

The authorities of the Prime Minister:

1. Passing the necessary regulations to implement the laws in a manner that does not obstruct, amend or exempt from their implementation. He can authorize others to pass such regulations unless the law itself specifies who passes the necessary regulations for its implementation;

2. Passing the necessary decisions to create public utilities and organizing them after obtaining the approval of the council of ministers;
3. Any other authorities which might be provided for by the constitution or the laws.

The Authorities of the Minister:

1. The minister is responsible for drawing the policy of his ministry within the general framework of the public policy of the state and in coordination with all relevant bodies, and he continues to implement those policies through guidance and oversight;
2. Any other authorities which might be stipulated by the constitution or the law.

The Authorities of the Deputy Minister:

1. Following up work at the ministry in a manner that ensures institutional stability and improving proficiency in implementing its policies;
2. Any other authorities that might be provided for by the constitution or the laws.