

Amendment No. (5) of the Interim Constitutional Declaration

The General National Congress (GNC)

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and its amendments;
- The rules of procedure of the GNC;
- Law No. (17) of 2012 on the rules for national reconciliation and transitional justice, and its amendments;
- GNC Resolution No. (17) of 2012 approving the principle of institutional reform and political and administrative isolation;
- GNC Resolution No. (9) of 2012 on beginning elections for the Constitutional Drafting Assembly (CDA) through free direct ballot;
- The ruling of the constitutional circuit of the Libyan Supreme Court concerning Constitutional Amendment No. (3) of 2012 issued on 5 July 2012;
- The results reached by the GNC in its seventy-ninth ordinary session held on 9/04/2013;

The following amendment was issued:

Article (1)

A new paragraph shall be added to Article 6 of the interim Constitutional Declaration issued on 3 August 2011, the text of which shall read as follows:

"The isolation of some persons and banning them from sovereign offices and leadership posts in the State's higher departments for a temporary period of time pursuant to a law issued to such effect, and which does not prejudice the right of the persons concerned to appeal, shall not be deemed a violation of the provisions of this declaration."

Article (2)

Votes on political and administrative isolation laws shall pass by a majority of 101 GNC members.

Article (3)

The text of Article 1, Paragraph 6 of Constitutional Amendment No. 1 of 2012 shall be amended as follows:

Within a maximum of 90 days from its first session, the GNC shall:

1. Appoint a prime minister, who shall in turn nominate his government's ministers, provided that all such members are granted confidence by the GNC before exercising their function as an interim government. The GNC shall also appoint the heads of sovereign functions.
2. Reconstitute the High National Elections Commission (HNEC) to elect a constituent assembly, called the Constitutional Drafting Assembly (CDA), through direct free ballot from among non-members, in order to draft a permanent constitution for the country. It shall be composed of sixty members after the model of the Committee of Sixty, which was established to draft the constitution of Libya's independence in 1951.

Pursuant to a special law, the GNC shall be responsible for setting the criteria and rules for its election, taking into account the need to represent the distinct linguistic and cultural components of Libyan society.

In all cases, decisions of the CDA require a majority of two-thirds plus one. The constitution shall be drafted and adopted within a maximum of 120 days from the opening of the first session.

Article (4)

This amendment shall be published in the Official Gazette, and any contrary provision shall be abolished. It shall enter into force as of its date of issuance.

General National Congress -- Libya

Issued in Tripoli

1 Jumada al-Akher 1434 AH

Corresponding to 11 April 2013