

## Constitution of Libya

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## Introduction

The Following report entails the primary clauses of the Constitution of the State of Libya as recognized by the United Nations in light of (1) Form of Government. (2) Constitutional Institutions and Ministries. (3) Procedure for selection of Head of State and Head of Executive. (4) Provisions for Declaring Emergency and Martial Law. (5) Provisions related to judicial Law

## Form of Government

The Government of National Accord is an interim government for Libya that was formed under the terms of the Libyan Political Agreement, a United Nations-led initiative, signed on 17 December 2015. The agreement was unanimously endorsed by the United Nations Security Council, which welcomed the formation of a Presidency Council for Libya and recognized the Government of National Accord as the sole legitimate executive authority in Libya.

The Revolutionary Command Council constitutes the supreme authority in the Libyan Arab Republic. It will exercise the powers attached to national sovereignty, promulgate laws and decrees, decide in the name of the people the general policy of the State, and make all decisions it deems necessary for the protection of the Revolution and the regime.

## Constitutional Institutions

The Government of National Accord under the Libyan Political Agreement comprises a Cabinet of Ministers and a Presidential Council. The Presidential Council, made up of nine members and chaired by the Prime Minister, acts collectively as head of state and supreme commander of the armed forces, appointing thus the country's military leadership. According to the agreement, the Presidential Council presides over the Cabinet of Ministers, also based in Tripoli, and also appoints its members. The Ministries are as follow:

(A) Prime Minister of Libya. (B) Deputy Prime Minister. (C) Minister of Finance. (D) Minister of Justice. (E) Minister of Health. (F) Minister of Interior. (G) Minister of Education. (H) Minister of Foreign Affairs. (I) Minister of Defense. (J) Planning Minister. (K) Minister of Social Affairs. (L) Minister of Economy & Industry. (M) Minister of Labour. (N) Minister of State for Women's Affairs and Development. (O) Minister of State for Martyrs, Wounded and Missing. (P) Minister of State for Institutional Reform. (Q) Minister of State for National Reconciliation. (R) Minister of State for Migrants and Displaced.

#### Elections and Head of State

The Revolutionary Command Council appoints the President\* and the Council of Ministers. It may appoint deputies for the Prime Minister and Ministers without portfolio. It may discharge the Premier and Ministers and accept their resignation. But the resignation of the Premier carries with it the resignation of all Ministers

Since 2011, Libya's path to democracy has been unclear. The United Nations' (UN) inability to bring warring factions to the negotiating table has left the country in chaos. While negotiations have failed, the UN is pushing to hold elections in 2018.

#### Provisions for Emergency and Martial Law

The Revolutionary Command Council shall make decisions concerning martial law or the state of emergency whenever there is a threat to the internal or external security of the State and whenever the Revolutionary Command Council deems it necessary for the protection and defense of the Revolution.

### Provisions of Judicial Review

The aim of judicial decisions shall be the protection of the principles of the community and the rights, dignity, and freedom of individuals.

Judges shall be independent. In the exercise of their functions, they shall be free from any authority except that of the law and their conscience

- (a) Crime and penalty are only determined by law.
- (b) The penalty is personal.
- (c) The defendant shall be presumed innocent until proven guilty. All necessary guarantees for the exercise of his defense shall be provided. The accused or imprisoned shall not be subjected to mental or physical harm.

### References:

- <https://www.refworld.org/docid/3ae6b5a24.html>
- <https://www.atlanticcouncil.org/blogs/menasource/how-to-hold-elections-in-libya>