

PUBLIC

ANNEX 8.9

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Le Bureau du Procureur

The Office of the Prosecutor

ICC Restricted

Translation of Evidence

Original Document

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Annex 14**CONSTITUTIONAL DECLARATION*****Revolutionary Command Council****In the Name of the Arab People in Libya**

Who pledged to restore their freedom, enjoy the wealth of their land, live in a society in which every loyal citizen has the right to prosperity and well-being, who are determined to break the restraints which impede their growth and their development, who will stand with their brothers from all parts of the Arab Nation in the struggle for the restoration of every inch of Arab land desecrated by imperialism and for the elimination of all obstacles which prevent Arab unity from the Gulf to the Ocean.

Who believe that peace cannot be achieved without justice, who are conscious of the importance of strengthening the ties which unite them with all the people of the world who are struggling against imperialism; who understand fully that the alliance of reaction and imperialism is responsible for their underdevelopment despite the abundance of their natural resources, and for the corruption which spread through the governmental apparatus; who are conscious of their responsibility in the establishment of a national, democratic, progressive, and unitary government.

In the name of the popular will, expressed on 1 September 1969 by the Armed Forces who overthrew the monarchical regime and proclaimed the Libyan Arab Republic in order to protect and strengthen the Revolution until it attains its objectives of freedom, socialism, and unity.

The present Constitutional Declaration is made to provide a basis for the organisation of the state during the phase of completion of the national and democratic revolution, until a permanent constitution is prepared, defining the objectives of the Revolution and outlining the future course.

Chapter I

The State

Article (1)

Libya is an Arab, democratic, and free republic in which sovereignty is vested in the people who are part of the Arab nation and whose goal is total Arab unity.

The Libyan territory is a part of Africa, and its name is the Libyan Arab Republic.

* Published in a special issue of the Official Gazette issued on 15/12/1969.

Article (2)

Islam is the religion of the State and Arabic is its official language.

The State protects religious freedom in accordance with established customs.

Article (3)

Social solidarity constitutes the foundation of national unity.

The family, based on religion, morality, and patriotism, is the foundation of society.

Article (4)

Work in the Libyan Arab Republic is a right, a duty, and an honour for every able-bodied citizen.

Public functions are the duty of those who are put in charge of them. The goal of the state employees in discharging their duties is to serve the people.

Article (5)

All citizens are equal before the law.

Article (6)

The aim of the state is the realisation of socialism through the application of social justice, which forbids any form of exploitation.

The state endeavours, through the edification of a socialist community, to achieve self-sufficiency in production and equity in distribution. Its aim is to eliminate peacefully the disparities between social classes and to attain a society of prosperity. Its inspiration is its Arabic and Islamic heritage, humanitarian values and the specific conditions of the Libyan society.

Article (7)

The state will endeavour to liberate the national economy from dependence and foreign influence, and to turn it into a productive national economy, based on public ownership by the Libyan people and on private ownership by individual citizens.

Article (8)

Public ownership is the basis of the development of society, of its growth and of self-sufficiency in production. Private ownership, if it is non-exploitative, is protected.

Expropriation will take place only in accordance with the law. Inheritance is a right which will be governed by the Islamic Sharia.

Article (9)

The state will institute a system of national planning covering economic, social, and cultural aspects. The State will maintain cooperation between the private and public sectors to achieve the goals of economic development.

Article (10)

The creation of honorary titles and civilian ranks is prohibited. All titles granted to the members of the former dynasty and to followers are abolished.

Article (11)

The extradition of political refugees is prohibited.

Article (12)

Homes are inviolable and shall not be entered or searched except under the circumstances and conditions defined by the law.

Article (13)

Freedom of opinion is guaranteed within the limits of public interest and the principles of the Revolution.

Article (14)

Education is a right and a duty for all Libyans. It is compulsory until the end of the primary school. The State guarantees this right through the establishment of schools, institutes, and universities, and of pedagogical and cultural institutions in which education is free. The creation of private schools will also be regulated by law.

The State is particularly anxious to enhance the physical, intellectual, and moral development of the youth.

Article (15)

Health care is a right guaranteed by the State through the creation of hospitals and health establishments in accordance with the law.

Article (16)

Defence of the homeland is a sacred duty. Military Service is an honour for the Libyan people.

Article (17)

No tax will be imposed, modified, or cancelled.

No one will be exempted from paying taxes except in accordance with the law.

Chapter II System of Government

Article (18)

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. These decisions will come in the form of constitutional declarations, laws, orders or decisions and anything decided upon by the Revolutionary Command will not be challenged before any party.

Article (19)

The Revolutionary Command Council appoints the President and the Cabinet. 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. The Cabinet insures the execution of the general policy of the State in accordance with the decisions of the Revolutionary Command Council. The Cabinet is collectively responsible before the Revolutionary Command Council. Each Minister is responsible for his department before the Prime Minister.

Article (20)

The Cabinet shall study and prepare all draft laws within the framework of the general policy outlined by the Revolutionary Command Council, which will review and promulgate them.

Article (21)

Matters relative to the general budget of the State are instituted by law and those concerning the final accounts are subject to ratification by the Revolutionary Command Council.

Article (22)

The Revolutionary Command Council may whenever they see fit, at the request of its President or two of its members, hold a joint meeting with the Cabinet.

Article (23)

The Revolutionary Command Council shall declare war, conclude and ratify treaties and agreements, unless it authorizes the Cabinet to do so.

Article (24)

The Revolutionary Command Council shall appoint or dismiss the political representatives of the Libyan Arab Republic abroad, and it shall receive the credentials of heads of foreign political missions. It shall establish the public interests, and appoint or dismisses senior staff in accordance with the law.

Article (25)

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 defence of the Revolution.

Article (26)

The State alone is empowered to establish the Armed Forces.

The Armed Forces in the Libyan Arab Republic fall under the people, and they are the tool the people have to ensure the protection, security and safety of its territory and its republican system, and safeguard its national unity.

The Armed Forces are fully subject to the supervision of the Revolutionary Command Council.

Article (27)

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

Article (28)

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.

Article (29)

Judgments are pronounced and executed in the name of the people.

Article (30)

Everyone has the right to resort to the Courts in accordance with the law.

Article (31)

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

Article (32)

A pardon or a commutation of the sentence shall be given upon judgement by the Revolutionary Command Council, whereas amnesty is in accordance with the law.

Chapter III

Miscellaneous and Transitory Provisions

Article (33)

The Constitution of 7 Oct 1951, its amendments, and all related consequences are annulled.

Article (34)

All existing provisions of laws, decrees, and regulations which are not in conflict with the provisions set forth in this Constitutional Declaration remain in effect.

References to the jurisdiction of the King and the Parliament in these laws shall be regarded as references to the Revolutionary Command Council and reference to the kingdom shall be regarded as reference to the Republic.

Article (35)

Decisions, statements, and orders issued by the Revolutionary Command Council since September 1969 and before the issue of this Constitutional Declaration shall have the power of law.

All laws in force that are in conflict with its provisions shall be annulled, and shall be annulled or amended only in accordance with the procedure defined in the present Constitutional Declaration.

Article (36)

New laws shall be published in the Official Gazette and they shall be in effect at the date of publication unless it is otherwise stated.

Article (37)

The present Constitutional Declaration shall be in effect until a permanent constitution is issued. It will be amended by the Revolutionary Command Council only in case of necessity and in the interests of the Revolution.

This Declaration is to be published in the Official Gazette.

Revolutionary Command Council

Issued on 2 Shawwal 1389 AH, or
11 December 1969 CE