

II. — LIBYE

I. — Remaniements ministériels et nouveaux gouvernements

Le gouvernement en place au début de l'année 1969 est celui du 4 septembre 1968 :
cf. A.A.N. (VII), 1968 : 715.

Remaniement ministériel du 9 juin 1969 :

Ministre de l'intérieur : M. Matuq ADAM.
Ministre de l'économie et du commerce : M. Ali Ahmed ATIQA.
Ministre des communications : M. Ahmed Yunis NAJM.
Ministre du Plan et du développement : M. Omar BEN 'AMER.
Ministre du tourisme : M. Hussein el-GHANNAY.
Ministre des affaires étrangères : M. Ali HASANAYN.
Ministre de la santé : M. Salem el-QADI.
Ministre des affaires civiles : M. Masoud BUQAYQIS.

Nouveau gouvernement du 8 septembre 1969 :

Premier ministre et ministre des finances, de l'agriculture et de la réforme agraire :
Dr. Mahmoud Soleiman el-MAGHRABI.
Ministre de l'unité et des affaires étrangères : M. Salah BUISSIR.
Ministre de la défense : Colonel Adam el-HAWAZ.
Ministre de l'intérieur : Lt-colonel Ahmed MUSA.
Ministre du pétrole, du travail et des affaires sociales : M. Anis Ahmed CHTIOUI.
Ministre de l'économie, du Plan et de l'industrie : M. Ali AMICHE.
Ministre de l'éducation et de l'orientation nationales : M. Mohammed el-CHTIOUI.
Ministre de la justice : M. Mohammed Ali el-DJEDI.
Ministre de la santé, des travaux publics et des communications : Dr. Ahmed el-OUSTA
OMAR.

Remaniement ministériel du 21 septembre 1969 :

M. Mustafa Abdallah BEN 'AMER est nommé ministre de l'éducation et de l'orientation nationales en remplacement de M. Mohammed el-CHTIOUI, démissionnaire.

Remaniement ministériel du 16 octobre 1969 :

M. Omar el-HADI RAMDAN est nommé ministre des travaux publics et des communications; le docteur el-OUSTA OMAR conserve le portefeuille de la santé.

Remaniement ministériel du 22 octobre 1969 :

M. Djamma Messaoud CHARHA est nommé ministre de l'agriculture et de la réforme agraire, portefeuille détenu jusque là par le Premier ministre.

Remaniement ministériel du 28 novembre 1969 :

M. Mansour Rachid el-KIKHIA est nommé sous-secrétaire d'Etat aux affaires étrangères.

Remaniement ministériel du 3 décembre 1969 :

M. Ahmed Radjab FITUR est nommé ministre de l'éducation et de l'orientation nationales en remplacement de M. Mustapha Abdallah BEN 'AMER, démissionnaire.

Remaniement ministériel du 10 décembre 1969 :

Le colonel QADDHAFI, président du C.C.R., prend les portefeuilles de la défense et de l'intérieur, à la suite de l'arrestation du colonel el-HAWAZ et du lieutenant-colonel MUSA, pour tentative de complot.

2. — Composition du Conseil de Commandement de la Révolution (C.C.R.)

Président : Colonel Mammar QADDHAFI (1).

Membres (2) :

Capitaine Abdesselam DJALLOU.
 Capitaine Mokhtar Abdallah el-QARAOU.
 Capitaine Bachir Seghir HAOUADI.
 Capitaine Abd el Moneim Et Tahir MUNI.
 Capitaine Mustafa el-KHARRUBI.
 Capitaine Hamidi KHOULDI.
 Capitaine Mohammed NADJM.
 Capitaine Awad Ali HAMZA.
 Capitaine Abou Bakr Yunis DJABIR.
 Lieutenant Omar Abdallah MEHEICHI.
 Lieutenant Mohammed Abou Bakr MUQAYREF.

3. — Proclamation constitutionnelle de la République Arabe Libyenne (11 décembre 1969) ⁽³⁾

THE REVOLUTIONARY COMMAND COUNCIL,
 IN THE NAME OF THE ARAB PEOPLE IN LIBYA

Who are determined to recover their liberty, to enjoy the blessings of their soil, to live in a social organization wherein prosperity and well-being are the inalienable right of every faithful citizen, to break the fetters that hitherto inhibited their freedom

(1) Le capitaine QADDHAFI a été élevé au grade de colonel et nommé commandant en chef des forces armées, par le C.C.R., le 8 septembre 1969.

(2) Outre les personnalités dont les noms suivent, le colonel Adam el-HAWAZ et le lieutenant-colonel Ahmed MUSA auraient également fait partie du C.C.R., avant leur arrestation, le 10 décembre 1969.

(3) On trouvera ici la traduction officielle en langue anglaise de ce document (*Supreme Court Journal*, nos 1-2-3, avril 1970, volume VI).

of thought and positive action, to stand united with their brothers in all parts of the Arab Fatherland in the struggle for liberation of every palm of land defiled by imperialism and remove any impediment which may stand in the way of Arab unity from the Arab Gulf to the Atlantic Ocean;

And who firmly believe that peace cannot stand unless conceived in justice and fully appreciate the importance of substantiating the ties which bind them to all peoples committed to the struggle against imperialism and are conscious that the alliance between reaction and imperialism has been responsible for want of progress suffered despite abundance of national resources, and for corruption which has been rife in the system of government, and mindful of their task of establishing a national democratic and progressive as well as unitary form of government;

And in the name of the popular will expressed through the armed forces on the First of September 1969, by the overthrow of the monarchy and the proclamation of the Libyan Arab Republic;

And in order to protect and sustain their revolution in its determined endeavour to realise its objectives of liberty, socialism and unity;

Do hereby promulgate this Constitutional Declaration so that the same shall serve as the basis of government in the process of fully establishing the national democratic Revolution and until such time as a permanent constitution incorporating the achievements and defining the future course of the Revolution is drawn :

PART I

THE STATE

ART. 1. — Libya is a free Arab Democratic Republic and sovereignty therein is vested in THE PEOPLE who are part of the Arab Nation and whose aim is full Arab unity. Its territory is a part of Africa and its name is the Libyan Arab Republic.

ART. 2. — The religion of the State is Islam and its official language is Arabic.

Freedom of worship, in conformity with established custom, is safeguarded by the State.

ART. 3. — Social integration shall be the basis of national unity. The family, duly guided by religion, morality and patriotism, shall be the basis of the Libyan social organization.

ART. 4. — Work in the Libyan Arab Republic is the right and honourable duty of every able citizen.

Public office is a mandate to its holders and State officials shall, in the performance of their respective functions and duties, commit themselves to the service of THE PEOPLE.

ART. 5. — All citizens are equal before the Law.

ART. 6. — The State's aim is to achieve socialism through the establishment of social justice which precludes exploitation irrespective of its form.

With a view to the peaceful dissolution of class distinctions and the creation of a welfare society, the State shall strive, through the promotion of proper social relations in the community, to achieve sufficiency in production and justice in distribution and shall be guided, in the application of socialism, by its Arab and Islamic tradition and its human values as well as by the circumstances of the Libyan social organization.

ART. 7. — The State shall strive to free its economy from foreign subservience and influence and convert it into a truly national and prolific economy dependent on public and private ownership vested in THE LIBYAN PEOPLE and its individual persons respectively.

ART. 8. — Public ownership is vested in THE PEOPLE: the fundamental basis for evolution and development of the social organization and for achievement of sufficient

productivity, while private unexploited ownership shall be safe and shall not be expropriated save in conformity with the Law.

Inheritance is a right subject to the Islamic Doctrine.

ART. 9. — The State shall lay down a comprehensive system of national economic, social and cultural planning. Due regard, in the guidance of national economy, shall be given to cooperation between the public and the private sectors so that the desired objects of economic development may be secured.

ART. 10. — Creation of civil titles and distinctive ranks shall be prohibited. All titles previously granted to members of the former royal family and its retinue are considered abolished.

ART. 11. — Extradition of political refugees is hereby prohibited.

ART. 12. — Homes are inviolable. They may neither be entered nor searched save under the circumstances and according to the methods prescribed by Law.

ART. 13. — Freedom of opinion is guaranteed to the limits consistent with the interest of THE PEOPLE and the principles of the Revolution.

ART. 14. — Education is a right and duty of every Libyan citizen and is compulsory to the final stage of primary education. The State shall guarantee the same by providing schools, institutes, universities and cultural as well as pedagogic organizations wherein education shall be free. Cases in which private schools may be established shall be regulated by law.

The State shall give due regard to the physical, mental and moral guidance of the young.

ART. 15. — Health care is a right guaranteed by the State through the provision of hospitals and clinical facilities according to law.

ART. 16. — Defence of the Fatherland is a sacred duty, and military service is an honour to Libyans.

ART. 17. — No tax may be imposed, amended or abolished save by law, and no person, in other than the cases prescribed by law, may be exempted from payment of taxes.

No duties may be levied from any person except as prescribed by law.

PART II

SYSTEM OF GOVERNMENT

ART. 18. — The Revolutionary Command Council is the highest authority in the Libyan Arab Republic. The said Council shall, on behalf of THE PEOPLE, exercise acts of sovereignty, enact legislation and lay down the general policy of the State. It may, in this capacity, take such measures as it deems needful for the protection of the Revolution and of the system upon which it is based. These measures shall be provided in the form of constitutional proclamations, laws, ordinances or decisions, and no appeal may lie therefrom before any department judicial or otherwise.

ART. 19. — The Revolutionary Command Council shall appoint a council of ministers composed of a prime minister and ministers and may likewise appoint deputy prime ministers and ministers without portfolio.

The Revolutionary Command Council may recall the prime minister and the ministers as well as accept their resignation from office.

Resignation from office by the prime minister shall entail the resignation of the council of ministers. The council of ministers shall carry out the general policy of the State as laid down by the Revolutionary Command Council and shall be responsible for all its acts before the Council mentioned. Without prejudice to the collective responsibility of the council of ministers, every minister shall be responsible for the acts of his respective Ministry to the prime minister.

ART. 20. — Subject to the policy laid down by the Revolutionary Command Council, all draft legislation shall be thoroughly studied and prepared by the council of ministers and shall in due course be submitted to the Revolutionary Command Council to be seen and promulgated.

ART. 21. — The State general budget shall issue by law and the State budget final account shall be accredited by resolution of the Revolutionary Command Council.

ART. 22. — The Chairman of the Revolutionary Command Council or any two members thereof may summon the said Council and the council of ministers to a joint session whenever they consider fit.

ART. 23. — The Revolutionary Command Council is empowered to declare war and to make and ratify treaties save where it considers fit to delegate this power to the council of ministers.

ART. 24. — The Revolutionary Command Council is vested with power: to appoint and recall diplomatic envoys of the Libyan Arab Republic, to accredit heads of foreign diplomatic missions to Libya, to create public departments and to appoint and remove senior officials in accordance with the law.

ART. 25. — Martial law or the state of emergency shall be proclaimed by resolution of the Revolutionary Command Council whenever the State's internal or external security is imperilled and whenever the same is considered essential for safeguarding the Revolution and ensuring its security.

ART. 26. — The State alone can levy armed forces. THE PEOPLE have sole title to the armed forces of the Libyan Arab Republic. These forces are THE PEOPLE'S provision for ensuring the protection of the country and of its peace and the security of its territories and republican system and for safeguarding its national unity. The armed forces are subject to full control of the Revolutionary Command Council.

ART. 27. — The judiciary shall, by its judgments, strive to safeguard the principles of the Libyan social organization, the rights of the individuals and their dignity and liberties.

ART. 28. — Judges are independent and are, in their judgments, subject to no influence other than that of the law and their conscience.

ART. 29. — Judgments are passed and executed in the name of THE PEOPLE.

ART. 30. — Every person is entitled to have recourse to the courts of justice in accordance with the Law.

ART. 31.

— A) There shall be no crime or penalty save by a provision of law.

— B) Penalty is personal.

— C) An accused person shall be deemed innocent until proved guilty. He shall be ensured all guarantees necessary to exercise the right of defence. And no accused or prisoner may be subjected to bodily or moral harm.

ART. 32. — Penalty can be remitted wholly or in part by resolution of the Revolutionary Command Council, while amnesty can be granted by law.

PART III

MISCELLANEOUS AND INTERIM PROVISIONS

ART. 33. — The constitutional organization created under the Constitution promulgated on 7 October 1951 g. and all amendments and effects thereof are hereby abolished.

ART. 34. — All provisions under any laws and legislation in force shall remain binding and effective in so far as they are not inconsistent with the provisions of this Constitutional Declaration.

Any reference in the laws and legislation mentioned to the competence and powers of the king or the parliament shall be deemed as reference to the Revolutionary Command Council, and every reference therein to the Monarchy shall be considered as reference to the Republic.

ART. 35. — All resolutions, proclamations and orders passed by the Revolutionary Command Council since the First of September 1969 g. and before this Constitutional Declaration shall have the force of law.

ART. 36. — Laws shall be published in the official gazette and shall take effect from the date of publication thereof unless otherwise provided.

ART. 37. — This Constitutional Declaration shall remain in force until such time as the Permanent Constitution is promulgated and shall not be amended save by another constitutional declaration emanating from the Revolutionary Command Council where the Council considers the same to be necessary and in keeping with the interest of the Revolution.

This Declaration shall be published in the official gazette.

THE REVOLUTIONARY COMMAND COUNCIL.

Promulgated on 2 Shawwal, 1389 h.
Corresponding to 11 December 1969 g.