

**Security Council**

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Letter dated 7 November 2014 from the Permanent Representative of Libya to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I am writing to you, in your capacity as the President of the Security Council for the month of November, on the latest developments in Libya.

In the context of the ongoing crisis in Libya, the Libyan House of Representatives issued yesterday, 6 November 2014, a statement regarding the verdict of the Constitutional Chamber of the Supreme Court adopted at its session held in Tripoli on 6 November 2014 (see annex). The verdict states the unconstitutionality of paragraph 11 of the seventh amendment of the Constitutional Declaration adopted on 11 March 2014, and its consequences. It was interpreted by the media as meaning the dissolution of the House of Representatives.

The Libyan House of Representatives, in its statement, rejected the verdict due to the following reasons.

First, the Constitutional Chamber of the Supreme Court has absolutely no jurisdiction over the Constitution, which means that this verdict has no legal effect and is invalid and contrary to the law (jurisdiction on the mandate of the Supreme Court is enclosed).*

Second, the verdict was adopted at the Supreme Court headquarters in the capital city of Tripoli, which has been under the rule of the militias since August 2014 and completely out of the control of the legitimate interim Government. This fact was declared by the Prime Minister and clearly confirmed by the President of the Libyan House of Representatives in his speech before the General Assembly on 27 September 2014. It is very evident that the Supreme Court was under threat and that the verdict was issued at gunpoint.

Finally, I would like to clearly point out that the crisis in Libya is not a legal one, but rather a political one in which militias are using force to seize power and undermine the political process that aims at establishing a secure, stable and democratic State.

Needless to say, any attempt to undermine the elected legitimate authorities in Libya will bring more bloodshed and chaos and will delay the end of the transitional period.

* The legal text referred to is on file with the Secretariat and is available for consultation.



The Libyan people will always count on the support and the wisdom of the members of the Security Council to accomplish their aspiration for democracy and rule of law.

I kindly request that the present letter and its annex be circulated to the members of the Security Council and issued as a document of the Council.

(Signed) Ibrahim O. **Dabbashi**
Ambassador
Permanent Representative

Annex to the letter dated 7 November 2014 from the Permanent Representative of Libya to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Statement of the Libyan House of Representatives

With regard to the judgement of the Constitutional Chamber of the Supreme Court concerning the unconstitutionality of paragraph 11 of the seventh constitutional amendment, which amends article 30 of the Constitutional Declaration.

The Libyan House of Representatives has taken note of the judgement issued by the Constitutional Chamber of the Supreme Court at its session held in Tripoli on 6 November 2014 regarding constitutional appeal No. 61/17-*qaf*. The judgement states that paragraph 11 of the seventh amendment adopted on 11 March 2014 is unconstitutional, as are all of its effects.

The House of Representatives stresses that it would be incorrect and contrary to the law to say that the unconstitutional nature of the amendment could result in the dissolution of the House of Representatives. The Constitutional Chamber of the Supreme Court has ruled on a provision of the Constitution, something that it is not allowed to do; its competence extends only to appeals regarding laws, as opposed to appeals regarding the Constitution.

The House of Representatives was established and assumed power in Libya in accordance with the will of the Libyan people, which was expressed through direct, free and legitimate elections.

Moreover, since the city of Tripoli is beyond the control of the Government, and is ruled over by armed militias that do not recognize the legitimacy of the State, it follows that the judgement was issued under the threat of arms.

The House of Representatives therefore rejects the judgement issued under such circumstances. The House and the interim Government that it has formed will continue to function as the sole legislative and executive authorities in Libya.

The House of Representatives fully rejects all of the absurd attempts made by certain media outlets to cause chaos and disturbances in order to undermine its legitimacy and endanger national unity with the purpose of creating a political and constitutional vacuum. It will respond to those attempts firmly and decisively, drawing on the strength, fortitude and resolve of our great people.

Long live Libya, free and united!
