



LIBYA

FINAL REPORT

**General National Congress Election
7 July 2012**

EUROPEAN UNION ELECTION ASSESSMENT TEAM

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I. SUMMARY

1. At the invitation of the Government of Libya and of the High National Election Commission (HNEC), the European Union established an Election Assessment Team (EU EAT) for the election to the General National Congress of 7 July 2012. In view of the security situation and the population distribution in the country, the EU considered the EAT format to be more suitable than a standard Election Observation Mission (EU EOM). The EU EAT Libya 2012 was led by Mr Alexander Lambsdorff, a member of the European Parliament. Mr Lambsdorff visited Libya from 20 June to 23 June and from 5 to 10 July. 21 Election Experts, nationals of 19 Member States of the European Union (EU), were deployed to eleven out of the 13 districts in Libya, in order to assess the electoral process under Libyan laws and the international standards for democratic elections. The EU EAT is independent in its conclusions and adheres to the UN Declaration of Principles for International Election Observation.

2. The election to the General National Congress (GNC) was an essential step in the process of the democratic transition initiated after the Revolution. So far, political and institutional bodies, together with civil society, have shown a clear willingness to anchor sustainable democratic principles in the country. This consensus, developed in a context of greater freedoms, made possible the election of 7 July and reinforced the role played by the Libyan people in their powerful support for democratisation.

3. The period of transition was led by the National Transitional Council (NTC). This body, recognised by the international community, was composed of members appointed by local councils, anti-Qadhafi forces, and headed by the Former Minister of Justice. The NTC passed legislation excluding all its members, all persons in governmental positions, local council members and election administration officials from standing in the election for the General National Congress. The NTC functioned as a sort of

proto-parliament in order to rule in the absence of democratically elected bodies, the General People's Congress of the former regime having been disbanded immediately after the Revolution.

4. The Libyan constitutional and legal framework complies with international standards and best practices for democratic elections, although it provided only the basic provisions for the holding of elections. In particular it contains measures to protect civil and political rights, including freedom of expression and association and the right to universal suffrage. Nonetheless, in order for the significant loopholes existing in the legal framework not to impede its effective implementation, numerous *ad hoc* HNEC regulations had to be adopted. Although operationally justifiable, this resulted in a highly fragmented and fluid legal framework undermining legal certainty.

5. The HNEC was mandated to organise, conduct and supervise the election to the GNC and announce its final results. Its term expired upon the announcement of final results. The HNEC consisted of a Board of Commissioners of 10 members appointed by the NTC, a Central Administration and Sub-commissions in all 13 districts. The HNEC is to be commended for the gender balance achieved in polling stations personnel, although women were underrepresented in senior management positions in the election administration, including at District Sub-commissions.

6. An active voter registration exercise conducted by the HNEC guaranteed the overall right to universal suffrage and was assessed to be inclusive and credible. It was largely accepted by stakeholders as being accurate, and apart from the legal exclusion of the military, there were no other restrictions to the registration process. Out of 2,865,937 Libyans who registered, 1,294,357 were women, representing 45 per cent of the total. It was noted that voter information regarding registration details lacked clarity. Many voters were not aware that the sub-constituency registration location would also be the sub-constituency where they would vote. Commendable efforts were made to include the expatriate Libyan community by means of the organisation of an Out-of-Country Voting exercise. However, significant communities of Libyan expatriates located in Egypt and Tunisia did not benefit from Out-of-Country Voting in these two neighbouring countries.

7. In total 3,707 candidates stood for election. Of these, 1,206 ran on 377 lists, while the remaining 2501 stood as individual candidates in the 73 constituencies in Libya. Four political entities were present in between 17 and 19 constituencies out of 20: National Forces Alliance, Justice and Construction, Union for the Homeland, and Al-Watan.

8. A regulation on campaign financing issued by the HNEC's Board of Commissioners stated that political entities and individual candidates were entitled to accept financial donations from Libyan citizens and legal entities but were forbidden from accepting public or foreign monies. Any breach of this prohibition or a failure to provide financial reports, forgery or obstruction, would be considered criminal offences and could lead to the winning candidate being stripped of his elected seat. Compliance with the regulation should be verified by HNEC within 15 days after the declaration of final results.

9. The courts gave due consideration to complaints and appeals in the pre-election period challenging candidates' nomination and adjudicated them in an impartial, although not always systematic manner. However, the deadlines for filing complaints to the election administration and the courts were too short to fully guarantee effective legal redress. The only complaints challenging voter registration were filed in Al-Kufra and, despite their late submission, were considered by the court, which ordered the removal from the voter lists of 1,008 voters, all registered in two particular polling centres.

10. The HNEC published Preliminary Results on 17 July. On 1 August Final Results were declared in an incomplete manner: the declaration did not state, district by district and PS by PS, the invalid, the blank, the spoiled and the cancelled ballots. The results do not display evidence of fraud in the majority of cases, corroborating the general picture of a good quality election. In some specific areas, however, irregular patterns were detected, affecting 1.76% of the total of polling stations and the allocation of 13 seats.

11. According to the Final Results of the elections, the National Forces Alliance won 39 seats out of the 80 allocated to the political entities. The Justice and Construction Party obtained 17 seats. The National Front gained three seats, the National Centrist Party won two, the Union for the Nation won two, and Wadi Al-Haya for Democracy and Development took two seats. 15 other political entities obtained one seat each. In the majoritarian race that elected 120 individual members to the GNC in 69 out of 73 majoritarian constituencies, only one woman gained a seat.

12. The 18 days of the campaign, from 18 June to 5 July, were relatively peaceful. Political entities held discrete campaigns based on the personalities of their candidates or leaders, without distinct political messages or any obvious campaign strategies. The main messages were related to the role of religion in the future State, the distribution of power between east and west as well as the revolutionary credentials of the candidates. Some individual candidates' campaigning was financed by political parties; the remaining individual candidates were left to fend for themselves in the absence of any public financial support.

13. Freedom of the press was generally respected in the election period. The State media, by and large, adhered to the legal framework, but editorial freedom was somehow restricted due to over-regulation affecting the campaign. The role of the state media in providing voters with sufficient information to make an informed choice was partially reduced, as editorial coverage of elections was limited, and only a small number of contenders used the State media to address the voters. In the private media, where most campaign coverage programmes were paid, finances were a discriminatory factor weighing against individual candidates.

14. The legal framework provided a sound basis for the participation of women in the election. Nevertheless, economic and social barriers, as well as rigid religious interpretations impeded their full participation in this election and prevented them from competing on an equal footing with men.

15. The establishment of a special measure obliging political entities to shift between men and women candidates on their lists in an attempt to increase women's numerical representation in the Congress is to be praised. This resulted in the inclusion of 545 women in the political entities lists compared to 662 male candidates. A total of 85 women ran as individual candidates out of 2,501, indicating that for the foreseeable future, a legal provision may continue to be needed that effectively ensures adequate women representation in Libya's decision making bodies.

16. By their number, candidates' agents and national observers contributed to the transparency, integrity and credibility of the electoral process. National observers were consistently present in the PSs assessed by the EU EAT. Also present were international observer missions: The Carter Center, the African Union (AU), and the League of Arab States.

17. The EU EAT assessed positively, as very good and good, the voting and counting on election day. There was no intermediate tabulation of results and the national tabulation process, as thoroughly followed by the EU EAT in Tripoli, was assessed as having been conducted competently, in an overall transparent manner and in line with best international practices. Full access to all stages of the

procedures was granted to stakeholders. The HNEC's operational arrangements allowed for the swift retrieval of results from all 13 districts. While tabulation procedures were issued late, the national tally centre staff was timely trained and the centre competently planned and established.

18. The EU EAT commends the Libyan people for their commitment to democratic values, high participation and dignified behaviour during the whole electoral process.

19. Of the approximately 90 election day-related complaints filed with the HNEC Sub-commissions, most were of minor nature. A small number of complaints alleged serious irregularities and were subsequently referred to the criminal courts. Another 37 complaints were filed challenging the Preliminary Results; all were rejected, either by the first instance or the appeal courts, for not being related to the election results or for being filed after the legal deadline.

20. The EU EAT applauds the efforts by the HNEC to have the results displayed at polling stations, as the essential first step to ensure transparency, achieving full traceability of results by their publication online, polling station per polling station on 27 July.

21. The full recommendations of the EU EAT are detailed at the end of this report. They are addressed to the authorities of Libya, particularly in view of the upcoming election cycle. The EU EAT would like to draw attention to the most important ones, namely:

- i. A decision could be taken to retain the existing structure and composition of the HNEC in order to preserve the expertise gained and the institutional memory.
- ii. The fragmentation of the legal framework would merit to be addressed before any other election takes place.
- iii. Detailed procedures of tabulation could be established and disseminated in a timelier manner, in order to allow for adequate staff training and prompt information to the stakeholders.
- iv. An extension of the time limits for lodging complaints and appeals could be considered.
- v. A comprehensive calendar for the referendum and the next electoral cycle could be published, with clear deadlines for every stage of the electoral process.

II. INTRODUCTION

Political Context

The 17 February 2011 saw the start of a movement that toppled the late dictator Muammar Qadhafi. The dictatorship effectively suppressed all opposition during its four decades of dominance in the country. The Revolution started in the eastern region of Cyrenaica, economically neglected by the Qadhafi regime. The revolutionary fighters pushed the offensive towards the capital, to finally achieve victory in August 2011, with the help of NATO air strikes from 19 March on, under the authority of the UN Security Council resolution 1973.

At this stage, several diplomats and prominent regime dignitaries had already defected; they would eventually be followed by many more. The National Transitional Council (NTC), formed in Benghazi on 6

March, established itself as the leading force behind the revolutionaries. It was soon recognised by several countries and ultimately by the United Nations as the sole representative of Libya. On 3 August 2011 the NTC issued a Draft Constitutional Declaration establishing a roadmap that paved the way to the General National Congress (GNC) election.

The Draft Constitutional Declaration laid down the foundation for a democratic transition based on the principles of Sharia Law and fundamental rights. Once the GNC is elected, the NTC will be dissolved and the actual government dismissed. The elected Congress will then appoint a Prime Minister who in turn shall nominate the members of his cabinet, after having received the confidence of the General National Congress. The GNC was also supposed to appoint the Statutory Body for Constitutional Drafting. Nonetheless, two days before election the NTC modified the procedure and declared that the Statutory Body would be directly elected by the Libyan voters, reportedly due to threats to disrupt the elections in Cyrenaica in the last days of the election campaign and violence which occurred in election administration premises at that time.

Political landscape before the campaign

Under Qadhafi rule, any form of challenge to the autocratic regime was severely repressed. With the fall of the dictator, the NTC encouraged political activity by adopting a legislation that permitted the exercise of political rights by all citizens. They took this new opportunity to register 142 political entities out of which, 125 submitted lists of candidates in 20 constituencies open for proportional competition. This high number of political parties was not only the result of the enthusiasm generated by the first election in decades, but also the expression of a will to defend regional interests which would otherwise be voiced by militias. Being the first competitive election in 42 years, it was difficult to assess who would be the major contestants. In terms of the number of candidates submitted to the HNEC and national relevance of their leadership, four parties could be considered as of significant stature in the electoral race.

The National Forces Alliance (NFA) was created in February 2012 by one of the few politicians with post-revolutionary government experience, Mahmoud Jibril. A well-known figure of the former NTC government, also known as a former member of the executive office¹, he was not eligible to stand for these elections, but his party based its campaign exclusively on his image. His liberal views were highly criticized during the campaign by Mohamed Sowan, the leader of the Justice and Construction party (JaC), the political branch of the Muslim Brotherhood. Created in November 2011, this Islamist party intended to benefit from the recent victories in Tunisia and Egypt of Muslim Brotherhood political formations. Credited with a large grassroots appeal and founded by wealthy businessmen, the JaC was expected to win a significant number of seats in the GNC.

Al-Watan, another prominent Islamist party, was considered more radical, mainly because of the controversial past of one of its dominant figures, Abdelhakim Belhadj. In spite of a very professional campaign, the party did not win any seat. The National Front for the Salvation of Libya was created in 1981 in Khartoum, Sudan, by Libya's former Ambassador in India, Muhammad Yusuf Al-Magariaf. Although one of the oldest opposition movements to the former regime, the party did not perform well since its creation and development were conducted in exile for the last 30 years.

¹ Prime Minister's office.

III. LEGAL FRAMEWORK

Overview

The constitutional and legal framework has overall provided for a democratic and inclusive election process, in line with international standards and best practices. The Draft Constitutional Declaration and the election-related legislation ensure the protection of civil and political rights without discrimination and guarantee genuine elections through the respect of freedoms of association, assembly, movement and freedom of expression. The right to vote and to be elected through universal and equal suffrage by secret vote is entrenched in the Election Law, while the right to access to justice and legal remedies is guaranteed by the Draft Constitutional Declaration. Nonetheless, the current legislative framework is dispersed throughout several legal documents, many of them issued or amended shortly before the polling or after the beginning of the affected part of the election process; this sometimes resulting in confusion and lack of timely information of the election stakeholders, therefore undermining legal certainty².

Electoral Framework

The conduct of the GNC election is regulated primarily by the Draft Constitutional Declaration, as amended³, the Law no. 3/2012 on the Establishment of the High National Election Commission (HNEC), the Law no. 4/2012 on the Election of the General National Congress (herewith: “the Election Law”), as amended, and the Law no. 14/2012 on Delimitation of Constituencies⁴. Overall, the constitutional and legal framework, albeit basic, provided a reasonable basis for the conduct of democratic elections. Yet, fundamental shortcomings are discernible in certain areas, such as the lack of constitutional provisions to regulate the very basics of the electoral system, the absence of detailed legal provisions to address the manner in which electoral constituencies are drawn, a few inconsistencies between the Election Law and some Regulations⁵, as well as very tight deadlines for the submission of complaints to the election administration and the courts.

As fundamental parts of the election process, such as, *inter alia*, the rules for voter and candidate registration, campaign in the media, election disputes, as well as polling, counting and tabulation of results, were not regulated by statutory legislation, the HNEC, operating under a wide margin of discretion, had to introduce numerous regulations *ad hoc* to address the omissions and ambiguities in the

² For instance, the Law no. 45/2012 amending art. 13 of the Law no. 26/2012 regarding the challenges against the decisions of the High Commission for the Implementation of Integrity and Patriotism Standards was issued on 22 May, after the start of the candidates’ nomination process. Likewise, the HNEC Regulation no. 72 on Publication and Challenging of Preliminary Voter Lists was adopted on 21 May, while the display period started on 23 and lasted until 27 May. Similarly, the HNEC Regulation no. 93 on Complaints regarding HNEC’s processes, including campaign violations, was adopted on 27 June, after the official start of the campaign.

³ The Draft Constitutional Declaration of 3 August 2011 was first amended on 13 March 2012; the second amendment was adopted on 10 June 2012 and the third one on 5 July 2012.

⁴ Other important legislation in place is the Law no. 26/2012 establishing the High Commission for the Implementation of Integrity and Patriotism Standards, as amended by Law no. 45 of 22 May 2012, the Law no. 29/2012 on the Regulation of Political Parties, the Law no. 30/2012 on Regulations of the Political Entities and the Law no. 28/2012 amending art.32 of Law no. 4/2012.

⁵ While art. 33 of the Law no. 4 stipulates that the announcement of the Final Results should take place “within a period not exceeding 10 days” from the publication of Preliminary Results, art. 6 of the Regulation no. 95 foresees a total of 14 days for the appeal process against the Preliminary Results to be concluded.

legal framework⁶. Although an election management body should be allowed the necessary flexibility to respond to occurring needs for clarification by way of interpreting and supplementing the electoral legislation, this resulted in an executive branch of government, the HNEC, acting as a substitute legislator. Moreover, while some improvements in the electoral framework were evident, the adoption of such a large number of regulations, some of them a few days before the polling, led to a high level of fragmentation of the electoral framework, resulting in uncertainty between the election stakeholders and opening space for different interpretations.

Suffrage Rights

According to the Election Law, every Libyan citizen who reaches 18 years of age, *“enjoys legal competence, is registered in the voter registry and is not convicted of a felony or misdemeanour shall have the right to vote”*. However, the Law imposes a restriction on the right of suffrage, as it stipulates that *“affiliates of official military institutions shall not be entitled to vote”*. Such limitation of the right to elect does not accord to international standards.

The right to be elected is accorded to all citizens who enjoy the right to vote, with the additional requirements of the completion of 21 years of age, fluency in reading and writing, and not being a member of the NTC or occupying any other governmental position⁷. The law also sets a further specific criterion for candidacy eligibility, subjecting candidates to the endorsement of the High Commission for the Implementation of the Integrity and Patriotism Standards, in relation to their stand towards the former regime. An application of such an exceptional legal requirement would, under different circumstances, contravene international standards. Nonetheless, consolidating a democratic regime is directly indicated into the Draft Constitutional Declaration, and there is no doubt that this objective justifies a temporary deviation of the protection of citizens' electoral rights⁸. In addition, the law ensures that the candidates have an effective remedy at their disposal by which to challenge the relevant decisions of the High Commission for Implementation of the Integrity and Patriotism Standards⁹.

Universal and Regional Standards

Libya has ratified all major treaties containing international and regional commitments for elections, of which the most relevant are the International Covenant on Civil and Political Rights, the Convention on

⁶ The HNEC has issued the following Regulations: no.1 regarding the Approval of the Executive Regulation of Law no.3/2012, no.18 and no.23 regarding the Structure and Powers of the HNEC Sub-commissions, no.19 on Voter Registration, no.38 on Candidate Registration, no.59 on Campaigning of Candidates and Political Entities, no. 64 on Election Campaign in the public and private media, no.51 on Accreditation of Observers and Candidates' Agents, no.57 on Accreditation of the Media, no. 67 on Polling and Counting, no. 72 on Publication of Preliminary Voter Lists, no. 75 on Out-of-Country Voting, no. 81 amending art. 9 of Regulation no. 67, no. 91 on Establishing HNEC Sub-commissions on examination election complaints, no. 93 on Complaints and Disputes Adjudication, no. 95 on Aggregation and Announcement of Results.

⁷ Or a former member of the Executive Office or a chairperson of a local council, or a member of the HNEC, one of its sub-offices or polling centres committees.

⁸ In its Resolution 1096 (1996) on *Measures to dismantle the heritage of former communist totalitarian systems*, para. 12, the Council of Europe established that “The aim of lustration is not to punish people presumed guilty - this is the task of prosecutors using criminal law - but to protect the newly emerged democracy”. Also, in its accompanying Report No. 7568, para. 29, “Lustration is meant to create a breathing space for democracy, where it can lay down roots without the danger that people in high positions of power will try to undermine it.”

⁹ Under art. 13 of the Law no. 26/2012, as amended by Law no. 45/2012, candidates may file complaints against the decision of the High Commission within 48 hours from the date of the publication of this decision before the Chief Judge of the Primary Court.

the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of Persons with Disabilities (CRPD) and the African Charter of Human and Peoples' Rights (ACHPR).

Delimitation of Constituency Boundaries

For the purpose of administering the elections, the country is divided into 13 districts and 73 constituencies. The law stipulates that constituency delimitation is based on “*population and geography criteria*”¹⁰, but does not include any further details. The current delineation was based on the census of 2006, which might not correspond to the demographic changes in the country over the last years and after the Revolution. In addition, the Law no. 14/2012, adopted in February, was amended on 2 May¹¹, and added to the confusion of the electorate in some areas of the country in regards to which district their constituency belongs. There is a certain lack of transparency in the manner in which electoral units were drawn up and the seats were allocated, and the criteria stipulated in the law are not sufficiently explicit so as to ensure the principle of equality of the suffrage¹², as established in international standards¹³. The adoption of a mixed parallel electoral system, that was not easy to comprehend both by the electorate and the contestants, added to the complexity of this first generation election.

Electoral System

For the election of the 200 representatives to the GNC, the Election Law provided a mixed parallel system, which uses both majoritarian and proportional representation components¹⁴. 120 representatives were elected by majoritarian system in 73 constituencies; 40 single-member constituencies were allocated through the simple majority FPTP (First-Past-The-Post) system¹⁵, while 29 multi-member constituencies elected 80 representatives according to the SNTV (Single Non-Transferable Vote)¹⁶. The remaining 80 representatives were elected on the basis of proportional representation system in closed party lists (List PR)¹⁷ without threshold, in 20 multi-member constituencies, which do not

¹⁰ Art. 4 of the Law no. 4/2012 and art. 1 of the Law no. 14/2012.

¹¹ Law no. 34/2012 regarding the amendment of Law no. 14/2012.

¹² While the population of Benghazi amounts to 622,847 and of Misrata 517,478 persons, there are 26 seats allocated to Benghazi and 16 to Misrata. Also, the population of Tripoli amounts to 1,004,406 which is almost the double of Benghazi's population, and Tripoli has only 4 seats more. Similarly, Al-Zawiyah has 271,943 inhabitants and is allocated 17 seats, which is almost the half of the seats allocated for Tripoli that has tripled the population.

¹³ Article 25 of the ICCPR, United Nations Human Rights Commission, General Comment, No. 25, par.21, emphasises the principle that “within the framework of each State's electoral system, the vote of one elector should be equal to another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group.” Also, “the maximum difference in voting power should not exceed 10 to 15 per cent” Venice Commission, *Code of Good Practice in Electoral Matters*, 2002, p. 17.

¹⁴ A parallel system is a mixed system in which the choices expressed by the voters are used to elect representatives through two different systems—one List PR system and (usually) one plurality/majority system—but where no account is taken of the seats allocated under the first system in calculating the results in the second system: International IDEA, *Electoral System Design*, p. 104.

¹⁵ In the First-Past-The-Post (FPTP) system, the winner is the candidate with the largest number of votes; it is not necessary that the winner gets an absolute majority of the votes cast.

¹⁶ According to the Single Non-Transferable Vote (SNTV) system, each voter casts one vote for a candidate but, unlike FPTP, there is more than one seat in each electoral district (multi-member districts). Elected are the candidates with the highest number of votes.

¹⁷ Under the List PR system each party presents a list of candidates to the electorate in each multi-member electoral district. Voters vote for a party, and parties receive seats in proportion to their overall share of the vote in the electoral district. Winning candidates are taken from the lists in order of their position on the lists.

coincide with the 73 majoritarian constituencies and do not cover the territory of the whole country. Of the 69 majoritarian constituencies, a List PR system was used in 53 of them where voters received two ballot papers. In addition, there are four PR constituencies with no majoritarian race where the voters received only one ballot paper.

The Election Law describes in detail the system of distribution of seats according to the Largest Remainder method and instructs that *“after the allocation of seats, those remaining seats shall be for political entities and not for candidates”*. At a late stage of the process and in an effort to clarify another ambiguity of the Election Law, the HNEC publicly confirmed on 30 June that individual candidates may contest the elections even if they are affiliated to a political entity and have no obligation to disclose such allegiance. Therefore, candidates who run for the majoritarian contest are able to preserve their de facto independence even if supported by a political entity. On the contrary, the independence for PR system candidates is limited by the concept of *“imperative mandate”* appearing to be in place¹⁸.

IV. ELECTION ADMINISTRATION

Composition and structure of the High National Election Commission (HNEC)

The HNEC, established by the Law no. 3/2012, was sworn in by the NTC on 13 February. It is mandated to prepare, implement, and monitor the GNC election and to certify and announce its final results. The HNEC is composed by the Board of Commissioners and a Central Administration based in Tripoli, and by 13 district sub-administrations. The HNEC will cease its functions¹⁹ after the election of the GNC, although the legal framework does not precise when this should take place.

A non-partisan, independent body, the Board of Commissioners is the executive branch of the HNEC, issuing all decisions, regulations and policies required to administer the election²⁰. Initially to comprise 17 members²¹, only ten members were *de facto* in office. The Board's membership is drawn from different professional categories including the judiciary, legal, academia, Civil Society Organizations (CSOs) as well as youth and the diaspora community. Members are appointed by the NTC with the exception of a panel of three Judges at the level of a Counsellor at the Court of Appeal and four members appointed by CSOs, including two women. Decisions are taken by majority of the members present. The resignation of the first appointed chairperson and another four members in April, partly due to internal disagreements on HNEC's policy decisions, meant that the Board lost its only two women members. A number of CSOs

¹⁸ According to the Venice Commission, *CDL-AD(2009)027, Report on the Imperative Mandate and Similar Practices*, p. 11, “[...]the establishment of a constraining link between an elected national deputy (who belongs to the electoral list of a party or bloc of parties) and his or her parliamentary group or bloc has the effect that a breach of this link (withdrawal or exclusion of a deputy belonging to a particular parliamentary group or bloc from his or her parliamentary group of bloc) would also ipso facto put an end to the parliamentary mandate of the deputy concerned. This would be contrary to the principle of a free and independent mandate.”

¹⁹ After producing an electoral report, the corresponding financial statement and analyzing the campaign financing of candidates and parties.

²⁰ Other functions include: registration of voters, candidate and political entity registration, voter information, accreditation of national, international observers and representatives of the candidates, determining the period of the electoral campaign and monitoring, resolving disputes and complaints, and organising Out-of-Country Voting for Libyans living abroad.

²¹ The Law no.3 art. 8 on the Establishment of the High National Election Commission stipulates that the Commission is composed of 17 members, however only 15 were appointed. On 25 April the chairperson and another four members resigned, among them two women representing Civil Society Organisations.

criticised the NTC for lack of transparency in regard to the appointment of Board members. Some criticism was also voiced against the HNEC for failing to swiftly appoint replacements.

A Central Administration department, headed by a Director General appointed by the Board, was responsible for the overall operational implementation of the election, assisted by a secretariat²². 13 Sub-commission offices, one in each district, were further assigned with the operational implementation of the election down to the 1,548 polling centres and 6,632 polling stations. The Sub-commissions were formed in April and a five-member team, appointed by the Board of Commissioners, was promptly made operational.

Contextual difficulties, security concerns, lack of previous election experience and regional specificities represented significant challenges. Nevertheless the HNEC was able to concurrently establish its internal organisational structure as well as to implement the ambitious election calendar. The fact that the election date was confirmed for 7 July instead of the previously indicated date of 19 June, allowed the HNEC to gain valuable time to complete the final stages of electoral preparations. International stakeholders welcomed this decision. This date change was required to allow for a thorough candidate lists examination by the High Commission for the Implementation of Integrity and Patriotism Standards and subsequent ballot design and printing.

From 3 July onwards, the HNEC established a well-furnished media centre to which an election operations room was added. A national tally centre for the tabulation of all individual electoral results was made operational at the HNEC's head office premises, within the compound of the Ministry of Interior. In addition, a hangar at the Mitiga Airport was used as a warehouse. All sites were suitable regarding safety, logistical and operational requirements²³.

The EU EAT enjoyed an excellent cooperation with the HNEC. Election officials were welcoming and provided information and documents whenever requested. The accreditation of the EU EAT was swiftly delivered by the HNEC's corresponding department. The International Relations department kept full openness with the EU EAT, facilitating access to the Chairperson and Commissioners. Meetings at the Tripoli head office and at the districts were informative and cordial.

The HNEC Sub-commissions showed professionalism, transparency and dedication in the implementation of the election and were sufficiently staffed to efficiently execute the different stages of the process. A number of electoral districts, mostly in the south, were particularly challenging having large territorial areas, difficult terrain and a thin and dispersed population. Al-Kufra district experienced security instability throughout the pre-election weeks. The Cyrenaica region, where security was volatile, represented as well an additional challenge for the implementation of the election.

The HNEC strived to perform well under significant time pressure, showing confidence and a considerable openness in the conduct of the election. The very limited time to prepare for the poll did not always allow for the establishing of strong communication links with the different stakeholders, but there was nonetheless a clear intention to introduce a fitting degree of transparency in its dealings with all participants in the process.

²² The Central Administration was not fully established and Commissioners took its functions.

²³ The Media Centre was made operational from the 3 until the 17 July, day when the HNEC announced the national Preliminary Results.

Weak points in the wider election context pertain to the HNEC's late adoption of necessary implementing regulations and amendments to the election legal and electoral framework. For instance, election day complaints regulations and tallying procedures were approved very late in the process and introduced a degree of legal uncertainty²⁴. Also, the imprecise delineation of electoral boundaries caused voter confusion regarding as to which constituency they registered in and for which candidate or entity they were entitled to vote.

Election preparations

The HNEC, with technical support offered by the United Nations Support Mission to Libya (UNSMIL), drafted an ambitious electoral calendar that was, overall, efficiently implemented throughout the months before election day. Polling stations were identified in locations convenient for the task. These were mainly school buildings which were also used during the voter registration phase. Found to be suitable in infrastructure, offered also the minimum requirement for voting day security as many were located in larger walled compounds.

Security was the main challenge faced by the HNEC. The security agents of the State had a limited capability and did not control parts of the country, having to rely on regional militia groups to secure the election process. Despite that, the safe deployment and retrieval of polling officers and materials to operate the polling stations was accomplished. Guaranteeing overall uninterrupted custody of the election materials was paramount to the credibility of the overall process. Therefore, the HNEC coordinated with the Libyan Air Force and with private security companies to support the election security plan developed by the Ministries of Interior and of Defence. Details of this security plan were not made public, but an official statement was issued on 6 July giving assurances of adequate planning and preparedness prior to election day.

The planned cascade training of approximately 38,000 polling staff, recruited from the Ministry of Education, benefited from the postponed election date that allowed for additional training time and for refresher sessions. It is not clear if late adopted regulations, such as those pertaining to the submission of election complaints, were introduced in any of the late training sessions or even transmitted to the polling staff. The HNEC produced a comprehensive and descriptive Polling Manual for Election Officials which was timely distributed to HNEC officials. The Manual allowed for a step-by-step approach to polling, counting and packing procedures up to the transfer of materials to the polling centres. A good oversight of the training schedules country-wide was kept by the HNEC centrally. The election officials signed a Code of Conduct in which legal and ethical criteria of performance were specified. The HNEC could impose sanctions against staff members that infringed on any provision of the code.

The candidates' and political entity lists were sanctioned by the High Commission for the Implementation of Integrity and Patriotism Standards and finally approved by the HNEC on 17 June, allowing for the finalisation of the ballot artwork. A total of 89 different ballots were printed, with two additional ballots designed for the Out-of-Country voting. Ballot papers included a watermark security feature, and were procured in the UAE. Sample ballots were made available outside polling stations for voter information purposes on election day. Regrettably, sample ballots were not made available to the other relevant election stakeholders. Also, voter information materials did not describe the difference between the two types of ballots, i.e. for the majoritarian and the proportional races.

²⁴ See under Legal Framework.

V. VOTER REGISTRATION

The voter registration process conducted by the HNEC guaranteed the overall right to universal suffrage and was largely accepted by national and international stakeholders as being credible and accurate. Besides the legal exclusion of the military, there were no unreasonable restrictions to the registration.

In line with best international practices, the HNEC should have ensured the timely display of all preliminary and final voter registers for public inspection²⁵. There were instances of challenged voter registration lists in Al-Kufra²⁶.

The active voter registration, previous to the establishment of the EU EAT, fell under the HNEC's mandate, from 1 May for 21 days in 1,548 registration centres around the country. The voter lists closed on 17 June with a total of 2,865,937 voters; the approximate estimate of eligible voters is around 3.5 million. Women made up to 45 per cent of the total registered voters. An outstanding case was noted in Al-Khoms district where women registered in almost half the numbers as men did²⁷. The capital district of Tripoli registered the highest numbers, with 699,355, followed by Benghazi with 330,066. Registration turnout was high, about 78 per cent on average for the 13 districts²⁸. Documental requisites for registration were adequate.

The HNEC voter information regarding registration lacked clarity. As a result, any voters were not aware that the sub-constituency registration location would also be the sub-constituency where they would vote.

Voters were issued a voter card as proof of registration. Once found on the register on election day, they were also allowed to vote by only presenting a personal identification document holding a photograph. There were no legal provisions that allowed non-registered eligible voters to be included on election day, with the exception of polling staff and police on duty, and that only within the same sub-constituency. The voter card held a unique serial number, the number of the assigned polling station, the voter's name and the signature of the registration clerk. However, neither photograph nor fingerprint was included. The HNEC used a simple registration and voting tracking system whereby the registration booklet, out of which the voter card was extracted, was used at polling stations for voter identification. Voter details were confirmed against the registration booklet, which had to be signed by all voters before receiving ballots.

Internally Displaced Persons

Special polling stations serving up to 14,104 registered Internally Displaced Persons²⁹ (IDPs) were made available on election day. Displaced persons from Tawarga with 12,104 registered voters made up the largest group. IDPs from Al-Imshashiya areas registered with 1,470 voters, 441 from Bani Walid and 89 from Misrata. Polling stations in Tripoli and Benghazi served the highest number of registrants, with 6,142

²⁵ Immediately after the end of the registration the HNEC was to exhibit the provisional voter register in each registration centre during a five days exhibition period and a two day period for challenges.

²⁶ See under Complaints and Appeals.

²⁷ HNEC official registration numbers for Al-Khoms district showed 104,018 registered male, and 57,640 female registrants.

²⁸ The 2006 census refers to a population of approximately 5.8 million persons, while the United Nations refers to 6.4 million (2010).

²⁹ Internally Displaced Persons defined by the HNEC is " ... any person who, due to the 2011 conflict, has been forced to move from their home or place of habitual residence from one of five location in Libya: and is unable to return home due to clear moral peril." Locations are Misrata, Tawerga, Al-Asab'a, Al-Imshashiya and Al-Rayaynah.

with 4,372 voters respectively. Additional IDP stations were opened in Al-Khoms, Gharyan, Sabha and Sirte. Also, IDPs were able to stand as candidates for one of the five constituencies identified by the HNEC³⁰.

The HNEC made commendable efforts to promote the IDPs political participation in the GNC elections.

Out of Country Voting

In accordance with the Election Law, Libyans living abroad had the opportunity to register and vote for the GNC election³¹. Out-of-Country Voting (OCV), implemented by the International Organisation for Migration (IOM) on behalf of the HNEC, took place between 3 and 7 July in six selected countries³². Registration and voting was concurrent and voters could choose for which sub-constituency they wanted to cast their vote. Depending on the sub-constituency of their choice, and similarly to in-country voting, the voter cast either one or two ballots. Voting was personal and proof of identity and nationality was required. Ballots did not contain the names of individual candidates and entities as was the case in Libya. Special ballots were designed, one for each race, majoritarian and proportional, whereby the voters ticked the number corresponding to the number of the individual candidate or political entity from a list shown in the polling station booklet. With the exception of the OCV ballot, all other election procedures were in line with those applied for in-country voting.

Initially, the IOM expected a higher turnout, but eventually around 7672 voters participated in all six countries. The highest numbers of votes cast were for the districts of Benghazi with 2278 and for Tripoli with 2066. Jordan and the United Kingdom registered 2039 and 1852 voters respectively, while the remaining four countries registered voters below 700 each.

Out-of-Country Voting results were electronically transferred to the tally centre in Tripoli on 13 July and mixed with the votes cast nationwide. A very limited number of accredited observers and agents followed the election in the different countries. Eligible nationals residing in countries not included in the OCV programme, such as Tunisia and Egypt, were able to register and vote in any of the six mentioned countries. The HNEC and IOM posted relevant OCV information on their respective websites.

VI. REGISTRATION OF POLITICAL ENTITIES AND CANDIDATES

The legal requirements to stand for election were objective and reasonable according to international standards³³. The opening of the registration period for candidates was announced 48 hours in advance, this, however did not leave sufficient time for political entities, i.e. political parties and candidates to prepare all required documentation. Registration was open from 1 to 15 of May. Initially one week shorter, it was extended at the request of the parties.

Registration centres were unevenly distributed in the territory. Given that 80 per cent of the population is located in the coastline, distribution of the registration centres followed this pattern and ten out of 13 were set in that area. On-going violent episodes that caused over a hundred victims in Al-Jawf, Al-Kufra's

³⁰ The HNEC identified six constituencies such as Misrata, Tawarga, Kikla and Al-Qua'a and Al-Asabi'a, Yefran, Al-Rumiya.

³¹ Law no.4/2012 on the Election of the General National Congress, Chapter 4: The Right to Vote, art. 8: "The Commission is assigned the organization of the voter register inside and outside the country..."

³² Countries selected by the HNEC for OCV were Canada, Germany, Jordan, the United Arab Emirates, United Kingdom, and the United States of America. Voting took place in the capitals of the host countries, except in the case of the United Arab Emirates where the OCV took place in Dubai instead of Abu Dhabi.

³³ See Legal Framework, Suffrage Rights.

main town, obliged the HNEC to relocate the registration centre to Ajdabiya city, region 870 kilometres away. The four southern constituencies of that region, representing seven seats out of twelve, could have justified the attribution of a candidate registration centre to Al-Jawf.

As part of the legal requirements to stand for election, all candidates were subject to a vetting process by the High Commission for the Implementation of Integrity and Patriotism Standards. This vetting commission screened all potential candidates for supporters of the dictatorial regime according to their professional status and stance held regarding the 17 February Revolution. Its work was well received by election stakeholders. Candidates were also screened by the Ministries of Interior, Defence, and Family Affairs to verify the compliance with the legal requirements. At the end of the vetting process, a total of 163 candidates were disqualified while 53 candidates' petitions against the decisions of the High Commission were upheld by the Primary Courts.

In order to submit lists of candidates for election in the Proportional Representation (PR) constituencies, the political parties³⁴ were required by law to register as political entities, where their registration as political parties should have been sufficient to participate in elections. The creation of a political entity enabled any group with at least 100 members to stand for election without having to fulfil the more restrictive requirements otherwise needed to register a political party, which is a positive measure of inclusivity. Nonetheless, this facility meant a comparative aggravation against the parties, which had to register twice in order to contest the election. In total, the HNEC registered 2,501 individual candidates and 1,206 candidates on the political entities' lists.

On 13 May, the registration of candidates was marred by the death of Dr. Khalid Saad Abu Slah, shot dead by unknown assailants while returning from his registration as a candidate. His death was attributed to his public denunciation of the conflict between Tabu and Arab tribes in Murzuq and its consequences on civilian populations.

VII. ELECTORAL CAMPAIGN

In spite of a very competitive environment, the campaign was generally low key and remained relatively peaceful with the exception of cities in Cyrenaica. To prevent violence, the HNEC incorporated the signature of a Code of Conduct³⁵ in the registration procedure for all candidates. In addition to this mandatory document, political parties adopted a voluntary Code of Conduct³⁶ in late June to reaffirm their willingness to have a peaceful election. The campaign officially started on 18 June and ended on 5 July at midnight complying with the prohibition to campaign 24 hours before polling day. Campaign regulations were in line with international standards.

Posters and billboards were the most visible signs of campaign activity. In contrast with sole posters of the late dictator displayed everywhere before the revolution, more than 3,000 faces appeared on the streets of Libya during the campaign. Candidates passed their messages through private gatherings with sympathizers and acquaintances. Political entities put forwards figureheads rather than slogans and displayed more generic nation-wide broad scope messages and had very similar platforms and were not

³⁴ The EU EAT uses the term "political parties" to refer to what NTC Regulation 30/2012 calls "political entities". They will hold 80 of the 200 seats.

³⁵ The Code of Conduct included a clause by which the candidates committed themselves to avoid violence.

³⁶ Agreed upon by the parties themselves, the document addresses points that were not included by the HNEC, such as mutual respect among competitors and the need for responsible leadership.

campaigning on programmes but rather on revolutionary deeds, personal merits and religious values. Community ties as well as personal core values were central in individual candidates' campaign messages. Parties targeting the youth were very present in the social media despite the relatively low access to the Internet of the general population. The State authorities and the HNEC were also present on the social media, often the best way for election stakeholders to obtain timely information.

Major violent episodes occurred during the campaign. Two of them were perpetrated by the Federalist movement to protest against their perceived future overrepresentation of Tripolitania³⁷ in the GNC. Attacks on election premises and the destruction of electoral material in Tobrouk, Benghazi and Ajdabiya³⁸ districts did not prevent election from taking place.

Campaign finance

The Regulation³⁹ on campaign finance was adopted by the HNEC's Board of Commissioners on 29 April 2012. Political entities and candidates had the right to accept financial donations from Libyan citizens and legal persons, which provided their main source of revenues. Funding by foreign sources or public funds were strictly forbidden. The HNEC Regulation also required opening a specific bank account for the sole purpose of tracing the monies related to campaign financing. This obligation is not adapted to the context of Libyan cash driven economy, with an underdeveloped banking system.

Campaign spending accounts are to be certified by a legal auditor and submitted to the central administration of the HNEC within 15 days of the announcement of final results. Failure to provide financial reports, forgery or any obstruction to the review of the campaign finance by the Commission is considered a criminal offence and the candidate incurring in it could be stripped of the seat.

Pre-electoral tensions

According to the Law, the allocation of seats was based on population and accorded more representatives to Tripolitania with 106 of the 200 seats in the future Congress, Fezzan with 34 and Cyrenaica with 60. In the east, the Federalist movement was contesting this population based representation. Federalists demand an equal representation of the three former provinces of Libya⁴⁰ and ultimately a federal state. However, the need for more decentralization and better distribution of resources has a larger audience and is not limited to federalist supporters.

In the last week before election, the armed branch of the self-declared Cyrenaica Transitional Council (CTC), led by Ahmed Al-Senussi, established a robust checkpoint at the boundaries of Tripolitania and Cyrenaica to filter all movements between the two territories. Allegedly aimed at preventing the transfer of weapons between the two northern regions, the real objective was to put pressure on the NTC to renegotiate the allocation of seats in the future Congress. A dialogue took place in Benghazi between the NTC, several political parties and the Federalists with the ultimate objective to prevent the possible

³⁷ The current distribution of seats on the basis of population has allocated more representatives to the west of the country, namely Tripolitania with 106 of the 200 seats in the future assembly, Fezzan with 34 and Cyrenaica with 60.

³⁸ See under Pre-election day security.

³⁹ Regulation no. 59/2012 on candidate and political entities election campaigning.

⁴⁰ Tripolitania, Cyrenaica and Fezzan.

disruption of elections in Cyrenaica. The main Federalists claims were to avoid over-centralization of powers in Tripoli and to get a fair share of the oil extracted in their areas.

On 27 June, Mustafa Abdul Jalil, the NTC Chairman, held a press conference where he stated that the seat allocation could not be changed due to the late stage of electoral preparations. His intervention rallied more people against the NTC, and consequently increased the support of the Federalists' cause. Acts of violence against the election antagonized many other Libyans.

Two days prior to election, the NTC amended the Draft Constitutional Declaration, modifying the nomination procedure of the future Statutory Body for Constitutional Drafting. Instead of being appointed by the GNC, the statutory body would be directly elected by the Libyan voters. This last minute change in the legal framework, once the voting had started in OCV, was a move towards appeasing the tensions generated by federalist violence in Cyrenaica. The GNC will have the legitimacy and legal power to overrule this decision. Taking into consideration that the selection of the constitutional drafting committee was supposed to be one of the two main duties of the newly-elected GNC, this amendment at such a late stage of the process is not in accordance with international best practices for preserving the stability of the law before the elections.

In Al-Kufra, the conflict opposing Tabu and Arab tribes threatened the election process until the very end. Historically, Tabu tribes have been living for generations in a territory divided between Algeria, Niger, Chad and Libya. Tribesmen were given Libyan nationality by Qadhafi in exchange for their support and safeguard of the southern Libyan border. Longstanding deep rooted armed conflicts in Al-Kufra and south of Sabha, between Tabu and Arab tribes, impacted on local campaign activities and threatened to disrupt election day before a ceasefire was negotiated.

One thousand Tabu tribesmen were recently deregistered from the voter list by court rulings⁴¹. Allegedly more Tabu remained on the voter lists however; this was not contested due to lack of time to submit the complaints to the court.

VIII. VOTER INFORMATION AND CIVIC EDUCATION

The HNEC is legally responsible for voter information and civic education. The HNEC carried out these tasks in conjunction with civil society organisations⁴². The very complex electoral system was not widely understood. However, this did not affect the credibility and acceptance of the election.

The HNEC cooperated with different degrees of success with various CSOs on civic awareness-raising programmes. Good quality voter information materials explaining the electoral system and the allocation of seats were prepared by the public outreach department. Some rural areas received less coverage in terms of public posted information on voting. The last week before election day certainly saw more activity on voter information. For election day, the HNEC managed to post voting information at most polling sites throughout the country.

⁴¹ See under chapter Complaints and Appeals.

⁴² Law no.3, 3/2012, art.3 on the Establishment of the HNEC, "...Educate and explain to the citizens the importance of elections, and urge them to participate."

Numerous CSOs supported the spreading voter information efforts. Scouts were trained on voting procedures, the electoral system and on the National Congress duties and responsibilities. Over 3,000 of them were engaged in conducting public voter information campaigns while using the HNEC public outreach print materials⁴³.

International Support for the Electoral Process

The United Nations Electoral Support Team (UNEST) delivered sound technical assistance throughout the preparatory phase of the election, as well as during election day and the tabulation of results.

The UNSMIL⁴⁴ supported the work of the HNEC within the framework of the Libyan Coordinated Needs Assessment (LCNA) process, as defined by the HNEC. The United Nations Development Programme (UNDP) led the Libyan Electoral Assistance Project (LEAP), which brought together multiple international organisations and UN agencies. The HNEC benefited from technical advice and assistance in organising the implementation of the different stages of the electoral calendar. Election expertise was offered in the areas of operations, data management, procedures and training, candidate and entity certification, public outreach, civic education and voter information, as well as external relations. Technical expertise was also provided for the nation-wide tabulation of results. The United National Election Support Team's field offices were based in Tripoli, Benghazi and Sabha.

The EU provided support to the HNEC by deploying several media experts and supporting the strengthening of electoral coverage in the media; the EU also organized seminars on civic education (e.g. civic education training for women candidates). The EU assisted local authorities to organise their local elections. Support consisted on the procurement of electoral material and the deployment of technical advisers in several cities (e.g. Benghazi, Zawiya, Zliten, Nalut, Derna and Oubari). The work performed by the Electoral Assessment Team (EAT), namely the recommendations included in this report, is also part of the electoral assistance provided by the EU on the occasion of the General National Congress Election.

IX. MEDIA

Media landscape

One of the most positive developments in Libya since the revolution has been the significant improvement in regards to freedom of the press and the increased pluralism afforded by it, although the media sector is not free from key systemic weaknesses. In general, television is the dominant source of information, followed by radio and Internet based sources⁴⁵. While Internet penetration is limited primarily to major cities, many organizations and State institutions publicise information mainly through the social media.

Currently there are 14 Libyan TV stations transmitting by satellite. In general, the foreign TV channels have more viewers than the most popular Libyan private TV stations, namely *Alassema TV*, *Libya al-Hurra*

⁴³ HNEC produced comprehensive election factsheets and posters, flyers and stickers with relevant information on HNEC call numbers, as well as posters on voter eligibility requirements, voting procedures and on how to vote. Training flipcharts and leaflets, posters and booklets explaining the 13 constituencies were made available. Targeted voter information was produced on election procedures for women and youth.

⁴⁴ Three UN agencies worked collaboratively, the UNSMIL, the UNDP and the United Nations Office for Project Services (UNOPS).

⁴⁵ According to Rapid assessment of the Libyan Media Landscape, conducted by the Altai Consulting in April 2012

or *Libya al-Ahrar*, which were launched during and after the Revolution. The key state TV channels, *Libya Al-Wataniya* and *Libya TV*⁴⁶, are even less popular. The phenomena of the popularity of the foreign media outlets derive from the past, as they were the key sources of information about political developments during Qadhafi's rule. The Libyan media was the propaganda tool of the regime and not viewed as reliable sources of information. In addition, newly formed media outlets are yet to establish more advanced and diverse range of programmes to attract viewers. The number of private radio stations operating in the country grew; there were also several State-run FM stations, including radio *Al Shababiya*. FM radios are popular, but they are accessed only locally, as their territory coverage is limited.

The State newspapers published during Qadhafi's regime *de facto* ceased to exist and many new print media mushroomed in Libya following the Revolution. However, most of the newspapers existing in Libya at the time of writing were being issued sporadically and their print run was limited, as they lacked funding, experience and functioning distribution networks. A few newspapers were issued regularly, including the State dailies *Febrayr* and *Libya*. The latter claimed to have a nation-wide coverage with the highest print run of up to 10,000 copies a day.

The Government maintained the register of the media outlets, but in the absence of media legislation and of a regulatory framework, no proper licensing procedure was in place. The NTC established the High Media Council (HMC) in May 2012 as a future media regulatory body⁴⁷. Soon after being enacted, the HMC enforced control over some segments of the State media sector, previously under the supervision of the Government. The Ministry of Culture and Civil Society informed the EU EAT about restrictions imposed by the HMC on the Ministry's access to funds allocated for activities of the State media. These steps, taken by the HMC in the pre-election period, blurred the supervisory framework, as part of the State media sector remained under the control of the Government. The lack of unified coordination led to *de facto* limitation of an already reduced capacity of the State media to offer sufficient election coverage.

The HMC in its initial composition was short-lived, as in June a national meeting of the Libyan journalists and media outlets already assembled in Jadu to elect among them 21 new members of HMC. This process was also endorsed by the NTC. According to the HMC's elected representatives, the objective of the media regulatory body for the initial period of its existence was to institutionally establish itself and subsequently draft the essential and urgently needed media legislation and regulations.

Freedom of expression was respected in general during the pre-election period. Nonetheless, some journalists were subject to intimidation by militias. Two journalists of the private Misrata-based TV station *Tobacts* were captured by Bani Walid militias on election day. They were freed after a week, following intensive negotiations. Bani Walid forces conditioned the release of the journalists on the freeing of their own militiamen detained by the Misrata militia. Earlier on, a host of a TV program in a private TV was captured by Misrata militias in Tripoli on 20 June and released after one day. He alleged to have been mistreated.

Legal framework of the Media

The Draft Constitutional Declaration recognises fundamental human rights including "*freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of press, printing, publication and mass media*". However, it is silent on the right to seek, receive and impart information or on the prohibition of censorship.

⁴⁶ Other TV channels which belong to the State-controlled network include *Libya Fadaiya* and *LRT Sport*.

⁴⁷ The HMC was established by the NTC Decree 44 issued on 19 May 2012.

The Election Law specifies the basic principles of campaigning in the media, as to be based on “*equality and equal opportunity for all candidates and political entities*” eligible to participate in the elections. The law was supplemented by the HNEC Regulation no. 64/2012 further governing the campaign in the media. Only the State media were obliged to cover the elections and present candidates and political entities. Their programmes, news, current affairs, interviews, etc., had to be neutral and impartial, and all contestants were entitled to equal coverage during the campaign, including in all editorial programmes. This requirement of equal editorial coverage of candidates was difficult for the State media to implement, taking into account the large number of contestants. Political entities and candidates were allowed to purchase airtime/space in the private media outlets, which were *de facto* free of any formal rules on their editorial coverage of political actors as well as on the conditions of paid airtime and space⁴⁸.

The HNEC held a mandate to adopt the campaign regulations and to supervise the election campaign in the media⁴⁹. Regulation no. 64 gave the candidates and political entities the right to receive slots of free airtime to present their campaign platforms in both State TV and radio broadcasts, as well as to get equal shares of free space in the State print media outlets. These were important provisions aiming at providing a level playing field for all candidates. As of the start of the official campaign on 18 June, no procedures on modalities how the airtime and the space should be allocated and distributed among the contestants were adopted⁵⁰. Lacking detailed rules, during the first week of the campaign the Ministry of Culture and Civil Society adopted *de facto* procedures and organised the time and space allocation in the State media⁵¹. This came late, given the overall lack of technical capacities needed to secure the broadcasts and recordings of messages of the many candidates. Numerous candidates were not aware of their right to use the free airtime and space in the State media, or how and where to claim it, which also was a result of a late adoption of the procedures and subsequent lack of time left for this information to reach the contestants.

Media coverage of election

The State and private broadcast media, the key sources of information, were actively promoting voting, frequently airing information produced by the HNEC but also by civil society. Nonetheless, some media residing outside of Tripoli pointed out a lack of voter information materials and their own limited capacities to produce effective civic education programmes.

The State media by and large adhered to the legal framework governing the campaign in the media and provided contenders with access on equal basis to convey their messages to voters free of charge. Their role in providing voters with sufficient information to make an informed choice was partially reduced, as only a small number of contenders took advantage of the opportunity to address voters through the State

⁴⁸ Article 4 of the HNEC Regulation no. 64/2012 only specifies that journalists must separate between Information and personal opinions.

⁴⁹ Article 19 and 23 of Election Law; and art. 2, 11 and 13 of the HNEC Regulation no 64/2012.

⁵⁰ The HNEC Regulation no. 64/2012, art. 11 reads as follows: “The HNEC in cooperation with the heads of the local official audio and visual channels have determined the amount of time given to the election campaigns, as well as divided the time periods amongst the candidates and the political entities, in addition to having organized their appearances on media outlets according to the specified rules and regulations.” In contrast with this, HNEC adopted only the basic principles and general rules, not the detailed procedures.

⁵¹ According to the procedures declared by the Ministry of Culture and Civil Society, each candidate was entitled to use 90 seconds and each political entity 180 seconds of airtime, both on State TV and radio. Also the State print media were obliged to offer contestants with the equal shares of space for their campaign addresses.

media⁵² during the 9 days of the campaign period in which the free airtime was made available for the contestants⁵³. In addition, equal editorial coverage of all candidates and political entities required by the legal framework⁵⁴ was practically not achievable, and the State media, in their informative programmes, were generally not covering the campaign developments.

Libya Al Wataniya was the only State TV channel airing regular informative programmes during the entire period of the campaign. As identified by the EU EAT media monitoring unit⁵⁵, *Libya Al Wataniya* focused in its regular informative programmes primarily on the coverage of government activities. In the main news programmes the government received 65 per cent of the coverage (45 minutes), followed by the NTC, which got eleven per cent of the total time dedicated to the political actors during the 18 day campaign period. The remaining coverage was dedicated primarily to the HNEC. Other evening editorial programs of *Libya Al-Wataniya* also provided space to the State officials and the HNEC. A few individuals, who were also candidates, received significant shares of airtime, while their election status was not stated.

Key political entities and some individual candidates took advantage of paid programmes in the private media, but finances were a discriminatory factor weighing against individual candidates. Lacking funding, campaigning was particularly difficult for women individual candidates⁵⁶. Some private media were openly favouring particular political parties. Many candidates were using social media as a platform to communicate their campaign slogans to voters; however, due to limited Internet access, this campaign communication was not accessible for the vast majority of potential voters.

Overall, the coverage of contestants in the private media seemed more diverse in comparison with the State. Yet, it was primarily due to paid programmes, often a discussion or an interview and as such not always recognized as propaganda by the viewers, as the media had no obligation or habit to identify the programmes as paid.

It is important to note that editorial coverage of the media was limited, many private TV stations did not have regular informative programmes, and information about daily programming structure of the media was not regularly available to viewers. While contestants were given a chance to purchase airtime, in the absence of regulation, they were not guaranteed equal conditions, although some private media voluntarily set equal prices for all contenders. On a positive note, some private TV channels and radio stations offered to the contestants also a possibility to air short campaign spots in their broadcasts, free-of-charge.

The key Libyan TV stations offered an extensive coverage of election day. Throughout the tabulation of results the HNEC held daily press conferences which were transmitted by the State media, providing the citizens with prompt up to date election results; a commendable approach.

While no nationwide media code of conduct was adopted for the election, some media informed the EU EAT about setting some very basic internal rules for their coverage of elections. In the media environment

⁵² About 15 per cent of all independent candidates and political entities presented their free-of-charge messages in the broadcasts of the State TV channels .

⁵³ The campaign addresses of the contestants first appeared in the State media broadcasts on 27 June, only 10 days before the election day.

⁵⁴ Art. 5 of HNEC Regulation no. 64/2012.

⁵⁵ The EU EAT was monitoring evening broadcasts of State TV channels *Libya Al-Wataniya*, *Libya TV* and *LRT Sport*, which, despite its sports-orientation, was tasked to air some election programmes during the official campaign.

⁵⁶ See under Women and Campaigning.

composed predominantly of newly-established actors, reporting standards, overall, were not high due to lack of journalistic experience. In the pre-election period the EU supported media development programmes, including a media landscape research and trainings and capacity building activities for journalists, focusing also on the media coverage of elections. In addition, the European Union supported a 15 State broadcast and print media outlets monitoring project in their election coverage during the campaign. The project aimed to assist the HNEC in its supervision of the media coverage during the election.

X. HUMAN RIGHTS – PARTICIPATION OF WOMEN

Legal Framework on Gender Equality

The Draft Constitutional Declaration provides for “*fundamental freedoms, equal civil and political rights as well as equal opportunities for both women and men*”. Thus, the Libyan legal framework offers a sound basis for the participation of women in the electoral process both as voters and as candidates. Nonetheless, economic and social barriers as well as strict interpretations of religion impede their full participation in political and public life and prevent women candidates from competing on equal terms.

Libya has signed and ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) with the reservation that it cannot contradict laws on personal status derived from the Sharia law⁵⁷. To date, there is a lack of a legal provisions explicitly prohibiting discrimination against women in all spheres of life (political, social and economic). Furthermore, there is an absence of women institutions in the government and of a national policy on gender equality based on the Beijing Platform of Action⁵⁸. The practically non-existent gender-disaggregated data makes it difficult to assess the progress in implementation of the Convention and for the government to take concrete measures to address them. The obligations of the CEDAW remain largely unfulfilled.

Some aspects of the Libyan Family Law of 1984, which are derived from Sharia Law, do not provide for equal rights for men and women. This concerns polygamy⁵⁹, although rare in Libya, marriage⁶⁰, divorce⁶¹,

⁵⁷ Libya acceded to the CEDAW Convention on 16 May 1989 with two reservations. The first concerns article 2 of the convention dealing with policy measures to ensure gender equality, legal protection against discrimination and modifying or abolishing existing laws and regulation. The second reservation concerns paragraph 16 c) and d) concerns with marriage (including polygamy) and family life (divorce, marriage, adoption, child custody etc.).

⁵⁸ The United Nations held its Fourth World Conference on Women in Beijing in 1995, adopting an action plan focusing on the main issues which hinders the advancement of women in the world and established concrete goals to address them.

⁵⁹ Art. 3 of the Law of 1984 – amended by Law no. 9 of 1993. Although polygamy requires the written consent of the first wife and the court’s permission which is usually based on the financial and the physical capabilities of the husband, it remains a discriminatory practice against women.

⁶⁰ Law no.10 of 1984. The husband is granted the right to his wife’s “*concern with his comfort and his psychological and sensory repose*” and she is tasked with “*supervision of the conjugal house and organization and maintenance of the affair thereof*”. This disposition does not provide the wife with equal rights as the husband. On the other hand, she is entitled to financial support from the husband, control over her personal property and the right to be free from mental and physical violence. Women can negotiate and put conditions in their marriage contracts but in practice they do not make use of this option due to social norms.

⁶¹ Art. 48 of Law no.10 of 1984. *Khula* gives women the right to divorce their husband and thus enables them to insist unilaterally on a divorce where they cannot establish judicial grounds under the available laws and legal system. However, *khula* prevents the wife from enjoying financial support (maintenance and dowry). If the courts rule that the woman is the cause of the divorce she also loses child custody. After divorce is granted, the husband has the responsibility to financially support his ex-wife for a

child custody⁶², inheritance⁶³ and provisions related to gender-based violence⁶⁴. The last mentioned remains a taboo in Libyan society and is considered to belong to the private sphere of the family and women tend not to report abuse due to cultural stigmatization limiting women's access to justice and security. Furthermore, the government has yet to adopt a comprehensive legal framework to protect women against domestic violence, sexual harassment and discrimination at the workplace. There are provisions within the penal code which discriminate against women, such as article 375, which permits a reduced sentence for a man who kills a woman relative who has committed adultery, while a "small beating" is not penalised at all. Women are confined to "social re-habilitation" facilities by the public prosecutor if they are deemed to have incurred in "moral misconduct" or voluntarily to protect themselves against being killed by their families for honour reasons.

Even though Libya adopted a progressive legislation on citizenship⁶⁵, granting women who are married to non-Libyans the right to pass their nationality to their children, little was done to ensure its practical application. This discriminates against women and their children and restricts their right to essential civil and political rights.

The Libyan Labour Law⁶⁶ also contains discriminatory elements in its provisions denying women to work in certain fields of employment, enforcing a maximum number of working hours per week and prohibiting them from working after eight in the evening.

The absence of a national strategy to advance the rights of women and eliminate stereotypes about the role of men and women in society is reflected in their low representation in decision-making bodies. Only two of the current ministerial positions are occupied by women⁶⁷, the NTC has only two women among its members and the large majority of the Supreme Court judges are men.

Women in the election campaign

Libyan society traditionally confers upon women a higher degree of discretion in public life than upon men, which limits women's ability to campaign. Thus women candidates faced greater obstacles than men, such as male relatives interfering in the political choices of the women. Some were pressured to not participate in politics as it was understood not to be in line with religious traditions, thus restraining their ability to speak in public and to perform door-to-door campaigning. Women also had their campaign posters defaced to a larger extent than posters of male candidates in many parts of the country. Moreover, the lack of funding and experience in the political scene limited the women's possibility to

defined period. Yet, this criterion is not always applicable in reality and divorced women face financial difficulties if they have no family to support them.

⁶² Law no. 10 of 1984. Custody is granted to the mother by law, however, traditional norms give priority to the father and judges use their discretion to enforce the later especially if the mother is non-Libyan.

⁶³ The Law on Protection of Women's Right to Inheritance of 1959, stipulates the rights of women to inherit. However, their portion is half of the share to which men are entitled.

⁶⁴ Art. 17 of Law no. 10 of 1984 stipulates that a husband should not cause physical or mental harm to his wives, although Article 63 of the penal code states that evidence of injury is needed to prove assault. This does not protect women against domestic violence and psychological abuse.

⁶⁵ Art. 11 of Law no.24 of 2010.

⁶⁶ Art. 9 of Law no. 58 of 1970 stipulates that women may not be employed "in difficult or dangerous jobs". Under Article 96, Libyan women may not work more than 48 hours a week including overtime and they cannot work between 20 hours and 7 hours unless authorized to do so by the former General's People's Committee, still applicable. As a result, some hospitals and clinics were forced to employ foreign women to compensate for the non-availability of Libyan women. Under section 31 of the Labour Law, men and women are entitled to equal pay for performing the same job. But in reality women are often paid less.

⁶⁷ The Ministries of Health and Social Affairs.

carry out efficient campaigns. While State media was regulated, the private media was not and lack of funds by individual women candidates resulted in reduced access to and exposure through media.

Most women depended on social media and campaigning by word of mouth, on flyers, on private professional or personal networks and on their involvement in CSOs. Women on the party lists financed their campaigns through party affiliation which provided more access to media, billboards and posters. Women candidates claimed that they received limited information prior to the election that would have highlighted the advantages and implications of contesting as either individual candidates or on entity.

Most women candidates prioritise stability and security of their country, including reconciliation and development, rather than promoting women's rights, which are deemed secondary in the post-conflict realities of Libya.

Women in the election administration

Women were not represented among the HNEC governing body. There were no replacements for the two women commissioners who were initially on the Board. Women were also absent from almost all senior management positions both at the central administration and at the Sub-commissions. However, women's representation among polling staff was overall balanced except for the position of polling centre chairperson, largely occupied by men.

Women candidates

Women constituted 45 per cent, or 1.3 million, of the registered voters. A well-known controversial debate over the quota system of reserved seats took place before the election but there was no agreement reached. The value of the quota system for breaking down gender barriers, eliminating prejudices and discriminatory practices against women was not generally understood, as information was not widely disseminated. Instead, a special measure was included in the Election Law which obliged political parties to shift men and women horizontally and vertically⁶⁸ on their lists, the so-called "zipper" system, in order to increase women's numerical representation. This paved the way for the inclusion of 545 female candidates, or 45.2 per cent, compared to 662 male candidates.

A total of 85 women ran as individual candidates, out of 2,501, facing disadvantages in terms of funding and support, if compared to women included in the entity lists. This very low presence proved that when not obliged by law, the inclusion of women represented only three per cent, whereas when the law requested placing women vertically and horizontally, they formed 45.2 per cent of the candidates.

With regard to political entities, a total of 32 women were elected, 22 of them for National Forces Alliance, six for Justice and Construction, and one for Lubayk National Assembly, Wadi Al-Haya Alliance for Democracy and Development, Union of National Parties and National Centrist party respectively.

When the political entities were running in more than one constituency, the horizontal gender shift benefited women candidates⁶⁹. On the other hand, there was no impact on women representation when

⁶⁸ "Horizontal" implies a systematical gender shift between men and women as number one candidate, at the top of the party lists. "Vertical" refers to a gender shift between men and women candidates who are placed as number 2 to 11 on the party lists.

⁶⁹ Only 6.9 per cent of the parties, or nine out of 130, were running in more than ten of the 20 constituencies, therefore achieving gender parity among their candidates on top of the lists. Out of 56.2 per cent, or 73 out of 130, of the political entities running in one constituency alone, only three lists placed women at the top.

the gender shift was applied vertically, if women were not placed on top of the lists and only one candidate was elected⁷⁰.

With regard to individual candidates, only one woman was elected out of 120, proving that neither woman nor men voted for women candidates. Women candidates raised concerns that their lack of representation would affect their ability to participate equally in the decision-making process, starting with the drafting of the new constitution.

Women and civil society

Traditional gender roles were set aside during the uprising, as the Revolution called for everybody's contribution. A strong sense of civic responsibility among Libyan women and an eagerness to keep the momentum gained during the uprising, led to the establishment of more than 2,000 CSOs. The uprising offered a chance to play a different role in society and women used the new freedoms of expression and association to form advocacy groups promoting the advancement of women.

Women are leading the civil society movement and actively supported political participation through advocating for women's rights, providing voter information, organising campaign events⁷¹ and training of female candidates and observers. However, CSOs lack organisational and management structures, expertise and funding. They also did not take advantage of the media to get their messages across.

National Council for Civil Liberties and Human Rights

While welcoming the decision of the NTC to form the first National Council for Civil Liberties and Human Rights⁷², with a mandate to protect and promote human rights, its impact still remains to be assessed. The members were nominated by the NTC and are all human rights activists and well-respected members of their communities. Most notably, the board members have judicial authority when investigating human rights violations. Recently, some of the Council's members played a central role in the abolishment of Law no. 37/2012, on the grounds of unconstitutionality⁷³, thus asserting citizens' right to freedom of expression. The diversity of the Council's members in terms of gender, ethnicity, age and geographical representation, its comprehensive mandate and broad jurisdiction laid the foundation for it to exercise its function in accordance to international human rights practices.

XI. CIVIL SOCIETY ORGANISATIONS AND ELECTION OBSERVATION

The participation of CSO in the electoral cycle is paramount to the democratization process of the Libyan society⁷⁴. A total of 14,304 agents representing individual candidates and political entities, as well as

⁷⁰ Only 140 women (37.2 per cent) were placed on top of the party lists compared to 236 men (62.8 per cent), with a peak in Awbari (66.7 per cent). The lowest were in the PR constituencies of Tarhona, Al-Khoms and Mislata (7.1 per cent).

⁷¹ A high-profile national campaign under the title "My voice for her" was launched in Tripoli on 25 June 2012 (and later in Benghazi) in joint efforts by Libyan women organisations and UNDP to support women candidates from across the country. The campaign took place at the public gathering in attended by approximately 320 women candidates, i.e. 51.2 per cent of all the women standing for election. Speakers included the Prime Minister, Deputy Vice-Minister of NTC, Head of HNEC and Special Representative of the Secretary General.

⁷² Decision no. 185 of 28 December 2011.

⁷³ The law criminalised insults against the people of Libya or its institutions or glorifications of its deposed leaders.

⁷⁴ A European Union funded report on Civil Society and Women's Rights in Libya, June 2012: "The development of a robust civil society is the fourth priority on the National Transitional Council (NTC)." Also, "... The newly acquired freedoms of expression and of association bring about an awareness of the need to develop a "civil society culture" in Libya, together with a sense of civic

11,344 national observers, were accredited to the HNEC nationwide. Their participation undoubtedly contributed to the integrity of the process; however, this fundamental safeguard was considerably weakened as especially no individual candidates could engage a sufficient number of agents to cover a significant number of polling stations.

The HNEC, responsible for the accreditation of observers, political entities, candidate agents and the media, prolonged the accreditation deadline until 6 July, after repeated extension requests from observers. The accreditation department processed entities and candidate agents as well as national media in the districts and centrally. The HNEC in Tripoli accredited international observers, international media and Guests⁷⁵. General accreditation requirements were publicized and registration forms were available online, facilitating the process. Tripoli, Benghazi and Al-Zawiya districts registered the highest numbers of national observers. In Al-Bayda, Misrata, Al-Khoms and Al-Aziziya the number of agents was superior to those registered as observers.

Some CSOs' interlocutors expressed frustration regarding repeated foiled attempts to participate and provide positive input to the election preparations. In their view, CSOs had no opportunity to contribute to the election process having been side-lined by political organisations. Criticism was voiced against the NTC and the HNEC, accusing these of bias and lack of transparency in the decision making process. These CSOs stated they were willing to boycott elections in Benghazi and in Tripoli. They perceived the election and the following political transitional process to be fabricated and prone to political manipulation. There was also dissatisfaction expressed with what interlocutors called a rushed election, combined with a vague electoral framework, especially in regard to candidate and entity registration and campaign financing.

National Observers

The Shahed Network, one of the largest national observer groups, trained by The National Democratic Institute (NDI), was able to deploy around 2,200 observers to all 13 districts, covering 34 per cent of polling stations. The Libyan Association for Election Observation (LAEO), a group formed by Libyan women, fielded up to 686 observers on election day, of which 28 per cent were females⁷⁶. The LAEO core activities were the support to civic and voter information. LAEO deployed observers in a sample of 16 cities and ten constituencies. Based on their observation⁷⁷, the LAEO assessed the election to have been overall well organised, amongst other issues, the LAEO pointed out the lack of transparency regarding the NTC electoral boundary delineation, the complexity of the electoral system, and also that the voter information programmes were insufficient preceding the start of voter registration and during the remaining weeks until election day.

Moreover, the Out of Country Voting was observed by 35 national and 21 international observers as well as by national and international media.

The HNEC issued a Code of Conduct for all accredited national and international observers, with

responsibilities". On the role of the CSOs in the election process "There are however some emerging consultations mechanisms: examples include consultations on the election law, the law of associations and a review of education".

⁷⁵ The HNEC accredited national and international observers, national and international media, candidates and party agents and Guests. The diplomatic community in Libya and other interested citizens other than national observers and political agents could register as Guests.

⁷⁶ The LAEO participated in the Tunisian election under the supervision of the European Union.

⁷⁷ The LAEO observers covered 572 polling stations on election day, out of which 368 male and 204 female stations. The LAEO issued a pre-election statement, two statements on election day, and post-election report on the 12 July.

references to the Declaration of Principles for International Observation. According to the procedures, a polling station manager could order any observer or agent to leave the station if found to be in disrespect of the Code.

International Observers

The international observer groups⁷⁸ totalled around 180 observers. Their observation statements were broadly in line with the general election day findings of the EU EAT. In all statements the good level of performance of the HNEC was praised, and the HNEC was evaluated as being transparent, efficient and professional in conducting its duties. The polling, the counting and the final tally procedures were assessed as having been well implemented.

The main observer groups were The Carter Center (TCC), the African Union (AU), The League of Arab States (The Arab League), and the Gender Concern International (GCI) amongst other smaller groups.

The Carter Centre issued a post-election statement on 9 July referring to the remarkable achievement of holding the polls in a “...politically sensitive and potentially volatile environment”, commending the HNEC staff for carrying out their responsibilities with a high level of dedication and professionalism. The Carter Center pointed out that aspects of the legal electoral framework were unfinished until close to election day, and that some training of polling staff was incomplete. Security considerations limited the scope of the mission observation. On election day their observers visited around 160 polling stations in eleven out of 13 districts, having deployed 45 observers from 21 countries.

In its statement The League of Arab declared that it “...confirms that the National Assembly elections proceeded with transparency, credibility, and integrity in line with international commitments”. The African Union, that observed with 35 members from 22 African countries applauded “...the Libyan people in their determination to have election to vote for representatives of a critical process of writing the constitution”, concluding that the “... election of the General Assembly of Libya 2012 was free and transparent”.

Election information meetings were organized by the UNDP Election Support Team allowing for valuable updates on the electoral preparations to be disseminated amongst the international stakeholders. In some cases, members of the HNEC were invited to brief on specific issues. Over 20 EU diplomats were trained on the overall voting and counting procedures and provided with observation forms produced ad hoc by the EU EAT.

XII. COMPLAINTS AND APPEALS

The law foresees an expedient procedure for the adjudication of election disputes through two legal channels, the judiciary and the election administration. Pursuant to the law, any interested party may file a complaint against any of the electoral procedures within 48 hours of the date on which the appealed incident took place. Such challenges are filed to the District Courts, which should render a decision within 48 hours. Appeals against decisions of the District Courts should be lodged with the Primary Courts within

⁷⁸ Accredited HNEC organisations included the The Carter Center (TCC), Electoral Reform International Services (ERIS), International Crisis Group (ICG), International Gender Concern (IGC), the Election Network in the Arab Region, International Idea, International Foundation for Electoral Systems (IFES), Chahed (pour le controle des elections, Tunis), UNSMIL, The National Democratic Institute, Human Rights Watch amongst other. A breakdown per organisation was not available.

five days from issuance, while a ruling on the appeal should be taken within another five days. Time limits are necessary and there is obvious value in avoiding protracted litigation pending the determination of the election results. However, the 48-hour deadline for filing of complaints to the District Courts and to the HNEC, is in itself too restrictive to fully guarantee the adversarial nature of proceedings and due consideration required in a time sensitive election period. In practice, complainants were not always able to meet this deadline, taking into account the relatively high number of complaints filed after the time limit.

In addition, the Law on the Establishment of the HNEC⁷⁹ provides that among the tasks of the HNEC is to *“establish a mechanism to facilitate the receipt of complaints and grievances which fall under its competence, and decide upon it, in accordance with the provisions of the Election Law”*. Various HNEC Regulations adopted in the run up to the election offer more detailed instructions for the types of complaints lodged with the election administration, which should also be submitted within 48 hours from the issuance of the relevant HNEC decision⁸⁰.

Furthermore, the Law no. 26/2012 on the High Commission for the Implementation of Integrity and Patriotism Standards, as amended, provides specifically for complaints lodged by candidates against decisions of the High Commission regarding their candidature. However, while the Law initially referred to the complaints process stipulated by the Election Law, its amendment on 22 May, upon the end of candidates’ registration period, established the Primary Courts as the only level of redress provided to the aggrieved parties. On the contrary, complaints by voters against the registration of candidates should be filed to the District Courts, as per the procedure foreseen in the Election Law. This late amendment caused some confusion with complainants and the lower-level courts, which in some cases appeared unfamiliar with their role in regard to protection of candidates’ rights, as assessed by the EU EAT.

The Election Law also includes a comprehensive set of election offences and related penalties, in line with international best practices.

Pre-election complaints

The major bulk of complaints in the pre-election period related to the nomination of candidates, who were rejected by the High Commission for the Implementation of Integrity and Patriotism Standards. In general, the courts have given due consideration to such complaints and appeals and adjudicated them in an overall impartial, albeit not always systematic, manner. For instance, an ambiguity contained in the Law No. 45/2012⁸¹ opened space for different interpretations, as reflected in the decisions of the Primary Courts examined by the EU EAT⁸². In particular, some courts considered that the appeal deadline starts from the date of the candidate’s notification by the HNEC of the High Commission’s decision, while other courts took into consideration the date of publication of the said decision by the HNEC and rejected the related complaints as filed after the legal deadline.

⁷⁹ Art. 3.6 of the Law no. 3/2012 on the Establishment of the HNEC and Section Two par. B(8) of the Executive Regulation of the Law no. 3/2012.

⁸⁰ Such are the Law no. 26/2012, as amended, and the Regulations no.19 on Voter Registration, no. 91 on HNEC Sub-committees on examination election complaints, no. 93 on Complaints and Disputes Adjudication and no. 95 on Aggregation and Announcement of Results.

⁸¹ Law no. 45/2012 amends Art. 13 of Law no. 26/2012 and regulates in a more detailed manner the complaints process against decisions of the High Commission for the Implementation of Integrity and Patriotism Standards.

⁸² This is the provision of art. 1 of Law no.45 which stipulates that *“The concerned party may file complaint against this decision within 48 hours from the date of the publication of this decision in the proper constituency [...]”*.

The only complaints challenging voter registration were filed at the District Court of Al-Kufra; despite the fact that the complaints were lodged after the legal deadline⁸³, the court proceeded to their adjudication and ordered the removal from the voter lists of 1,008 voters from two polling centres, the Al-Manarah and Heteen, on various grounds⁸⁴. By its decision of 26 June, the HNEC proceeded to the implementation of the decisions of the District Court⁸⁵.

According to the law, any action which would obstruct other candidate's campaign is punished with imprisonment or fine and deprivation of candidacy for five years. After the adoption of the HNEC Regulation no. 93, campaign violations were dealt with either by the HNEC or by the normal judicial channels, if they constituted criminal offences⁸⁶. Until election day, very few violations were officially reported to the HNEC Sub-commissions, all of minor nature related to the destruction of campaign material. The HNEC in Benghazi received five complaints related to either campaigning in religious establishments or destruction of campaign posters; some of these were rejected as the campaign violations were committed by unknown perpetrators, while for others it appeared that no violations were established. Similarly, the HNEC in Misrata received two complaints regarding destruction of campaign posters which were forwarded to the courts.

Post-election complaints

Following the absence of legal provisions on submission of complaints to the election administration challenging its decisions, actions or omissions, and taking into account the fact that such possibility was already stipulated in the "Manual for Polling Officials", the HNEC issued on 27 June the Regulation no. 91⁸⁷, which reiterates that legal remedy can be sought from the courts according to the Election Law. Further facilitating legal redress, the Regulation empowered the HNEC to conduct preliminary investigation upon submission of complaints regarding HNEC's processes; in line with international good practices, it additionally provided for these HNEC decisions to be challenged at the courts.

In particular, a HNEC committee established in each district and composed of three members, among which one being the Deputy-Chairperson of the election district and one with a legal background, was mandated to consider these complaints. The committee had the right to either issue a warning notification, or refer the complaint to the HNEC Board of Commissioners to take the suitable measures. These measures could be a recount of the votes in a polling station or a cancellation of the results of a given polling station in case the violation affects the electoral process. The Regulation did not address

⁸³ According to Regulation no. 72 of 21 May on the Publication of the Preliminary Voter Lists and Submission of Challenges, the display of Preliminary Voter Lists should take place from 23 to 27 May, and the challenge period starts within 48 hours of the date of publication. The majority of the complaints in Al-Kufra were filed on 2-3 June.

⁸⁴ These grounds pertained to being a military member, or a resident of Aouzou area in Chad, or possessing a fraudulent family booklet number, or due to multiple registrations, or being convicted of a criminal act, or using family booklet or ID documents not pertaining to the particular voter registered.

⁸⁵ Pursuant to art. 1 of Law no. 28/2012 amending Art. 32 of Law no. 4/2012, the final court judgment must be strictly implemented by the HNEC; as no appeals were lodged against the decisions of the District Court, these are considered final. It should be noted, however, that the law does not request the notification of a voter of a complaint filed against his/her registration. While most decisions were issued by the District Courts between 3-5 June, the HNEC was remarkably late in ordering their implementation.

⁸⁶ As provided by art. 33 of the HNEC Regulation no. 59/2012 on election campaign.

⁸⁷ First the Regulation no. 91 was issued on 25 June, which stipulated that a Regulation on Elections and Disputes Adjudication would be applicable (this Regulation did not have a number). Also on the 25 June, the Regulation no. 93 was adopted, reiterating the articles of Regulation no. 91, and adding the establishment of the HNEC Sub-commissions. Then apparently, the Regulation no.91 was updated and as a result became identical to Regulation 93, without being repelled.

how the members are selected, in order to provide for adequate safeguards to ensure an impartial and competent resolution of the complaints at this first stage.

Following election day, the HNEC Sub-commissions from all 13 districts received an approximate number of 90 complaints filed by voters, national observers, political parties and individual candidates⁸⁸. Some were filed after the legal deadline, thus were rejected for procedural reasons, while others were archived due to lack of substantial evidence. A large number of complaints alleged campaign advertisement within the polling centre or breach of campaign silence on TV, and were referred to the Public Prosecutor. All 16 complaints filed with the HNEC in Ajdabiya were referred to the HNEC in Tripoli for consideration, due to the late establishment of the Ajdabiya complaints committee; five among them were lodged by voters not allowed to cast their ballots, although they allegedly were in possession of a revolutionary ID. The ground of six complaints filed with the HNEC in Benghazi was armed assault into the PS and destruction or theft of election material, thus were forwarded to the criminal courts. A number of complaints of verbal abuse and expulsion of voters by PS staff were referred to the Ministry of Education. According to the law and the HNEC, complainants were invited to support their cases in the presence of respondents, where applicable. The HNEC did not always follow the time limits set by the law in adjudicating the complaints or referring them to the courts, taking into account the number of complaints still under consideration ten days after the polling⁸⁹.

Pursuant to Regulation no. 95 of 30 June, all stakeholders can request the District Courts to invalidate the preliminary results for a polling centre, a polling station or the whole district, within 48 hours of the date of announcement of the results. The District Courts have 48 hours to adjudicate such complaints, while an appeal may be lodged within five days of the date of decision; the Primary Court should render its decision on the appeal, which is considered final, in another five days. In addition, the Election Law provides for the general right of the HNEC to *“cancel the results of a polling station if it is proven that fraud, manipulation or any act could distort the results”*, without specifically mentioning any need for a previous court decision. Similarly, the Regulation no. 95 does not stipulate any explicit grounds for challenging the results, or the powers of the District Courts to order a partial or full recount or to cancel the particular results. Most importantly, the Regulation does not include any provision for complaints against the overall results, which is a substantial failure of the right to an effective remedy.

After the 48-hour deadline for challenging the Preliminary Results, the District Courts received 37 complaints. All were rejected apart from one, in which the District Court of Gharyan disqualified an elected candidate on the ground that he was a member of the NTC. The Election Law and the regulations do not stipulate whether there should be a repeat election in such case or whether the next candidate with the highest number of votes will be selected. On appeal, the Primary Court ruled that the deadline for submission of complaints against candidates' nomination had expired on 31 May, after the publication of candidates' lists, and subsequently overturned the decision of the District Court. Most of the other District Court rulings were also appealed, but the Primary Courts upheld the vast majority of the appealed decisions. It appears that these complaints were not related to the election results and should have been filed in accordance with the 48-hour deadline following the alleged incident, as per art. 31 of the Election

⁸⁸ According to information provided by the HNEC headquarters, no complaints were filed with the HNEC Sub-commissions in Tobruk, Sirt and Ubari. The EU EAT observed that no complaints were lodged also with the HNEC Sub-commissions of Al-Zawiyah and Al-Aziziya.

⁸⁹ The HNEC Sub-commissions should notify the person against whom the complaint is lodged to respond to the complaint within 3 days from the date of notification; the HNEC should consider the complaint within another 3 days.

Law⁹⁰; this exhibiting either a lack of understanding of the formal legal requirements by the complainants, or an attempt to benefit from the *lacunae* in the law regarding the grounds for lodging complaints against the results.

XIII. ELECTION DAY

Pre-election day security

Pre-election day violent demonstrations occurred in Cyrenaica, namely in Benghazi, Tobrouk and Ajdabiya. On 1 July supporters linked to the Federalist movement protested against the allocation of seats. The HNEC district office suffered looting and arson, election and office material were burned. Nonetheless, the district office was able to remain operational and preparations for election day proceeded. In Tobrouk the district office was ransacked and laptops and papers destroyed by a group of demonstrators. On 2 July the HNEC chairperson delivered a strong statement on the full preparedness of the HNEC, while calling for a more robust response from the national security forces in light of these incidents.

On 5 July, the Ajdabiya⁹¹ district office was ransacked and partially burned. Election material was destroyed, and 6 per cent of all the ballots in the country were burned, affecting the constituencies of Jalu, Brega and Ajdabiya. The HNEC quickly re-printed the ballots in the UAE and distributed them with some delay. This caused the late opening of a number of stations, plus considerable disorder in the city only eased after sufficient deployment of State security agents. It was apparent that insufficient security forces had been allocated to protect the HNEC premises. In Al-Kufra district the HNEC negotiated a 12-hour truce to allow for voting to take place⁹².

The EU EAT laments the killing of a member of the HNEC staff during an unclaimed attack on a helicopter while distributing election materials to Cyrenaica.

Opening of polling stations and voting

Localised violent incidents in the eastern regions in Cyrenaica did not significantly impact on the voters' willingness to participate in the election, or on the HNEC's resolution to operate polling stations. In all, 6,497 PS aggregated to 1546 PC were made operational in Libya on election day.

With a total of seven teams of Regional Experts deployed to 11⁹³ out of 13 districts, the EU EAT was able to assess the opening, voting, closing and the counting of ballots at 123 polling stations. The atmosphere was festive and citizens, as well as polling staff, were enthusiastic about the event.

Election procedures were evenly applied and the integrity and secrecy was sufficiently protected in all visited stations. Overall, the EU EAT rated the polling staff as professional and acting with transparency.

⁹⁰ As the EU EAT Regional Experts returned from the field on 17 July, it was not feasible to obtain copies of these complaints, which could be filed within 48 hours of the publication of the Preliminary Results, i.e. after 17 July at 22:15hrs and until 19 July at the same time. The EU EAT was able to study only the cases filed with the District and Primary Courts of Gharyan, South Tripoly and Swani Courts.

⁹¹ See under Election day and Voting.

⁹² See under Pre-Electoral Tensions.

⁹³ Tripoli, Al-Zawiyah, Al-Azizya, Al-Khoms, Misrata, Benghazi, Ajdabiya, Tobrouk, Obari, Al-Bayda and Gharyan.

Polling stations were located in public buildings such as schools, allowing for adequate space for an efficient flow of voters.

In Ajdabiya, election day saw unrest and disorder. The late distribution of ballot papers did not allow for a timely opening of centres, creating confusion amongst the voters. A number of armed persons in militia gear roamed the streets and PCs, intimidating citizens. Later, the security agents of the State were deployed and tensions decreased. Also, in Brega and Jalu in the same district, the late ballot distribution delayed the opening and polling started at 18.00h. The HNEC allowed late voting to continue in PCs that were attacked earlier during the day.

In Benghazi, 12 PCs were attacked and disrupted during election day, and four were closed due to insecurity. The HNEC allowed the affected citizens to vote in any PC of their choice. Polling staff compiled additional voter lists to serve these voters.

Closing, counting and transmission of results

EU EAT expert teams assessed peaceful and smooth closing and counting processes, during which procedures were overall followed. Polling stations closed on time, and voters in a queue at the time of closing, were allowed to vote. The EU EAT assessed that the integrity of the counting process was sufficiently protected, and the closing and counting as being generally well conducted.

National tabulation of results

There was no intermediate aggregation of results at the districts. The national tabulation process, as thoroughly followed by the EU EAT, took place in Tripoli. This tabulation was assessed to have been efficiently and professionally conducted, in an overall transparent manner and in line with international best practices. Full access to all stages of the procedures was granted to the EU EAT and other stakeholders. The HNEC's operational arrangements allowed for the swift retrieval of results from all 13 districts, being able to initiate the results tabulation on 9 July. While tabulation procedures were issued late, the national tally centre staff was timely trained and the centre competently planned and established.

In accordance with Regulation no. 95/2012⁹⁴, a national tally centre was established at the HNEC's head office in Tripoli. A tabulation committee, consisting of HNEC commissioners in charge of organizing the process, was responsible for auditing, for investigative procedures regarding unclear results sheets or other problems identified at this stage and for deciding on these. In over a hundred cases the HNEC re-counted the ballots. An IT manager set up a team for the input of polling stations' results using a double blind data entry system, and was further responsible for managing the entire statistical database⁹⁵.

The HNEC was delivering partial Preliminary Results on a daily basis with live television broadcast transmissions, which were subsequently made available on the HNEC's website.

⁹⁴ HNEC Regulation no. 95/2012 on Aggregation and Announcement of Results, enacted on 30 June 2012.

⁹⁵ As per HNEC's issued procedures for the national results tabulation system, the aggregation of the polling stations results forms and data input was organised in seven stages: receipt of results sheets (intake); receipt of results sheet and first investigation stage to identify the polling station and any missing data; double blind data entry, preliminary and secondary; the amendment stage; quality control; archive and Audit stage for all outstanding results; At the investigation stage, any missing polling station or results information is cleared with the district sub-commission offices as to complete the forms. A database of all investigated cases should be kept.

XIV. RESULTS

Announcement of Results

The HNEC initiated the announcement of the partial Preliminary Results on 9 July in sub-constituencies where a minimum threshold of 75 per cent of results had been processed. The Preliminary Results of all 13 districts were announced on the 17 July, however these were incomplete since they did not include any mention of the invalid, blank, spoiled and cancelled ballots, and only gave numbers of votes cast for the elected candidates. The HNEC announced the national turnout to be 62 per cent; however constituency turnout figures have not been made public⁹⁶. The HNEC posted online Preliminary Results per polling station, further enhancing the transparency of the overall election process.

Regarding the 200 seats to the GNC, the political entities that elected candidates were the National Forces Alliance with 39 seats, the Justice and Construction with 17 seats and the National Front with three elected candidates. The Unity in Favor of the Homeland, the Bloc of Wadi El Haya for Democracy and Development and the National Centrist Party elected two candidates each. A total of 15 political entities lists gained one seat each, thus completing the 80 seats reserved for the proportional list system. Another 120 seats were gained by the individual candidates, out of which only one seat was won by a women.

On 1 August the HNEC declared Final Results, identical to the Preliminary Results and as incomplete, not including any additional information regarding the invalid, blank, spoiled and cancelled ballots.

These incomplete results published by the HNEC on the Internet where analysed by the EU EAT. It was established that in 1.76 per cent (216) of polling stations countrywide candidates and entity lists won seats with 90 per cent or more of the valid votes. This high proportion of voting for one single candidate is not totally justified as the outcome of tribal voting or gathering around charismatic or well-known local candidates and would have merited further investigation.

The Mission concluded⁹⁷ that this particular anomaly was concentrated enough in 216 polling stations and affected the allocation of at least 13 seats: two seats for candidates elected from political entities lists in Ajdabia, and eleven individual candidates elected in Al-Kufra (two), Sidra (one), Sirte (two), Al-Jufra

⁹⁶ A total of 1,768,605 voters cast 3,171,203 ballots for the GNC election: 1,611,498 votes for the majoritarian individual race and 1,559,705 for the proportional entity list race, including Out-of-Country ballots. The east of the country registered 462,499 valid votes, the south 101,932 and the west 1,200,758, with an average regional turnout of 60 per cent, of 58 per cent and 63 per cent correspondingly. The unofficial HNEC polling statistics listed an average of 4.2 per cent of invalid votes nationwide, with 4.8 per cent for the political entity and 3.7 per cent for the individual contests. In addition, 0.38 per cent of spoilt ballots and 0.32 per cent of discarded or cancelled ballots were registered, 12,095 and 10,295 respectively.

Male voter turnout was registered around 61 per cent, while women participated with 39 per cent on a nationwide average. The national average of invalid votes registered in male polling stations was slightly higher than that in women stations, with 4.5 per cent and 3.8 per cent respectively.

⁹⁷ See Chapter III in Annex 4 to this Report – Statistical Report, for the analysis of voting patterns.

(one), Murzuq (two), Kikla and Qalaa (one), Mezda (one) and Ghadames (one). Neither the courts nor the HNEC received complaints regarding this issue.

Political Analysis of the Results

Mahmoud Jibril's National Forces Alliance emerged as a clear winner in a majority of constituencies reserved for political entities. The political branch of the Muslim Brotherhood, the Justice and Construction party, did not score as well as expected. Distant followers, the National Front won three seats in Misrata, Benghazi and Ajdabiya. The National Centrist Party of Ali Tahouni won two seats, one in Tripoli's Hay Al-Andalous, where its ally, National Forces Alliance, did not run and the other in Al-Baida. The Union for the Nation won two seats in Misrata and Al-Aziziya and a regional party based in Al-Kufra, Wadi Al Haya for Democracy and Development obtained two seats in Awbari city. Out of the 15 parties with only one seat in the GNC, six are local parties that submitted only one list in Sabha, in Al-Zawiya and one in Benghazi.

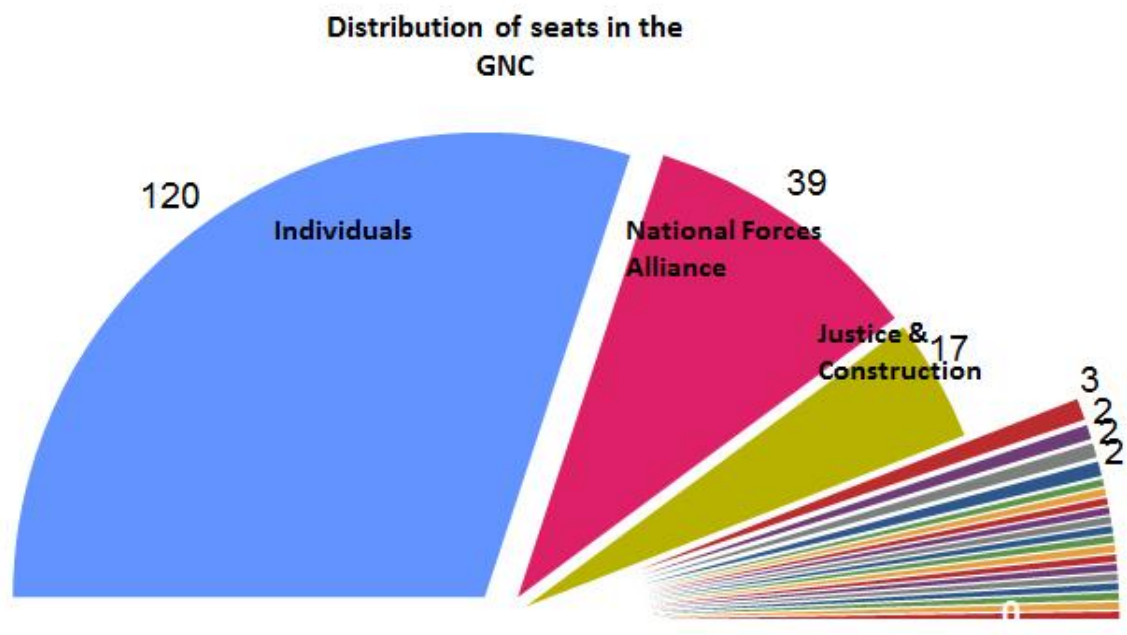
Mahmoud Jibril's party gained the highest number of votes in 16 of the 20 constituencies where political parties competed for 80 seats. In two other constituencies where his party submitted lists, it finished fourth, winning one seat in Misrata and one seat in Sabha where tribal vote prevailed. With a campaign ran quasi exclusively on Jibril's image, there is no doubt his experience as wartime prime minister was decisive to the victory of his very new coalition. His belonging to the Warfalla tribe, the most populous tribe in Libya, gave him a certain advantage.

The failure of Islamist parties was the big surprise of this election. The JaC was expected to benefit from its regional success in Tunisia and Egypt, while Al-Watan, the other prominent Islamist party, was expected to benefit from the merits acquired by Abdehakim Belhadj during the revolution as a military leader, but Al-Watan did not even obtain one seat in its stronghold, Benghazi.

The elected individual candidate with the lowest number of votes received 276 in Tazirbu, Ajdabiya constituency, while the highest number of votes received by one single candidate was 40,207 in Benghazi city. This high difference in the number of votes needed to win a seat is a consequence of the large number of candidates and of the Single Non-Transferable Vote system, which allows a candidate to be elected with a simple majority based on the number of votes cast. If the turnout is low, a candidate can be elected with a few hundred votes. The 13 members of the GNC elected with more than 10,000 votes contrast with the 50 who got elected with less than 3,000 votes. Nevertheless, in constituencies for individual candidates, the system allowed the voters to elect the most popular candidates in their community.

Even with a clear victory in PR constituencies, neither the NFA, nor the JaC can clearly dominate the 200 members' assembly, as 120 seats are filled by individuals who have not declared their support to political parties. Very early in the release of partial preliminary results, Mahmoud Jibril called for a grand coalition with the other parties in the hope of forming a government of national unity. With less than 20 per cent of the total seats, NFA's victory has to be examined in the perspective of the total 200 seats in the GNC. A hypothetical alliance with JaC would give them control of only 28 per cent of the assembly, 22 per cent short of a majority. However the scenario of an alliance between the two main parties in the GNC is not likely as Mohamed Sowman put it *"theoretically it is possible but we are not looking into doing it"*.

The political leanings of the winners of the 120 seats reserved for individual candidates were still unclear. An undetermined number of them were supported by parties during the campaign and were known to be politically affiliated; others will keep their independence and regional agendas but will not align permanently with parties as they did not support them before election. Both the NFA and JaC are looking for partners to form a coalition but are unlikely to secure a permanent and stable majority in the GNC. However, NFA's clear win put it in a better position to set the agenda for the nomination of the next Prime Minister.



XV. RECOMMENDATIONS

Having in mind the proposed calendar for the democratic transitional post electoral phase, the following recommendations take into account that a referendum is envisaged to take place for the approval of the Constitution and the adoption of a new General Election Law.

Constitutional and Legal Framework

1. The authorities could consider codification and harmonisation of the Election Law and the HNEC Regulations enacted for the election to the General National Congress of 7 July 2012. This would eliminate discrepancies and conflicting interpretations, enhance the accessibility of the electoral legal framework and facilitate its application.
2. The enactment of Election Law well in advance of the next electoral cycle would leave sufficient time for all stakeholders to familiarize themselves with its application. Only the necessary changes could be made in the run-up to the elections.
3. In order to further promote universal franchise, consideration could be given to allow for members of the military to exercise their right to vote. Also to ensure due protection of citizens' electoral rights, the provisions for lustration should be clearly defined in the law. The principle of

proportionality should be used to determine any restrictions on fundamental rights such as suffrage and the right to vote.

4. Any reform to the components of the electoral system could be considered on the basis of broad and open consultation among the major election stakeholders and with key civil society organizations.
5. In order to preserve equal voting power, electoral constituency boundaries could be revised, so as to provide for the territorial distribution of seats in accordance with a specific criterion, such as the population or the number of registered voters.
6. Aiming at improving transparency, information regarding the creation of electoral districts and constituencies could be published in the national and regional media including specific deadlines in the law for the establishment of electoral districts.
7. In order to safeguard the principle of a free and independent mandate, consideration could be given to avoid provisions in the Election Law that *de facto* introduce an imperative mandate and a disproportionate level of political parties' control over the elected candidates.
8. To enhance transparency of the electoral process, the Election Law could include provisions for the publication of election results, broken down by each polling station, in a timely manner.
9. In order to clarify the ambiguity in the law in case of disqualification of an elected candidate, the Election Law could include provisions for the replacement of elected candidates, if they are disqualified after the announcement of preliminary results by final court decisions.

Election Administration

10. The valuable institutional memory and expertise gained with the first democratic election to the GNC would be beneficial to any newly appointed election management body (EMB). The transitional calendar proposes the holding of a referendum within 30 days after the approval of the Constitution. In this case, a decision could be taken to retain the existing structure and composition of the HNEC as to immediately commence the preparation for the referendum. Hence, the EU EAT recommends re-appointment of the members of the Board of Commissioners, the Central Administration, the Sub-commissions directors and staff for the entire upcoming referendum, including a qualified full-time Secretariat and permanent Sub-commissions in all 13 districts.
11. In order to increase HNEC's transparency in the implementation of the election, a streamlined, periodic and inclusive public communication mechanism could be envisaged. The district Sub-commissions could also profit from an improved and regulated communication strategy. The establishment of weekly information meetings with stakeholders could be particularly beneficial, together with an organised distribution of relevant documentation pertaining to the legal and electoral frameworks. Decisions and regulations produced by the EMB could be disseminated and clearly explained to the stakeholders.
12. The EMB could consider producing, publishing and implementing a comprehensive calendar for the organisation of the referendum and next electoral full cycle with clear deadlines for every stage of the electoral process.

13. The next EMB could envisage allowing for the full enjoyment of voting rights, by means of establishing the possibility of holding an anticipated voting exercise for the military personnel as well as for homebound and hospital bound persons.
14. In order to enhance the transparency of the election, the EMB could envisage mechanisms to effectively support the full participation of political entities and individual candidates' agents in the election monitoring effort.
15. In order to enhance the accuracy and completeness of the voter register and strengthen the public confidence in it, the EMB could consider to audit of the voter register once the register is digitalised.
16. Promoting the principle of universal suffrage the EMB could consider organising Out-of-Country Voting (OCV) in those countries known to host large numbers of Libyan expatriate population, such as Egypt and Tunisia.

Voter Registration

17. The existing voter lists issued by the HNEC could serve as the base on which to consolidate the production of an electronic voter database. Consideration could be given to establishing an electronic voter registration updating system which could be led by the EMB's district offices, with closing cut off dates clearly stipulated in the law. More time for challenges to the voter lists could be allocated. The voters' electronic database could be correlated with the population census in order to take account of specific population trends and movements.
18. Special attention could be given to minorities and internally displaced communities during the voter registration process and voting, in response to the full protection of their rights for political and civic participation.

Registration of Political Entities and Candidates

19. A well planned candidate registration period is a key element of inclusivity. In order to allow all potential candidates to submit their applications on time, the EMB could announce the registration opening and closing dates well in advance, in order for electoral contestants to dispose of sufficient time to prepare the required documentation.
20. To submit lists of candidates, political parties were required by Law to register as political entities as well as any other group of persons or associations wishing to submit candidates for the election. In order to facilitate participation in elections, the legislator could contemplate to exempt political parties from the need to register also as political entities to be able to submit candidates for elections. That inscription could remain appropriate for other groups of persons and associations wishing to present candidates.
21. The legislator could consider discouraging the financial support of individual candidates by political parties. If those so supported candidates were elected, parties would benefit from extra seats outside of their 80 seats limit attributed by the Law.
22. A legal obligation for individual candidates to identify a possible allegiance to a political party may be considered so as not to mislead voters, who might inadvertently vote for a party.

Voter information and civic education

23. The EMB could envisage the planning and implementation of extensive civic education and voter information awareness programmes, to be conducted during longer periods of time preceding the referendum and election days. The inclusion of remote rural populations, of internally displaced communities and of Libyans living abroad is important. Civil Society Organisations could actively cooperate with the EMB on a more streamlined platform, with broad involvement in the design and implementation of these programmes.

Media

24. Aiming at full compliance with international standards, the future Constitution could define freedom of expression, and include the right to seek, receive and impart information and ideas of all kinds. In line with the respect of the freedom of expression, it could also include the prohibition of all forms of censorship.
25. The regulatory frameworks are recommended to provide for the obligation to cover election campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters, with due respect for their editorial independence.
26. It is recommended that all contestants are given access to State media to present their views. The free airtime and space has to be granted in a fair manner, and on the basis of transparent and objective criteria. The procedures have to be decided and announced to all stakeholders in due time, prior to the start of the official campaign.
27. It is recommended, that all paid political advertising would be recognizable as such by viewers/readers, and contestants would have the possibility of buying advertising time/space under equal conditions and payment rates. The relevant media could announce the prices for the advertisement in due time, before the start of the official campaign, and maintain them throughout the entire campaign. The future EMB, or the High Media Council (HMC), could control the timely publication of the prices and the media adherence to them.
28. Comprehensive media legislation could be considered, including the process of transformation of the State media into Public ones. The future Media Regulator could develop an efficient media monitoring system allowing for supervision of broadcasters' compliance with their legal obligations, especially during the pre-election periods.
29. To broaden the diversity of the information sources available to the electorate, the state could facilitate the distribution of the print media and the access of the citizens to the Internet, for instance in community centres, schools and other learning facilities.

Human Rights – Participation of Women

30. In order to comply with Art. 6 of the Draft Constitutional Declaration, which stipulates that *“Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations...”*, gender equality measures could be included in the provisions of the Electoral Law, civil and penal codes and Labour Law.

31. In order to guarantee gender equality among the individual candidates, financial incentives and capacity building for women candidates could be considered. The government could support training initiatives aimed at increasing women's political participation such as the practicalities of running a campaign and the strategic importance of teaming up in support networks and sustain it beyond the election period.
32. In order to enable a comparative analysis, address any existing gaps and measure the progress in gender equality, the authorities could establish and maintain a gender disaggregated database to collect data and statistical information broken down by age, sex and geographical representation to enable comparative analysis, address gaps and measure progress.
33. The authorities could contemplate the lifting of the reservations on the CEDAW to ensure full compliance with the obligations of that convention. The Mission encourages the authorities to re-examine these reservations so as to identify the negative consequences they may have for the application of the principle of equal voting rights.
34. In order to help remove stereotypes that make women not to be considered as serious candidates, the media and the education system could provide gender equality training programs and gender sensitive education material to help change the public opinion, influence the decision makers about the roles of men and women in society.
35. The EMB could aim for a more gender-balanced work force in future elections, especially in management positions and could provide sufficient training opportunities for women employees.

Complaints and Appeals

36. Consideration could be given to clearly define in the Election Law the respective powers and responsibilities of the HNEC and the courts with regard to complaints and appeals.
37. In order to ensure a balance between timely adjudication of election disputes and respect for the right to an effective remedy, the timeframes for submission of complaints and appeals to the HNEC and the courts respectively, could be amended. It is recommended that the Election Law provides a three to five-day deadline for submission of complaints, and a three to five-day deadline for submission and consideration of appeals. Deadlines could start from the notification of a decision, rather than from the time when a decision is issued.
38. In order to further contribute to an effective and transparent dispute resolution and to ensure consistency, the HNEC could consider developing comprehensive operating procedures for internal handling, examination and adjudication of complaints. These could be in accordance with due process of law and judicial independence requirements established by international legal instruments, such as consideration of complaints at public meetings, the right to a written decision with a justification that is made public, as well as the right for the involved parties to be present during the consideration of the complaint.
39. In order to provide an effective legal remedy, the Election Law could expressly stipulate for the right for election stakeholders to challenge the overall election results, and not just the results of the polling station, the polling centre or the constituency. It could also explicitly stipulate the powers of the courts to order re-counts, partial or total exclusion of ballots, partial or total re-runs and partial or total cancellation of results and could specify objective criteria for invalidation of

results.

XVI. ACRONYMS

ACHPR - African Charter of Human and People's Rights
AU - African Union
CEDAW - Convention on the Elimination of all Forms of Discrimination against Women
CRPD - Convention on the Rights of Persons with Disabilities
CSO - Civil Society Organisation
CTC - Cyrenaica Transitional Council
EMB - Election Management Body
FPTP - First Past the Post
GNC - General National Congress
HMC - High Media Council
HNEC - High National Election Commission
IDP - Internally Displaced Person
JaC - Justice and Construction Party
LAEO - Libyan Association for Election Observation
LAS - League of Arab States
LCNA - Libyan Coordinated Needs Assessment
LEAP - Libya Electoral Assistance Project
MoD - Ministry of Defence
Mol - Ministry of Interior
NFA - National Forces Alliance
NTC - National Transitional Council
OCV - Out-of Country Voting
PC – Polling Centre
PR - Proportional Representation System
PS - Polling Station
SNTV - Single Non Transferable Vote
TCC - The Carter Center
UNDP - United Nations Development Program
UNOPS - United Nations Office for Project Services
UNSMIL - United Nations Support Mission in Libya

XVII. ANNEXES

ANNEX 1 – LEGAL, Pre-election complaints, District Courts
ANNEX 2 – LEGAL, Pre-election complaints, Primary Courts
ANNEX 3 – LEGAL, Post-election complaints filed with the HNEC
ANNEX 4 – Statistical Report

Annex 1

PRE-ELECTION COMPLAINTS

DISTRICT COURTS

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION DATE OF PUBLICATION COMMENTS
1	District Court of Misrata	Khaled Ali Teeka and others	Association of Engineering and Logistics (Political Entity)	Case #1/2012 Lodged: 24-5-2012	De-registration of Respondent as a GNC candidate	Petition granted 26-5-2012 The Respondent was established as a civil society association and not as a political entity.
2	District Court of Misrata	Mohamed Sherif	Jomoaa Ahmed Abdullah Eatigua (GNC Candidate)	Case #2/2012 Lodged: 26-5-2012	De-registration of Respondent as a GNC candidate	Petition rejected 26-5-2012 No evidence to support the Petitioner's claim against the Respondent, that the Respondent was a close

						friend of Qadhafi's son and chairman of Qadhafi Human Right Organisation.
3	District Court of Misrata	Mabrouk Emhamed Ahmed A-Jadk	Ahmed Housine Ahmed Dib and others (GNC Candidates, District of Misurata)	Case #3/2012 Lodged: 26-5-2012	De-registration Respondents as GNC candidates	of Petition rejected 26-5-2012 The District Court of Misrata has no jurisdiction to adjudicate this case, as the Respondents are residents of Bani Walid.
4	District Court of Misrata	Houssine Moftah Omar Ali Al- Shagmani	Jomoaa Mohamed Eatigua (GNC Individual Candidate, District of Misrata)	Case #4/2012 Lodged: 26-5-2012	De-registration of Respondent as a GNC candidate	Petition rejected 26-5-2012 The Petitioner did not present any substantial evidence to support his claim against the Respondent. According to his claim, the Respondent is a resident of Tripoli and not Misrata, also a member of the previous regime and headed an organisation pertaining to Qadhafi's daughter until the beginning of the revolution.

5	District Court of Zliten, Misrata	Mohmed Khalifa Zayed and others	Nouri Bashir Ehiresh (GNC Candidate)	Case #2/2012 Submission date is not available	De-registration of Respondent as a GNC candidate	Petition granted 26-5-2012 The Respondent did not satisfy the standards of the HCIIPS.
6	District Court of Zliten, Misrata	Omran Mahmood and others	Fatma Mohamed Sheick (GNC Candidate)	Case #5/2012 Submission date is not available	De-registration of Respondent as a GNC candidate	Petition granted 26-5-2012 The Respondent did not satisfy the standards of HCIIPS.
7	District Court of Zliten, Misrata	Housine Hedi Ben Mahmoud and others	Hamza Mohamed Sheick (GNC Candidate)	Case #7/2012 Filling date is not available	De-registration of Respondent as a GNC candidate	Petition granted 26-5-2012 Respondent did not satisfy the standards of HCIIPS.
8	District Court of Suq Al-Kahmees Masihal, Al-Aziziya	Mounir Ibrahim Habib and others	Sharaf Dhaou Ahmed Rkik (GNC Candidate)	Case #1/2012 Filling date is not available	De-registration of Respondent as a GNC candidate	Petition granted 27-5-2012 The Respondent did not satisfy the standards of

						HCIIPS, as he was a Coordinator in the Sup Al-Khamees Leadership and distributed weapons among residents.
9	District Court of Suq Al-Kahmees Masihal, Al-Aziziya	Family of Ali Al-Mahdi Ibrahim Al-Bayyadh	Dhaou Al-Manouri Oun (GNC Candidate)	Case #2/2012 Lodged: 24-5-2012	De-registration of Respondent as a GNC candidate	Petition granted 27-5-2012 The Respondent did not satisfy the standards of HCIIPS, as he was an investigator in the Revolutionary Committees.
10	District Court of Ajdabiya	Alsanosi Salem Omar Algomi and others	Electoral District 4 - Ajdabiya	Case #2/2012 Submission date is not available	The District of Ajdabiya should post candidates' lists in secure places. In particular, the lists were posted in polling centers close to the neighborhoods of Tabu tribe, which is unsafe and therefore did not enable the public scrutiny.	Petition rejected 29-5-2012 Article 11 of Regulation no.19/ 2012 specifies the registration centers as the places to post the candidates' lists.
11	District Court of Al-Kufra	57 petitions against registered voters	Hateen Polling Center	57 different cases	Multiple voter registration	De-registration of voters

12	District Court of Al-Kufra	51 petitions against registered voters	Hateen Polling Center	51 different cases	Voters are residents of Aouzou, Republic of Chad	De-registration of voters
13	District Court of Al-Kufra	46 petitions against registered voters	Hateen Polling Center	46 different cases	Voters used other citizen's documents to register	De-registration of voters
14	District Court of Al-Kufra	93 petitions against registered voters	Hateen Polling Center	93 different cases	Voters used a reference number to register, indicating that they did not have IDs.	De-registration of voters
15	District Court of Al-Kufra	179 petitions against registered voters	Al- Manar Polling Center	179 different cases	Voters are residents of Aouzou, Republic of Chad	De-registration of voters
16	District Court of Al-Kufra	552 petitions against registered voters	Al- Manar Polling Center	552 different cases	Documents used for registration had no numbers	De-registration of voters
17	District Court of Al-Kufra	17 petitions against registered voters	Al- Manar Polling Center	17 different cases	Member of military	De-registration of voters
18	District Court of Al-Kufra	7 petitions against registered voters	Al- Manar Polling Center	7 different cases	Multiple registrations	De-registration of voters
19	District Court of Al-Kufra	17 petitions against registered voters	Al- Manar Polling Center	17 different cases	False number of family booklet used for registration	De-registration of voters
20	District Court of Al-Kufra	18 petitions against registered voters	Al- Manar Polling Center	18 different cases	Documents used for registration were expired	De-registration of voters

21	District Court of Al-Kufra	2 petitions against registered voters	Al- Manar Polling Center	2 different cases	Same document used by two persons for registration	De-registration of voters
22	District Court of Al-Kufra	3 petitions against registered voters	Al- Manar Polling Center	3 different cases	Citizens of the Republic of Chad	De-registration of voters
23	District Court of Al-Kufra	1 petitions against registered voters	Al- Manar Polling Center	1 different cases	Convicted of homicide	De-registration of voter
24	District Court of Al-Kufra	25 petitions against registered voters	Al- Manar Polling Center	25 different cases	Used other people's documents to register	De-registration of voters
25	District Court of Al-Kufra	17 petitions against registered voters	Al- Manar Polling Center	17 different cases	Used false family booklet	De-registration of voters

Annex 2

PRE-ELECTION COMPLAINTS

PRIMARY COURTS

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No.#/DATE LODGED	PRAYERS	DECISION/ DATE OF PUBLICATION/ COMMENTS
1	Primary Court of North Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS ⁹⁸	Case #1/2012 Submission date not available	Annulment of the HCIIPS's decision #82/2012 on the rejection of the Petitioner's candidature to the GNC, according to which the Petitioner was known as a glorifier of the previous regime	Petition granted 23-5-2012 No substantial evidence proving the glorification of the previous regime by the Petitioner, who proved with conclusive evidence that he joined the Revolution before 20-3-2011
2	Primary Court of North Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #2/2012 Submitted: 27-5-	Annulment of the HCIIPS's decision rejecting the Petitioner's candidature to the GNC, on the grounds that the	Petition rejected 29-5-2012

⁹⁸ This abbreviation stands for the "High Commission for the Implementation of Integrity and Patriotism Standards".

				2012	Petitioner was a member of the Revolutionary Guard	The Petitioner was a member of the Revolutionary Guard and did not prove that he joined the Revolution before 20-3-2011. Thus, the Petitioner did not satisfy the standards of the HCIIPS
3	Primary Court of North Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #3/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #200/2012 rejecting the Petitioner's candidature to the GNC, on the grounds that the Petitioner was a Secretary of Education in the district of Al-Jabal Al-Garbi and did not prove with conclusive evidence that he joined the Revolution before 20-3-2011	Petition rejected 6-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. The position held by the Petitioner can only be assigned to effective members of Revolutionary Committees. The Petitioner failed to prove that he resigned and joined the Revolution before 20-3-2011
4	Primary Court of North Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case#4/2012 Submitted: 5-6-2012	Annulation of the HCIIPS's decision #114-2012 rejecting the Petitioner's candidature, on the grounds that the Petitioner was a member of Popular Social Leadership in Zentan and did not prove with conclusive evidence that he joined the Revolution before	Petition granted 6-6-2012 The Petitioner proved that he joined the Revolution before 20-3-2011

					20-3-2011	
5	Primary Court of North Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #5/2012 Submission date not available	Annulation of the HCIIPS's decision on rejection of the Petitioner's candidature, on the grounds that the Petitioner was a member of the Revolutionary Committees	Petition rejected 11-6-2012 The Petitioner did not satisfy the standards of the HCIIPS, as it is proven that he was a member of the Revolutionary Committees
6	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #1/2012 Submitted: 26-5-2012	Annulation of HCIIPS's decision #85-2012 rejecting the Petitioner's candidature, on the grounds that the Petitioner was an effective member in the Revolutionary Committees	Petition rejected on procedural grounds 27-7-2012 The petition was submitted after the 48-hour deadline following the HNEC's notification
7	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #2/2012 Submitted: 26-5-2012	Annulation of the HCIIPS's decision #83-2012 rejecting the Petitioner's candidature, on the grounds that the Petitioner was an Assistant Secretary of the Basic Popular Committees during 2000-2004	Petition rejected 27-5-2012 The Petitioner did not satisfy the standards of HCIIPS, as he failed to prove that he joined the Revolution before 20-3-2011

8	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #3/2012 Submitted: 2-6-2012	Annulation of the HCIIPS's decision #131-2012 rejecting the Petitioner's candidature to the GNC, on the grounds that he was an effective member of the Revolutionary Committees	Petition rejected 4-6-2012 The Petitioner did not satisfy the standards of HCIIPS, as it is proven that he was an effective member of Revolutionary Committees
9	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #4/2012 Submitted: 3-6-2012	Annulation of the HCIIPS's decision #84-2012 rejecting the Petitioner's candidature, due to the fact that the Petitioner was the Libyan ambassador to Tanzania during 1989-1991	Petition granted 4-6-2012 The Petitioner proved to have joined the Revolution before 20-3-2011
10	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #5/2012 Submission date not available	Annulation of the HCIIPS's decision #217-2012 rejecting the Petitioner's candidature due to the fact that he was an effective member of the Revolutionary Committees	Petition rejected 4-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. It is proven that the Petitioner was an effective member of the Revolutionary Committees

11	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #6/2012 Submitted: 9-6-2012	Annulation of the HCIIPS's decision #337-2012 rejecting the Petitioner's candidature, on the grounds that he was a member of the Revolutionary Guard	Petition granted 12-6-2012 No evidence proving that the Petitioner did not satisfy the standards of the HCIIPS. The only evidence the Respondents presented to prove the Petitioner's membership in Revolutionary Guard is not authentic
12	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #7/2012 Submitted: 9-6-2012	Annulation of the HCIIPS's decision #243-2012 rejecting the Petitioner's candidature, due to the fact that he was a member of the Revolutionary Guard	Petition rejected 12-6-2012 The Petitioner did not satisfy the standards of HCIIPS, as it is proven that he was a member of the Revolutionary Guard
13	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #8/2012 Submission date not available	Annulation of the HCIIPS's decision #336-2012 rejecting the Petitioner's candidature to the GNC	Petition granted 13-6-2012 No evidence to prove that the Petitioner does not satisfy the standards of the

						HCIIPS
14	Primary Court of South Tripoli	Name of Petitioner not disclosed by the Court	HCIIPS	Case #9/2012 Submitted: 11-6-2012	Annulation of the HCIIPS's decision #282-2012 rejecting the Petitioner's candidature on the following grounds: the Petitioner was a well-known glorifier of the previous regime, participated in the cleansing operations of the university, was also a member of the Revolutionary Committees, worked with Libyan External Security, and was sentenced to prison on sex charges	Petition rejected 13-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. The Petitioner failed to contest the allegations against him
15	Primary Court of East Tripoli	Mustafa Saleh Al-Jelani Al-Azrage (GNC Candidate, District of Tripoli Constituency of Suq al-Juma'a)	HCIIPS	Case #1-2012 Submitted: 2-6-2012	Annulation of the HCIIPS's decision #158-2012 rejecting the Petitioner's candidature, as the Petitioner was a Secretary of Basic Popular Committees and did not prove that he joined the Revolution before 20-3-2011	Petition granted 5-6-2012 The Petitioner proved the he stopped supporting the previous regime and joined the Revolution from the beginning
16	Primary Court of East Tripoli	Mokhtar Matoug Matoug Atiyah (GNC Candidate, District of Tripoli, Constituency	HCIIPS	Case #3/2012 Submitted: 5-6-2012	Annulation of the HCIIPS's decision #217-2012 rejecting the Petitioner's candidature, on the grounds that he was a member of the Secretariat of	Petition granted 6-6-2012 No evidence proving that

		of Ain Zara)			South Tajoura Basic Popular Committees and did not prove that he joined the Revolution before 20-3-2011	the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner proved that he was not a member of South Tajoura Basic Popular Committees
17	Primary Court of East Tripoli	Murad Mohamed Younis Al-Haj (GNC Candidate, District of Tripoli, Constituency of Ain Zara)	HCIIPS	Case #5/2012 Submitted: 11-6-2012	Annulation of the HCIIPS's decision #343-2012 rejecting the Petitioner's candidature on the grounds that the Petitioner took a hostile stand towards the Revolution, by action and words, and supported the previous regime until the last moment before the liberation of Tripoli	Petition rejected 12-6-2012 The petition was submitted after the 48-hour deadline of the notification by the HNEC. The Petitioner was notified of the decision on 9-6-2012 at 11:15hrs and filed his petition on 11-6-2012 at 13:30hrs
18	Primary Court of East Tripoli	Al-Sadeg Emar Abdoulmoula Al- Marghani (GNC Candidate)	HCIIPS	Case #6/2012 Submitted: 12-6-2012	Annulation of the HCIIPS's decision #264-2012 rejecting the Petitioner's candidature, on the following grounds: he held a hostile stand towards the Revolution, he stationed at one of the checkpoints known as being active at the crackdown of protesters of Ain Zara, he was a glorifier of the previous regime, he participated in demonstrations supporting Kaddafi, he is still	Petition granted 14-6-2012 No evidence to prove that the Petitioner committed acts against the Revolution. The Petitioner proved that these allegations were groundless

					contacting members of the previous regime in Egypt	
19	Primary Court of Swani	Dhaou Al-Mansouri Oun (GNC Candidate, District of Al-Aziziya, Constituency of Suwani Bin Ashour)	i) HCIIPS ii) Chairman of HNEC	Case #1/2012 Submitted: 26-5-2012	Annulation of HCIIPS's decision #81-2012 rejecting the Petitioner's candidature, as two families submitted affidavits to HCIIPS claiming that the Petitioner was an effective member of Revolutionary Committees and involved in the arrests and torture of their family members	Petition granted 28-5-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner was a member of the Revolutionary Committees, but testimonies did not prove the active involvement of the Petitioner in these Committees
20	Primary Court of Swani	Al-Sharaf Ahmed Rakeek (GNC Candidate, District of Al-Aziziya, Constituency of Masihal/alSanih/Asabi'a)	Mounir Ibrahim Habib and others	Consolidated Cases # 4/2012 and 6/2012 Submission date not available Appeal on case#1-2012, District Court of Sooq Alkmees, ruling on 29-5-2012	Challenging the District Court's ruling on deregistration of the Appellant from the candidates' list. Annulation of the HCIIPS's decision #146/2012 rejecting the Petitioner's candidature on the following grounds: records showed that the Petitioner participated in the reception of Qadhafi after returning from Lisbon summit, he was a member of Revolutionary Committees, he distributed	Appeal rejected 4-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. Documents submitted to court and testimonies confirmed the allegations. The Petitioner failed to prove that he joined the Revolution before 20-3-2011

					weapons after 17-2-2011	
21	Primary Court of Swani	Mohamed Milad Mohamed Sadek (GNC Candidate)	Hossam Al-Ferjni Sadek	Appeal #5/2012 Filed: 31-5-2012 On Case#2/2012 ruling of District Court of Bab Ben Gueshir of 26-5-2012	Challenging the District Court's ruling on deregistration of the Appellant from the candidates' list (the Petitioner is claiming that he was not a Chairman of the airport of Al-Ramla region)	Appeal granted 4-6-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner was not a Chairman of the airport of the Al-Ramla region
22	Primary Court of Swani	Khaled Ahmed Jomoaa Abu Rawi (GNC Candidate, District of Al-Aziziya)	HCIIPS	Case #7/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision rejecting the Petitioner's candidature on the grounds that the Petitioner held the position of Assistant Director in security department and did not prove that he joined the Revolution before 20-3-2011	Petition rejected 6-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. He failed to prove that he resigned from his position and joined the Revolution before 20-3-2011
23	Primary Court of Swani	Ibrahim Ammar Mansour Chita	HCIIPS	Case #8/2012 Submitted: 3-6-	Annulation of the HCIIPS's decision #182/2012 rejecting the Petitioner's candidature, on the grounds that he was an	Petition granted 9-6-2012

		(GNC Candidate)		2012	effective member of the Revolutionary Committees	The Petitioner was not a member of the Revolutionary Committees
24	Primary Court of Swani	Shtiwi Ali Mansour Tantoush (GNC Candidate, District of Al-Azizya, Sub Constituency Janzour)	HCIIPS	Case #9/2012 Submitted: 5-6-2012	Annulation of the HCIIPS's decision rejecting the Petitioner's candidature on the grounds that he was a member of the Popular Guard of Al-Aziziya	Petition rejected 9-6-2012 The petition was submitted after the 48-hour deadline of publication by the HNEC
25	Primary Court of Swani	Wajdi Mansour Milad Masour (GNC Candidate)	HCIIPS	Case #10/2012 Submitted: 10-6-2012	Annulation of the HCIIPS's decision #177-2012 rejecting the Petitioner's candidature	Petition rejected 10-6-2012 The Petitioner failed to disclose his financial assets at the registration form of his candidature
26	Primary Court of Swani	Mohmed Al-Hamrouni Al-Hachimi Al-Khatali (GNC Candidate)	HCIIPS	Case #11/2012 Submission date not available	Annulation of the HCIIPS's decision #265-2012 rejecting the Petitioner's candidature, on the grounds that he was an effective member of the Revolutionary Committees	Petition granted 11-6-2012 No evidence proving that the Petitioner was a member of the

						Revolutionary Committees
27	Primary Court of Swani	Youssef Mohamed Jomoaa Al-Hakimi	HCIIPS	Case #12/2012 Submitted: 9-6-2012	Annulation of the HCIIPS's decision #273-2012 rejecting the Petitioner's candidature, on the grounds that he was a member of the Revolutionary Guard	Petition granted 11-6-2012 Records showed the Petitioner's name listed as a member of the Revolutionary Committees. However the Petitioner proved that he only registered at this Guard in order to be able to purchase a new car and never joined the Guard
28	Primary Court of Swani	Lamia Ahmad Mohammed Labib (GNC Candidate of Al-Watan Party, District of Tripoli, Constituency of Janzour)	HCIIPS	Case #13-202 Submitted: 11-6-2012	Annulation of the HCIIPS's decision #294-2012 rejecting the Petitioner's candidature on the following grounds: the Petitioner assumed a hostile stand against the Revolution, participated in a demonstration supporting Qadhafi, spied on protesters and communicated information to the regime	Petition granted 16-6-2012 No evidence proving that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner proved she was one of the victims of the previous regime and joined Revolution at its beginning

29	Primary Court of Gharyan	Adel Mokhtar Mohamed Al- Yacoubi	HCIIPS	Case #3/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #524-2012 rejecting the Petitioner's candidature, on the ground that the Petitioner was the president of the Student Union in 1979	Petition rejected 6-6-2012 The Petitioner did not satisfy the standards of the HCIIPS
30	Primary Court of Gharyan	Ahmed Emhamed Al-Seed (GNC Candidate)	HCIIPS	Case #5/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #171-2012 rejecting the Petitioner's candidature on the grounds that he was a member of Revolutionary Committees	Petition rejected 6-6-2012 The Petitioner did not satisfy the standards of the HCIIPS
31	Primary Court of Gharyan	Mustafa Ali Al-Samh (GNC Candidate)	Abdel Majid Salem Al-Hassoumi and others	Case #7-2012 Submitted: 6-6-2012 Appeal against the District Court's of Gharyan ruling of 2-6-2012 on Case#5/2012	Challenging the Gharyan District Court's ruling on rejecting the candidature of the Appellant (according to which the Candidate was a member of the Revolutionary Committees and the Popular Guard)	Appeal rejected 7-6-2012 The Petitioner did not satisfy the standards of the HCIIPS

32	Primary Court of Khoms	Al-Arabi Hedi Jaeeb (GNC Candidate)	HCIIPS	Case #2/2012 Submitted: 29-6-2012	Annulation of the HCIIPS's decision #74-2012 rejecting the Petitioner's candidature on the ground that he was a member of the Popular Social Leadership	Petition granted 31-5-2012 No evidence proving that the Petitioner did not satisfy the standards of the HCIIPS. Evidence show that the Petitioner quit the Popular Social Leadership in 2010
33	Primary Court of Khoms	Abu Baker Abu Al-Eid Abu Al-Kassem (GNC Candidate)	HCIIPS	Case #3/2012 Submitted: 29-5-2012	Annulation of the HCIIPS's decision #75-2012 rejecting the Petitioner's candidature, on the ground that he was a Secretary of Economy of Tarhouna and did not prove that he joined the Revolution before 20-3-2011	Petition granted 31-5-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner proved to have joined the Revolution before 20-3-2011.
34	Primary Court of Zliten	Mohamed Ali Shaban Al-argat (GNC Candidate)	Khalifa Mohamed Abuzanah and others	Case #2-2012 Submission date of the appeal not available	Challenging District Court's of Zliten ruling on rejection of Appellant's candidature, Case #6-2012, ruling date not available	Appeal withdrawn by the Appellant 30-5-2012

35	Primary Court of Zliten	Nasser Milad Mohamed Ben Youness (GNC Candidate)	Not Available (The Appellant did not mention the name of the Appellee)	Case #3-2012 Submission date of the appeal not available	Challenging the District Court's of Zliten ruling on rejection of Appellant's candidature, Case #64-2012 of 26-5-2012	Appeal rejected on procedural grounds 2-6-2012 The Appeal was not properly submitted
36	Primary Court of Zliten	Abdullah Ibrahim Al-Kashr (GNC Candidate)	HCIIPS	Case #5-2012 Submission date not available	Annulation of the HCIIPS's decision #148-2012 rejecting the Petitioner's candidature on the grounds that he was an effective member of the Revolutionary Committees	Petition granted 2-6-2012 No evidence to prove Petitioner not satisfying the standards of HCIIPS. Petitioner proved to have joined Revolution before 20-3-2011.
37	Primary Court of Zliten	Mohamed Chabaan Moftah Al-Walid (GNC Candidate)	HCIIPS	Case #6-2012 Submission date not available	Annulation of the HCIIPS's decision #161-2012 rejecting the Petitioner's candidature, on the grounds that he failed to properly fill out the HNEC registration form for submission of his candidature	Petition granted 6-6-2012 The Petitioner should have been given the opportunity to complete the missing field in his registration form or fill out a new registration form

38	Primary Court of Misurata	Ali Bachir Housin Al-Shwihdi (GNC Candidate, Al-Hemam List)	HCIIPS	Case #1-2012 Submitted: 9-6-2012	Annulation of the HCIIPS's decision #308-2012 rejecting the Petitioner's candidature on the ground that he failed to properly fill out the HNEC registration form	Petition rejected 11-6-2012 The Petitioner failed to answer all questions at the HNEC registration form
39	Primary Court of Misurata	Ahmed Mohamed Bashir Abu Khris and others (GNC Candidates, Association of Engineering and Logistics)	Khaled Ali Teeka and others (Members of the Association of Engineering and Logistics)	Case #1-2012, Appeal Submitted: 30-5-2012	Challenging the ruling of the District Court of Misurata on rejecting of the Appellant's candidature, Case #1/2012 of 26-5-2012 (on the grounds that the Appellant was established as a civil society organization and not as a political entity)	Appeal rejected 2-6-2012 The Association of Engineering and Logistics was not established as a political entity
40	Primary Court of Al-Hezam Al-Akhdhar	Abdullah Mahdi Youness Youssef (GNC Candidate)	HCIIPS	Case #1-2012 Submission date not available	Annulation of the HCIIPS's decision #143-2012 rejecting the Petitioner's candidature on the ground that he was an effective member of the Revolutionary Committees	Petition rejected 30-5-2012 The Petitioner did not satisfy the standards of the HCIIPS, as he was an effective member of the Revolutionary Committees

41	Primary Court of Al-Hezam Al-Akhdhar	Awadh Hamidi Shareef Youness (GNC Candidate)	HCIIPS	Case #2/2012 Submission date not available	Annulation of the HCIIPS's decision #111-2012 rejecting the Petitioner's candidature, on the ground that he was an effective member of the Revolutionary Committees and member of the Basic Popular Congress	Petition rejected 30-5-2012 The Petitioner did not satisfy the standards of the HCIIPS
42	Primary Court of Al-Hezam Al-Akhdhar	Salah Emhamed Al-sharif Al-Harsh (GNC Candidate)	HCIIPS	Case #3/2012 Submitted: 2-6-2012	Annulation of the HCIIPS's decision #151-2012 rejecting the candidacy of Petitioner, on the ground that he was an effective member of the Revolutionary Committees and did not prove that he joined the Revolution before 20-3-2011	Petition rejected 3-6-2012 The petition was submitted after the 48-hour deadline of the publication by the HNEC
43	Primary Court of Al-Hezam Al-Akhdhar	Othman Awadh Al-Fazzak (GNC Candidate)	HCIIPS	Case #4-2012 Submitted: 2-6-2012	Annulation of the HCIIPS's decision rejecting the Petitioner's candidature on the ground that he was an effective member of the Revolutionary Committees	Petition rejected on formal grounds 3-6-2012 It was submitted after the 48-hour deadline of the publication by the HNEC
44	Primary Court of Al-Hezam Al-	Fraj Hmed Mohamed Hmed	HCIIPS	Case #5/2012 Submitted: 4-6-	Annulation of the HCIIPS's decision# 156-2012 rejecting the Petitioner's candidature,	Petition rejected on formal grounds

	Akhdhar	(GNC Candidate)		2012	on the ground that the Petitioner failed to properly fill out the HNEC registration form	4-6-2012 The petition was submitted after the 48-hour deadline of the publication by the HNEC
45	Primary Court of Al-Hezam Al-Akhdhar	Hilal Ahmed Waniss (GNC Candidate)	HCIIPS	Case #6/2012 Submitted: 4-6-2012	Annulation of HCIIPS's decision# 157-2012 on refusal of Petitioner's candidature, on the ground that the Petitioner was an effective member of the Revolutionary Committees and Assistant Secretary of the Basic Popular Congress	Petition rejected on formal grounds 4-6-2012 The petition was submitted after the 48-hour deadline of publication by the HNEC
46	Primary Court of Al-Hezam Al-Akhdhar	Salah Ahamed Al-Sharif (GNC Candidate)	HCIIPS	Case #10/2012 Submission date not available	Annulation of the HCIIPS's decision #151-2012 rejecting the Petitioner's candidature on the ground that he was an effective member of the Revolutionary Committees	Petition rejected on formal grounds 10-6-2012 The petition was submitted after the 48-hour deadline of publication by the HNEC
47	Primary Court of Al-Hezam Al-Akhdhar	Walid Ebrik Mohamed Ali (Candidate for GNC)	i) HCIIPS ii) HNEC	Case #11/2012 Submission date not available	Annulation of the HCIIPS's decision #142-2012 rejecting the Petitioner's candidature, on the following ground: a videotaped meeting showed	Petition rejected 14-6-2012 Petitioner did not satisfy the

					the Petitioner with Al-Baghdadi Al-Mahmoudi and Abdullah Senoussi and also a videotaped demonstration showed the Petitioner participating in support of Qadhafi	standards of HCIIPS. The person in videotapes is the Petitioner
48	Primary Court of Al-Hezam Al-Akhdhar	Nouri Ibrahim Hmed Al-Aribi (GNC Candidate)	HCIIPS	Case #12/2012 Submission date not available	Annulation of the HCIIPS's decision #224-2012 rejecting the Petitioner's candidature on the ground that he was an effective member of the Revolutionary Committees	Petition granted 16-6-2012 No evidence proved that the Petitioner did not satisfy the standards of the HCIIPS. No evidence proved the active involvement of the Petitioner in the Revolutionary Committees. The Petitioner proved that he joined the Revolution at its beginning.
49	Primary Court of Ajdabiya	Abdulsalam Abdulhadi Mansour Abdul Rahim (GNC Candidate)	i) HCIIPS ii) Chairman of the HNEC	Case #1/2012 Submitted: 5-6-2012	Annulation of the HCIIPS's decision #206-2012 rejecting the Petitioner's candidature on the ground that he was a member of the Revolutionary Committees	Petition rejected 7-6-2012 The Petitioner acknowledged that he was a member of the Revolutionary Committees.

						The Petitioner did not satisfy the standards of the HCIIPS
50	Primary Court of Ajdabiya	Fadel Allah Almabrouk Salem (GNC Candidate)	i) HCIIPS ii) Chairman of the HNEC	Case #2/2012 Submitted: 9-6-2012	Annulation of the HCIIPS's decision #304-2012 rejecting the Petitioner's candidature on the ground that the Petitioner was a member in the Secretariat of the Basic Popular Congress	Petition rejected 13-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. The Petitioner failed to prove with conclusive evidence that he joined the Revolution before 20-3-2011
51	Primary Court of Ajdabiya	Khalifa Belaeed Rajab (GNC Candidate)	i) HCIIPS ii) Chairman of the HNEC	Case #3/2012 Submitted: 10-6-2012	Annulation of the HCIIPS's decision #302-2012 rejecting the Petitioner's candidature on the ground that he was a member of the General Popular Committee during 2004-2006	Petition rejected 13-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. The Petitioner failed to prove with conclusive evidence that he joined the Revolution before the 20-3-2011

52	Primary Court of Ajdabiya	Al-aarbi Mohamed Al-houni (GNC Candidate for the Libyan Republic Party)	Chairman of the HNEC and others	Case #1/2012 Submission date of the appeal not available	Challenging the ruling of the District Court of Ajdabiya on the rejection of the appellant's registration with the Libyan Republic Party's list.	Appeal rejected 6-6-2012 The Appellant did not attend the court hearing. The District Court did not err in its decision.
53	Primary Court of Benghazi	Bu Baker Mohamed Abdullah Mahjoub (GNC Candidate)	Chairman of the 3rd Electoral District	Case #1/2012 Submission date not available	Annulation of the HCIIPS's decision #160-2012 rejecting the Petitioner's candidature, on the ground that he participated in a government program to seize citizens' assets	Petition rejected on formal grounds 7-6-2012 The petition was not properly submitted
54	Primary Court of Benghazi	Bu Baker Mohamed Abdullah (GNC Candidate)	HCIIPS	Case #2/2012 Submitted: 11-6-2012	Annulation of the HCIIPS's decision #160-2012 rejecting the Petitioner's candidature, on the grounds that the Petitioner participated in a government program to seize citizens' assets	Petition rejected 12-6-2012 It was submitted after the 48-hour deadline of the publication by the HNEC
55	Primary Court of Al-Bayda	Anwar Al-Saber Hussein	Lutfi Moussa Ali (GNC Candidate)	Case #1/2012 Appeal Submitted: 28-5-	Challenging the ruling of the District Court of Al-Bayda that overturned the rejection of the Appellee's candidature, Case #1-2012 of 26-5-2012 (according to the decision of	Appeal rejected 30-5-2012 No conclusive evidences to prove the allegations. No

				2012	the District Court, it was not proved that the Appellee was a glorifier of the previous regime and a writer at the Al-Zahaf Al-Akhdhar newspaper which was the voice of the Revolutionary Committees)	evidences to prove that the Appellee did not satisfy the standards of the HCIIPS
56	Primary Court of Al-Bayda	Khalifa Mohamed Idris Al-Saghir (GNC Candidate)	HCIIPS	Case #2/2012 Submitted: 3-6-2012	Annulation of the HCIIPS's decision #106-2012 rejecting the Petitioner's candidature on the grounds that he was an effective member of the Revolutionary Committees	Petition granted 5-6-2012 No evidence to prove the allegation. No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS
57	Primary Court of Al-Bayda	Mohamed Badr Muftah Idris (GNC Candidate)	HCIIPS	Case #3/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #121-2012 rejecting the Petitioner's candidature, on the grounds that the Petitioner was a member of the Popular Social Leadership and a Secretary of Popular Committee for 6 years and did not prove that he joined the Revolution before 20-3-2011	Petition rejected 5-6-2012 The Petitioner did not satisfy the standards of HCIIPS. The Petitioner failed to probe with conclusive evidence that he joined the Revolution before 20-3-2011
58	Primary Court of	Salem Saad Mohamed	HCIIPS	Case #4/2012	Annulation of the HCIIPS's decision #139-2012 that	Petition rejected

	Al-Bayda	Salem Al-Dwaily (GNC Candidate)		Submitted: 4-6-2012	rejected the Petitioner's candidature, on the grounds that the Petitioner did not properly fill out the registration form	5-6-2012 The Petitioner failed to answer all questions at the HNEC registration form
59	Primary Court of Al-Bayda	Faraj Abdulrahim Faraj Bohlaiga (GNC Candidate)	HCIIPS	Case #5/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #186-2012 rejecting the Petitioner's candidature, on the ground that he was a District Assistant Secretary of Planning and did not prove that he joined the Revolution before 20-3-2011	Petition granted 6-6-2012 No evidence proved that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner did not hold the alleged position and he proved joining the Revolution on 1-3-2011
60	Primary Court of Al-Bayda	Abdel Bassit Mohamed Ali Mohamed (GNC Candidate)	HCIIPS	Case #6/2012 Submitted: 6-6-2012	Annulation of the HCIIPS's decision #109-2012 rejecting the Petitioner's candidature, on the ground that he was an effective member of the Revolutionary Committees, a member of the Student Union after 1976 and a member in Al-Fateh New Born	Petition granted 6-6-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. No evidence to prove the allegations against the Petitioner. The Petitioner proved that he joined the Revolution from the

						beginning
61	Primary Court of Al-Bayda	Rajab Mohamed Ali Hammad (GNC Candidate)	HCIIPS	Case #7/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #210-2012 rejecting the Petitioner's candidature, on the ground that he was a member of the Popular Social Leadership and Secretary of the General Popular Committee and did not prove joining Revolution before 20-3-2011	Petition granted 6-6-2012 No evidence proved that the Petitioner did not satisfy the standards of the HCIIPS. The Law No.26/2012 does not apply to the position held by the Petitioner. Even if the Petitioner did hold this position, he proved with conclusive evidence that he joined the Revolution before 20-3-2011
62	Primary Court of Al-Bayda	Abdullah Emtawwal Ali Youness (GNC Candidate)	HCIIPS	Case #8/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #123-2012 rejecting the Petitioner's candidature, on the grounds that he was a member of the Popular Social Leadership, a Secretary of the Basic Popular Congress and did not prove with conclusive evidence that he joined the Revolution before 20-3-2011	Petition granted 6-6-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. The Petitioner was a member and not a Secretary of the Basic Popular Congress. No evidence for membership in Popular Social Leadership. The

						Petitioner proved with conclusive evidence that he joined the Revolution before 20-3-2011
63	Primary Court of Al-Bayda	Abd Rabbou Youssef Bou Breeq Mika'eel (GNC Candidate)	HCIIPS	Case #9/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #122-2012 rejecting the Petitioner's candidature on the ground that he was an effective member of the Revolutionary Committees	Petition granted 6-6-2012 No evidence to prove that the Petitioner did not satisfy the standards of the HCIIPS. No evidence to prove the active involvement of the Petitioner in the Revolutionary Committees
64	Primary Court of Al-Bayda	Emhawi Fadhlallah Ehamida Emhawi (GNC Candidate)	HCIIPS	Case #10/2012 Submitted: 4-6-2012	Annulation of the HCIIPS's decision #189-2012 rejecting the Petitioner's candidature, on the ground that the Petitioner was the Secretary of Economy of Derna during 1979-1985	Petition rejected 6-6-2012 The Petitioner did not satisfy the standards of the HCIIPS. The Petitioner did hold the alleged position and did not prove with conclusive evidence that he joined the Revolution before 20-3-2011
65	Primary Court of Al-Bayda	Oum Al-Kheer Awadh Ja'eefer	HCIIPS	Case #11/2012 Submitted: 7-6-	Annulation of the HCIIPS's decision #288-2012 rejecting the Petitioner's candidature, on the grounds that he was a	Petition rejected 9-6-2012

		(GNC Candidate)		2012	member of the Secretariat of the Basic Popular Congress and did not prove with conclusive evidence that he joined the Revolution before 20-3-2011	The Petitioner did not satisfy the standards of the HCIIPS. The Petitioner failed to prove with conclusive evidence that he joined the Revolution before 20-3-2011
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Annex 3

POST-ELECTION DAY COMPLAINTS FILED WITH HNEC⁹⁹

S/N	Complainant	Respondent	Electoral District	Date of Occurrence	Date of Submission of Complaint	Summary of Complaint	Action
1	Khaled Youssef	Polling staff of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	7-7-2012	Two polling centers implemented different counting procedures resulting in exclusion of 39 ballot papers. Some voters were denied casting their ballots although they had their voter cards, plus some ID documents, such as security card, driver license, ATM or military card.	Referred to the HNEC in Tripoli for consideration
2	Issa Mohamed Omar Rashwan	Ballot counting committee	District of AJDABIYA, Constituency of Ajdabiya	7, 8 and 9-7-2012	11-7-2012	The Complainant requested that his ballots papers are re-examined and re-counted.	Referred to the HNEC in Tripoli for consideration

⁹⁹ It should be noted that a large number of these complaints were written in an unclear language, sometimes also were not using the correct terms, and most of the time they did not include all essential information, such as whether the Complainant is an observer or a political party agent, a candidate or a voter, or when the alleged incident occurred and how it came to the Complainant's attention, or the type of action taken by the relevant judiciary or election administration authorities.

3	Mohamed Moftah Mansour	Center of Martyr Atiya Al-Kasseh	District of AJDABIYA, Constituency of Ajdabiya	7-7-2012	12-7-2012	A poster of the National Front was displayed across the polling center. Negligence of polling center's staff to prevent violations such as: allowing voters to enter the polling booth with their cell phones, and not posting voters list outside the polling station, which resulted in voters' confusion.	Referred to HNEC in Tripoli for consideration
4	Halima Ramadhan Said	Polling staff of Aicha Oum Al-Moumeneen's polling center	District of AJDABIYA, Constituency of Ajdabiya	7-7-2012	12-7-2012	Polling center staff purposely entered in the polling booth with voters, instructing them to vote for certain candidates. This issue was discussed with the polling center manager, but he never dealt with and threatened to remove the observers. One of the female polling stations opened very late without notifying the observers. Casting ballots was conducted without presence of observers.	Referred to HNEC in Tripoli for consideration
5	Belgacem Moussa Kasseh	HNEC staff of Ajdabiya District	District of AJDABIYA, Constituency of Ajdabiya	7-7-2012	9-7-2012	Voters have not been counted in the voter list in 15 polling centers in Ajdabiya. Enclosed is the document showing this	Referred to HNEC in Tripoli for consideration

						violation. Counting was not conducted in the proper way in polling center Idriss Abdel Nabi- polling station #1. Candidates were given voter cards not pertaining to them. Ballot box in polling station #1 was sealed without enclosing all the necessary documents. Only this ballot box was used for both proportional and majoritarian contest. This box was not labeled.	
6	Bader Abu Baker	Polling staff of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	Some voters were denied entrance although they had their ID and voter cards. Some ballot papers were discounted for not being stamped on the back. Some ballot papers votes were also excluded from the preliminary results for different reasons.	Referred for HNEC in Tripoli for consideration
7	Jebril Abdel Hamid Daeed	Polling staff of Nasr polling center	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	The Complainant was not allowed to vote at the Nasr polling center for not having his ID, although he had his voter card and military card. The	Referred to HNEC in Tripoli for consideration

						Complainant asked the polling center manager to check his name in the voter list, but he refused.	
8	Houssine Mohamed Moftah	Polling staff of Nasr polling center	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	The HNEC did not notify the voters and candidates that there is simultaneous voting for political entities and individual candidates in the polling center.	Referred to HNEC in Tripoli for consideration
9	Idriss Omar Al-Mhdi	Polling staff of Nasr polling center	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	Some voters were not allowed to cast their ballots at the Nasr polling center, although they had their voter cards along with their Security Card, driver license, ATM card or Military Card, while other voters with similar documents were able to cast their ballots in Al-Ahrar polling center.	Referred to HNEC in Tripoli for consideration
10	Mohammed Bou Baker Asbeg Alshafiee	Polling staff of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	Different counting procedure in the two centers.	Referred to HNEC in Tripoli for consideration
11	Ziyad Mohammed Khalifa Hamad	Polling staff of Nasr polling center	District of AJDABIYA, Constituency of	7-7-2012	9-7-2012	The Complainant was not allowed to cast his ballot because he did not carry his ID.	Referred to HNEC in Tripoli for consideration

	Hamad	center	Tazirbu			However, he had his voter card and driver license.	
12	Othman Mohammed Faraj Aqilah	Polling staff of Nasr polling center	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	The Complainant was not allowed to cast his ballot due to the fact that he did not carry his ID card, although he had his voter registration card and revolutionary ID.	Referred to HNEC in Tripoli for consideration
13	Wissam Moftah Youssef	Polling staff of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	Some voters were denied casting their ballots although they had their IDs with photo and voter cards. The polling centers did not notify voters that there is simultaneous ballot casting for political entities and independent candidates.	Referred to HNEC in Tripoli for consideration
14	Coordinator of 17th February Revolutionists Coalition	Staffs of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	12-7-2012	Some voters and members of the 17th February Revolutionists Coalition notified the staff of the polling centers that they were denied casting their ballots although they showed their voter cards.	Referred to HNEC in Tripoli for consideration

15	Amer Mohamed Abdel	Staffs of Nasr polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	12-7-2012	The Complainant was denied casting his ballot although he displayed his voter card and ID issued by the Free Libya Group.	Referred to HNEC in Tripoli for consideration
16	Mohamed Waniss Emji'eed	Staffs of Nasr and Al-Ahrar polling centers	District of AJDABIYA, Constituency of Tazirbu	7-7-2012	9-7-2012	The observers of some candidates were not allowed in the polling centers for not having accreditation cards. Two centers did not follow the same procedure for ballot counting. The Complainant and members of security forces noticed that polling centers' staff used their cell phones during the voting.	Referred to HNEC in Tripoli for consideration
17	Saleh Bashir Jaouda	Polling center # 030012	District of BENGHAZI	Not indicated	7-7-2012	Minutes of Voting Operations has not been drafted at the opening of the polling station.	No indication
18	Saleh Bashir Jaouda	No indication	District of BENGHAZI	Not indicated	7-7-2012	The ballot boxes were not numbered in Ahmed Rafik School (polling center #030061). The Complainant's two observers did not find their names registered in Youssef	No indication

						Bukar School (polling center # 030052). The polling center manager allowed them in and advised them to notify the HNEC.	
19	Saleh Bashir Jaouda	No available information	District of BENGHAZI, Kaitouan school (polling center #030046)	No indication	7-7-2012	Gun shots were heard in neighboring schools. The polling station manager removed the ballot boxes without sealing them and brought new open ballot boxes at 23:30 hrs. When was inquired by complainant's observer, the PS manager indicated that this was an emergency situation. The complainant's observers notified the complainant that the PS manager brought back the first ballot boxes.	
20	Saleh Bashir Jaouda	Not available	District of BENGHAZI	7-7-2012	10-7-2012	A ballot box was not counted, and the Polling Center manager was told that polling box will be counted at the HNEC.	
21	Mohamed Aashur Al-Mabrouk	National Forces Alliance	Not available	5-7-2012	Not available	Violation of the constituency regulations.	

	Arfi						
22	Mohamed Abdullah Al-Tarhuni	HNEC-Benghazi			7-7-2012	Missing item at the list of parties available in polling centers (National Front Party).	
23	Ramzi Rajab	Polling staff of the “Saida Aicha” polling center			7-7-2012	Advertisement of National Forces Alliance party inside the polling center.	
24	Hanan Abdulaati Abdulkafi	Mariam Ibrahim Al-Breki-Walid Abdussalam			8-7-2012	The Complainant was denied access to the center as an observer for Faidan Al-Nagir organization.	Referred to HNEC legal department
25	Bubaker Mukhtar Ali (Candidate)	Seloug centers			9-7-2012	Election material arrived late (at 14:30hrs) and despite this, the polling centers closed at 20:00hrs.	
26	Sufian Bubaker Hussein Bo-Katwa	Alwiat Al-Hurria center			9-7-2012	Vandalization of election material- insufficient security.	The complaint was referred to the Primary Court of Al-Hezam
27	Isam Ali Al-Khfifi (Polling Center	Not available			9-7-2012	Election material arrived late and was later vandalized; also death threats.	Referred to the Public Prosecutor

	manager)						
28	Mustafa Mohamed Suliman	List of names attached to the complaint	Not available		9-7-2012	Attack at the polling center and theft of election material.	
29	Abdssalam Abdullah Faraj	Al-Resala Al-Moqadassa center	Not available		7-7-2012	Impersonation	
30	Al-Mabruk Faraj Al-Bargathi	Armed Group	Not available		10-7-2012	Break-in and theft of election material of Ashbelia center.	
31	Ahmed Saleh Al-Sharif (Candidate)	Polling staff of Garyounis polling center	Not available		10-7-2012	Complaints against Garyounis polling center's procedures.	Suspended/archived for lack of evidence
32	Muftah Ali Al-Farsi (Candidate's agent)	Seloug centers			10-7-2012	Complaints against Seloug polling center's procedures.	
33	Ahmed Younis Suliman (Agent)	Toukra constituency polling centers			11-7-2012	Complaint against polling procedures which affected by security situation.	Referred to Public Prosecutor

34	Hanan Abdussalam Al-Fallah (Head of polling center)	Unknown		8-7-2012	8-7-2012	Armed assault against the Alwiat Al-Hurria polling center and theft of election material.	Referred to Primary Court of Al-Hezam
35	Al-Muntasser Ali	HNEC		12-7-2012	12-7-2012	Number of candidates on the list is less than the actual number.	
36	Salem Khaled Moussa	Unknown		Not available	Not available	Assault and theft of election material at Absulfattah kaab polling center.	
37	Moussa Abdulrasoul Hamad Marii (Candidate)	HNEC, Tripoli	District of AL-BAYDA, Constituency of Al-Bayda	7-7-2012	12-7-2012	The Complainant was officially informed that his number on the ballot was # 64 (and had arranged his campaign accordingly). But on election day candidate's voting number on the ballot was # 62.	Referred to the HNEC
38	Ibrahim Mohamed Fadil Al-Hijazi	1) Jalal Anwar Abdul-Ali 2) Abdul-Aali Anwar Abdul-Aali	District of AL-BAYDA, Constituency of Qasr Libya	7-7-2012	8-7-2012	The brother of candidate #2 was appointed by the head of the "Sahel" area's Local Council to act as an observer on behalf of the council, therefore allowing him access to the polling center, which he used to influence the	Under court review

						polling and to overlook the obvious violations inside the “Batta & Walkish” polling center.	
39	Khalifa Saleh Said Mohamed Doughari (Candidate)	Abu Baker Mohamed Abu Baker (Candidate)	District of AL-BAYDA, Constituency of Qasr Libya	Not available	Not available	The Respondent was visiting different polling centers urging voters to vote for his list.	Under investigation
40	Faraj Mohamed Abdulla Jebril		District of MISRATA, Incident occurred at polling center Ali Al-Hankouche (#0901031)	Not available	Not available	The Complainant’s wife was denied entrance to the polling center at 19:57hrs.	No information available
41	Mohamed Abdussalam Janata		District of MISRATA	Not available	Not available	The list of candidates was posted outside the board of the polling center at the time of ballot casting.	No information available

42	Muftah ben Halim (Justice and Reconstruction party)		District of MISRATA, Constituency of Zliten	7-7-2012	7-7-2012	Ahmed Aboubreq directed voters to vote for the NFA.	No information available
43	Ashraf Ali Sharafeddin	"Assala & Justice" Assembly	Not Available	7-7-2012	7-7-2012	Breaking of electoral silence (campaign via SMS on election day.	Case closed, complaint archived
44	Abdulkarim Abdussalam Al-Furjani	"Jeel Al-Wahda" center	Not Available	7-7-2012	7-7-2012	Complaint regarding the voting ink.	Archived
45	Wafaa Mohamed Braik	National Forces Alliance	Not Available	7-7-2012	7-7-2012	Breaking of electoral silence (campaign of a candidate of the respondent on TV on election day.	Referred to Public Prosecutor
46	Al-Hashmi Milad Al-Gaziwi (of the "Nation for	HNEC	Not Available	7-7-2012	7-7-2012	The Development & Prosperity" Party was not included in the polling centers' posters.	Case closed, complaint archived

	Development & Prosperity" Party						
47	Abdulmonem Al-Hadi Al-Zwaidi	HNEC	Not Available	7-7-2012	7-7-2012	Complaint regarding the voting ink. Complainant claims that the indelible ink can be easily removed by a product called Warakina, available in every Libyan house.	Archived
48	Jamal Al-Hadi Mohamed Al-Labbad	HNEC	Not Available	7-7-2012	7-7-2012	Complaint regarding the voting ink. Out of curiosity some people were able to remove the indelible ink by using the Warakina product.	Archived
49	Al-Hashmi Milad Al-Gaziwi (of the "Nation for Development & Prosperity" Party	HNEC	Not Available	7-7-2012	7-7-2012	The Nation for Development & Prosperity Party was not included in the polling centers' posters.	Case closed, complaint archived

50	Al-Hashmi Milad Al- Gaziwi (of the "Nation for Development & Prosperity" Party	HNEC	Not Available	7-7-2012	7-7-2012	The Nation for Development & Prosperity" Party was not included in the polling centers' posters.	Case closed, complaint archived
51	Mohamed Ali Al-Youssef	Mahmoud Abulaziz Milad	Not Available	7-7-2012	7-7-2012	Campaign Activity during the electoral silence.	Under review by HNEC
52	Mustafa Ali Zekri	"Al-Aasima" TV Channel	Not Available	7-7-2012	7-7-2012	Breaking of electoral silence (broadcasting of a candidate's campaign on Al-Aasima TV)	Complaint accepted in form, rejected in content
53	Haithem Issa AbuKrara	Hamadi Ensair (Manager of polling center)	Not Available	7-7-2012	7-7-2012	Polling staff of the polling center instructed a voter to choose a specific candidate.	In Process
54	Abduljalil Mansour	Emhemmed Al-Felani	Not Available	7-7-2012	7-7-2012	Campaign Activity in the polling center on the day of the	In Process

	Bujnah					election.	
55	Salem Al-Ragubi Salem Emhemmed	Several candidates	Not Available	7-7-2012	7-7-2012	The Respondents failed to comply with the electoral silence on 5 and 6-7-2012.	Under review by HNEC
56	Ahlam Al-Taher Al-Haj (Observer)	Manager of "Ein Zara" polling center	District of TRIPOLI, Constituency of Ain Zara	7-7-2012	8-7-2012	The Complainant, who presented her accreditation card, was prevented from observation on the ground that she was a woman.	Complainant withdrew the complaint
57	Majda Masoud Jalouta	Mahmoud Jebril	District of TRIPOLI	Not Available	8-7-2012	Entered into polling center while armed.	Under review
58	Abdussalam Muftah Aawaj	Agila Ibrahim Rajab	Not Available	Not Available	8-7-2012	Armed soldier employed at the polling center.	Referred to the Legal Department of HNEC for review

59	Mariam Mohamed Al-Hammali Omar	Salim Ounis Argiea (responsible for IDP center)	Not Available	Not Available	8-7-2012	The Complainant, a party agent, was prevented from doing his job.	Referred to Public Prosecutor
60	Ali Mohamed Ammar Boajila	Several candidates	Not Available	Not Available	9-7-2012	Campaigning during the electoral silence.	Referred to Public Prosecutor
61	Abulraoof Ben Zahia Representative of Al-Ummah Party	National Forces Alliance	District of TRIPOLI	6-7-2012	9-7-2012	Campaign violation (placing NFA's posters on those of Al-Ummah.	Referred to Public Prosecutor
62	Youssef Al-Khafi Gaddah	Nezar Kawan (candidate of the Justice & Construction Party)	Not Available	7-7-2012	9-7-2012	A voter remained inside the polling center after casting his ballot.	Complaint rejected in content, archived
63	Youssef Al-Khafi Gaddah	Omar Mlaigtha (Candidate for the constituency of Hai al-	Not Available	6-7-2012	9-7-2012	The Respondent violated the electoral silence, as he entered the Arab Unity polling center on 6-7-2012 and talked with the staff.	Archived

		Andalus)					
64	Youssef Al-Khafi Gaddah	Arab Unity polling Center	District of TRIPOLI	7-7-2012	9-7-2012	Distributing campaign material on election day, armed entry into the polling center.	Complaint rejected, archived
65	Aadel Ali Hussein	"Qurtuba" center	District of TRIPOLI	7-7-2012	10-7-2012	Names of some candidates were missing from the ballot paper.	Complaint rejected in content, case closed.
66	Ramzi Mohamed Khamis Al-Ragebi		District of TRIPOLI	5-7-2012	11-7-2012	"Ein Zara"'s lists were missing from "Al-Asmaa" polling center.	Complaint accepted in form, rejected in content
67	Mohamed Arebi Maatoug	National Forces Alliance	District of TRIPOLI	7-7-2012	11-7-2012	Campaign activity in the polling center on election day.	Under review by HNEC
68	Ibrahim Mohamed Omar Talha	Al-Said Bashir Nouha	District of TRIPOLI, Constituency of Suq al-Jum'a	Not Available	11-7-2012	Lack of integrity of an observer, as he was a Secretary of Popular Congress in the previous regime.	Complaint rejected in content

69	Wesam Saleh Ramadan Al- Zenad	"Shomoo Al- Elm" polling center	Not Available	2-7-2012	12-7-2012	A car transported the ballot boxes out of the polling center not according to the schedule.	Under review by HNEC
70	Al-Hashmi Abdussalam Al-Kaseh	Shukri Bakir (Candidate)	Not Available	7-7-2012	12-7-2012	Supporters of the Respondent entered polling centers and campaigning for the Respondent.	Referred to Public Prosecutor
71	Al-Hashmi Abdussalam Al-Kaseh	Salah Ehgaig (Candidate)	Not Available	7-7-2012	12-7-2012	Campaign activity for the Respondent at polling centers on election day.	Referred to Public Prosecutor
72	Al-Hashmi Abdussalam Al-Kaseh	Abdulrahman Al-Shatter (Candidate)	Not Available	7-7-2012	12-7-2012	Campaign activity for the Respondent in the polling center on election day by his supporters	Referred to Public Prosecutor
73	Ali Salem Al- Turshani	Kamal Ahmed Saleh (Watchman of Bayt Al-	District of TRIPOLI, Constituency of Hai of Andalus	8-7-2012	12-7-2012	Physical and verbal assault by the Respondent against the complainant.	Referred to Public Prosecutor

		Makdas school)					
74	Majda Masoud Jalouta	Mahmoud Jebril	Not Available	7-7-2012	10-7-2012	Armed entry into the polling center.	Under review by HNEC
75	Eftaiteema Mohamed Al-Jaafafri	Mohamed Milad Mohamed Arif (Manager of 20th August polling center)	District of TRIPOLI	4-7-2012	15-7-2012	Libel and false accusation (the Complainant alleged that he was falsely accused by the Respondent of uttering abusive and immoral words).	Under review by HNEC

Annex 4 - Statistical Report

XVIII. OVERVIEW

Two sets of statistical efforts have been undertaken during the European Union Election Assessment Team's mission in Libya for 2012. The first one is the collection and analysis of observation forms on E-Day. This is detailed in Section II, and exhibit data suggesting an outstanding quality of the electoral process. The second effort is one of auditing the results once they were published on a polling station basis. This is described in Section III. Although the results do not display evidence of fraud in the majority of cases, corroborating the general picture of a good quality election, some major irregular patterns are detected in specific areas.

XIX. E-DAY STATISTICS

Sample Description

This document should be read in conjunction with the numerical annexes provided in Excel Sheets. This document does not repeat the content of those reference documents. Rather, its purpose is to describe the methodology used in producing the tables and charts on which the quantitative part of the EU EAT core team analysis is based, and how they should be interpreted.

The final collected sample is based on 134 valid Opening and Polling forms, plus nine valid Closing and Counting forms.

Coverage was affected by the inability of our observers to be present as a result of security constraints in area such as Sabha or Al-Kufra. Moreover, the sample size is too small to make reliable inferences. However, a descriptive examination gives noteworthy complements to qualitative analyses.

The base observation unit for the form is the PS. Some questions are related to the PCs. The results are a consolidation of all forms for each observation unit.

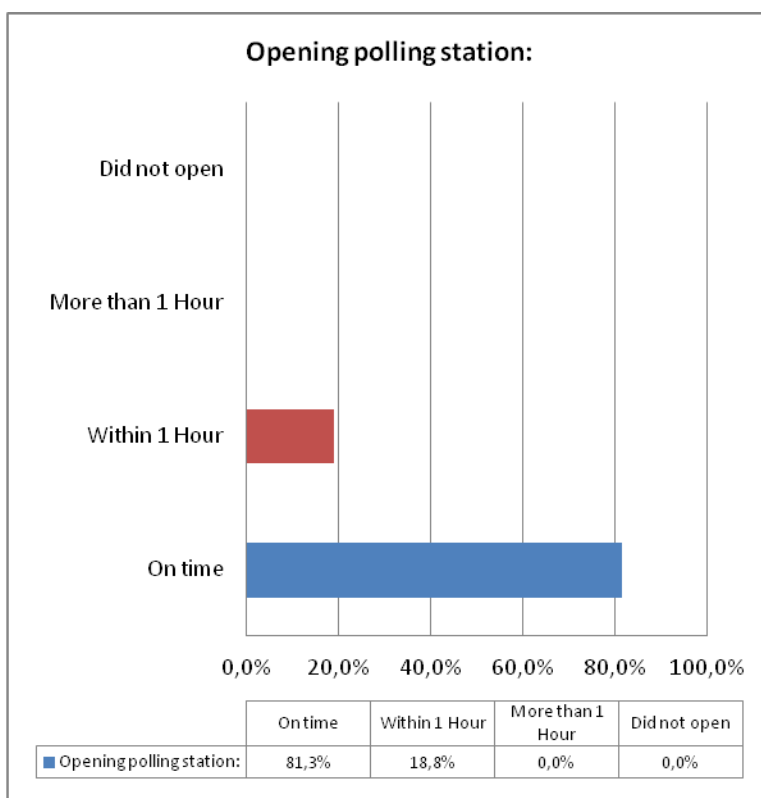
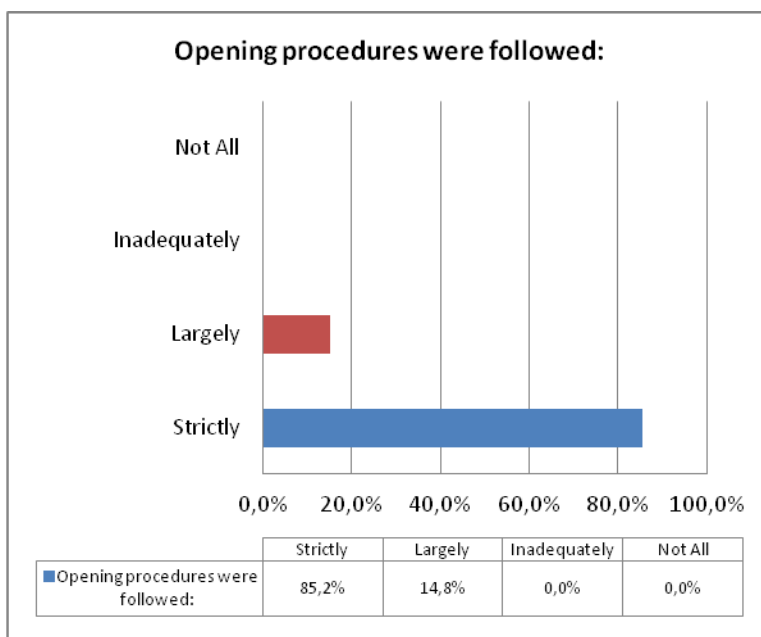
A number of observation forms have incomplete observations, which may translate into different questions being addressed with slightly different sample sizes instead of amount to the total of 134 for Opening and Polling or nine for Closing and Counting.

Teams have split in polling centres to observe more than one polling station in each polling centre when the team-split occurred. Furthermore, answers could be affected by observers' interpretation of the questions. Such practice may distort the randomization in sampling. However, these limitations do not have a measurable impact on the results.

Opening and Polling

104 PS were observed in urban areas, 23 in rural areas, and seven were dedicated to internally displaced persons. Of these, the information available shows that 72 PS were dedicated to men, and 61 were dedicated to women.

Results in Opening and Polling display consistently evidence of an electoral process with few flaws. For example, of all openings observed, 81.3% opened on time, while the remaining 18.7% opened within one hour, suggested well planned and executed logistics. Additionally, 100% of observed openings were judged strictly or largely complying with procedures.



The same quality of process was observed for example as 98.5% of observed PSs' vicinity were free of any factor which could influence voters' choice; all essential materials were present in 99.2% of cases; only authorized persons are present in the PSs in 93.2% of observations; the integrity and the secrecy of the votes were judged to be sufficiently protected in 100% and 97% of cases respectively.

Polling procedures are also followed consistently in well above 90% of cases observed (above 98% for most types of procedures, except checking for ink at 93% and instructions to voters at 91.5%), the rest being followed at least regularly. As we can see from the following table, the average scores are between 1.02 and 1.09. The score ranges from 1 to 5, with 1 meaning always while 5 means arbitrarily.

			Score	Always	Regularly	Erratically	Never	Arbitrarily
Polling Procedures are followed:	Checking for ink	1.08		120	8	1	0	0
				93.02%	6.20%	0.78%	0.00%	0.00%
	Voter identification	1.02		127	2	0	0	0
				98.45%	1.55%	0.00%	0.00%	0.00%
	Signing voters' list	1.02		127	2	0	0	0
				98.45%	1.55%	0.00%	0.00%	0.00%
	Instructions to voters	1.09		118	11	0	0	0
				91.47%	8.53%	0.00%	0.00%	0.00%
	Ballot stamped	1.02		127	2	0	0	0
				98.45%	1.55%	0.00%	0.00%	0.00%
	Inking voters' fingers	1.02		125	2	0	0	0
				98.43%	1.57%	0.00%	0.00%	0.00%

In terms of observers' assessment of the process, the statistics are also considerably high, with average scores ranging between 1.14 and 1.64, with a scale going from 1, meaning very good, up to 5, meaning very poor:

			Very Good	Good	Acceptable	Poor	Very Poor
Assessment	Voters' overall understanding of vote procedures	1.64	72	41	12	5	1
			122.03%	69.49%	20.34%	8.47%	1.69%
	Entity/Candidate agents overall	1.42	72	33	7	0	0

	understanding of their role		180.00%	82.50%	17.50%	0.00%	0.00%
	Overall performance of the PS staff	1.33	96	27	8	0	0
			274.29%	77.14%	22.86%	0.00%	0.00%
	Transparency of the voting process	1.14	115	17	1	0	0
			638.89%	94.44%	5.56%	0.00%	0.00%
	Overall assessment of the PS	1.28	97	31	3	0	0
			285.29%	91.18%	8.82%	0.00%	0.00%

Finally, PS staff gender is balanced in general. It is worth mentioning nevertheless that PC chairmen were male in 86.7% of observed cases, and female in only 13.3% of them.

Closing and Counting

Only nine Closing and Counting observations were conducted, seven of which were in urban areas, and the two others were related to internally displaced persons.

The PSs were considered free of any element that could influence voters' choice in all observations. Similarly, all observed entity/candidate agents and observers were able to follow proceedings unhindered and the integrity of the process was sufficient protected in all cases.

An unauthorized person was observed in a PS in only one case, and only one PS was witnessed to close late.

Although these results are purely qualitative due to sample size, they still are suggestive of the general trend of high quality of the electoral process.

XX. RESULTS

Overview

The HNEC published on its website the preliminary results per PS for the entire country as well as for out-of-country voting, totalling 3290 polling centers.

Several analyses were conducted on these results, downloaded in full as of July 30, 2012:

- Scores multiples of 100 in a given PS;
- Candidates having obtained 90% or more of valid votes in a given PS.

An analysis of inconsistent behavior was also conducted. Unfortunately, this latter analysis cannot be taken into account as some key information on the website is missing as of today, such as the gender of the PS. Differences between male or female turnouts and patterns of vote could indeed serve as explanations for some of these inconsistencies.

Reconciliation of ballots and further analyses of irregular results could not be prepared. Noteworthy among these are indicators based on gender or turnout, as well as invalid, received, spoilt, canceled or unused ballots, as these variables were not published by the HNEC.

One analysis merits to be highlighted in particular: the PSs where one candidate has obtained more than 90% of valid ballots. Although the total of PSs displaying candidates with 90% or more of valid votes is 216 countrywide, or 1.76% of the national total, the patterns of that irregularity are concentrated enough in some areas to affect the allocation of at least 13 seats.

In section II, although irregular results were detected in 24 constituencies, details are given for ten of them. In these, the intensity of the phenomenon is highest, resulting in potential misallocation of seats.

In section III, we give a full list of all PSs where such irregular behavior has been spotted.

Subconstituencies with the highest likelihood of fraud

Ajdabiya: 2 seats for Political Entities affected

The following PSs were identified with candidates obtaining more than 90% of votes. First the PC code is given, followed by the list of flagged PSs within the PC with corresponding code and name in Arabic in parenthesis.

PC 40048:

PS 1: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PS 6: C41 (حزب الحكمة)

PC 40049:

PS 1: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PS 5: C41 (حزب الحكمة)

PS 6: C41 (حزب الحكمة)

PC 40050:

PS 1: C41 (حزب الحكمة)

PC 40051:

PS 1: C12 (حزب الجبهة الوطنية)

PS 2: C12 (حزب الجبهة الوطنية)

PS 3: C12 (حزب الجبهة الوطنية)

PS 4: C12 (حزب الجبهة الوطنية)

PS 5: C12 (حزب الجبهة الوطنية)

PS 6: C12 (حزب الجبهة الوطنية)

PC 40052:

PS 1: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PC 40053:

PS 1: C41 (حزب الحكمة)

PS 6: C41 (حزب الحكمة)

PC 40054:

PS 1: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PS 5: C41 (حزب الحكمة)

PC 40055:

PS 1: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PC 40058:

PC 40057:

PS 1: C41 (حزب الحكمة)

PC 40061:

PS 1: C12 (حزب الجبهة الوطنية)

PS 2: C41 (حزب الحكمة)

PS 1: C41 (حزب الحكمة)

PS 2: C12 (حزب الجبهة الوطنية)

PS 3: C41 (حزب الحكمة)

PS 2: C41 (حزب الحكمة)

Code C12 is the National Front Party, Code C41 is the Wisdom Party.

These two one seat each out of three, as the Wisdom Party made it to second position, and the National Front Party was classified third. Mahmoud Jibril's National Forces Alliance was first with no irregularities detected.

Al-Kufra: 2 seats for Individual Candidates affected

The flagged PSs are:

PC 40048:

PC 40050:

PS 2: C17 (السنوسي سالم عمر القمي)

PS 1: C17 (السنوسي سالم عمر القمي)

PS 1: C17 (السنوسي سالم عمر القمي)

PS 3: C17 (السنوسي سالم عمر القمي)

PS 2: C17 (السنوسي سالم عمر القمي)

PS 4: C17 (السنوسي سالم عمر القمي)

PS 3: C17 (السنوسي سالم عمر القمي)

PS 4: C17 (السنوسي سالم عمر القمي)

PC 40053:

PS 5: C17 (السنوسي سالم عمر القمي)

PS 1: C6 (حامد سليمان صالح الحته)

PS 6: C17 (السنوسي سالم عمر القمي)

PC 40051:

PS 2: C6 (حامد سليمان صالح الحته)

PS 1: C25 (محمد رزي محمد مردي)

PS 3: C6 (حامد سليمان صالح الحته)

PC 40049:

PS 2: C25 (محمد رزي محمد مردي)

PS 4: C6 (حامد سليمان صالح الحته)

PS 1: C6 (حامد سليمان صالح الحته)

PS 3: C25 (محمد رزي محمد مردي)

PS 5: C6 (حامد سليمان صالح الحته)

PS 2: C6 (حامد سليمان صالح الحته)

PS 4: C25 (محمد رزي محمد مردي)

PS 6: C6 (حامد سليمان صالح الحته)

PS 3: C6 (حامد سليمان صالح الحته)

PS 5: C25 (محمد رزي محمد مردي)

PS 4: C6 (حامد سليمان صالح الحته)

PS 6: C25 (محمد رزي محمد مردي)

PC 40054:

PS 5: C6 (حامد سليمان صالح الحته)

PS 1: C6 (حامد سليمان صالح الحته)

PS 6: C6 (حامد سليمان صالح الحته)

PC 40052:

PS 2: C6 (حامد سليمان صالح الحته)

PS 1: C17 (السنوسي سالم عمر القمي)

PS 3: C6 (حامد سليمان صالح الحته)

	PC 40057:	(السنوسي سالم عمر القمي)	PS 2: C17
PC 40055:	(محمد رزي محمد مردي)	PS 1: C25	(السنوسي سالم عمر القمي)
(السنوسي سالم عمر القمي)	PS 1: C17	(محمد رزي محمد مردي)	PS 2: C25
(السنوسي سالم عمر القمي)	PS 2: C17		PS 4: C17
(السنوسي سالم عمر القمي)	PS 3: C17	PC 40058:	PC 40061:
	(السنوسي سالم عمر القمي)	PS 1: C17	(حامد سليمان صالح الحثه)

Two seats were reserved for individual candidates in this constituency.

C17, candidate Senoussi Salem Omar Alqummi, won 1 seat by means of 18 PSs displaying scores of more than 90%.

Candidate C6, Hamed Soliman Saleh Alhetah, came second. He won a seat by means of 16 PSs displaying scores of more than 90%.

Candidate C25, Mohamed Razi Mohamed Mardi is in third position, and did not win a seat. However, 8 PSs display scores of more than 90% in his favor.

Sidra: 1 seat for Individual Candidates affected

PC 50042:	PC 50044:	PC 50045:
(عمر شامخ محمد الحسوني)	(سعد ابراهيم بن شرادة ابراهيم)	PS 1: C3
(عمر شامخ محمد الحسوني)	(سعد ابراهيم بن شرادة ابراهيم)	PS 1: C3
	(سعد ابراهيم بن شرادة ابراهيم)	PC 50046:
PC 50043:		(سعد ابراهيم بن شرادة ابراهيم)
(سعد ابراهيم بن شرادة ابراهيم)		

Candidate C3 is Saad Ibrahim Ben Sharada Ibrahim. He won 1 seat by means of 6 PSs displaying scores of more than 90%.

Sirte: 2 seats for Individual Candidates affected

PC 50015:	
(عبدالجليل محمد عبدالجليل الشاوش)	PC 50051:
(عبدالجليل محمد عبدالجليل الشاوش)	(مفتاح فرج صالح عمر شنبور)
(عبدالجليل محمد عبدالجليل الشاوش)	(مفتاح فرج صالح عمر شنبور)
(عبدالجليل محمد عبدالجليل الشاوش)	

Candidate C5 Abdeljaleel Mohamed Abdeljaleel Alshawesh, won 1 seat by means of 4 PSs displaying scores of more than 90%.

Candidate C19, Meftah Faraj Saleh Omar Shanbur, came second. He won a seat by means of 2 PSs displaying scores of more than 90%.

Al-Jufra: 1 seat for Individual Candidates affected

PC 50005:

PS 1: C3 (علي زيدان محمد زيدان)

PS 2: C3 (علي زيدان محمد زيدان)

PS 3: C3 (علي زيدان محمد زيدان)

PS 4: C3 (علي زيدان محمد زيدان)

PC 50006:

PS 1: C3 (علي زيدان محمد زيدان)

PS 3: C3 (علي زيدان محمد زيدان)

Candidate 3, Ali Zaydan Mohamed Zaydan, won 1 seat by means of 6 PSs displaying scores of more than 90%.

Murzuq: Potential seat for Political Entities

PC 70007:

PS 1: C2 (تحالف القوى الوطنية)

PS 2: C2 (تحالف القوى الوطنية)

PS 3: C2 (تحالف القوى الوطنية)

PC 70023:

PS 2: C34 (كتلة الاحزاب الوطنية)

PC 70063:

PS 1: C2 (تحالف القوى الوطنية)

The Group of Patriotic Parties, Candidate C34, came second in a close race for 3 seats, thus potentially affecting seat allocation, although only one PS displays scores of more than 90%.

Mahmoud Jibril's National Forces Alliance, Candidate C2, comes in first position in this constituency. The number of PSs displaying scores of more than 90% is limited, and the difference with other candidates is significant enough to make the impact non-significant.

Murzuq: 2 seats for Individual Candidates affected

PC 70007:

PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)

PC 70008:

PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 4: C9 (مسعود عبدالسلام عبيد الطاهر)

PC 70009:

PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)

PS 4: C9 (مسعود عبدالسلام عبيد الطاهر)	PC 70024:	PS 3: C1 (عبدالوهاب محمد ابوبكر قائد)
	PS 1: C1 (عبدالوهاب محمد ابوبكر قائد)	PS 4: C1 (عبدالوهاب محمد ابوبكر قائد)
PC 70010:	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)	
PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 4: C1 (عبدالوهاب محمد ابوبكر قائد)	PC 70026:
PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 6: C1 (عبدالوهاب محمد ابوبكر قائد)	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)
		PS 3: C1 (عبدالوهاب محمد ابوبكر قائد)
PC 70017:	PC 70025:	
PS 1: C22 (محمد علي محمد الهادي)	PS 1: C1 (عبدالوهاب محمد ابوبكر قائد)	PC 70063:
	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)	PS 2: C33 (حماد محمد محمد الصالح ابريكوا)

4 individual seats were in competition.

Of these, Candidate C9, Masood Abdessalam Obeid Attaher, in first position, won 1 seat by means of 12 PSs displaying scores of more than 90%.

Candidate C1, Abdelwahab Mohamed Abubaker Qader in 4th position won 1 seat by means of 10 PSs displaying scores of more than 90%..

Candidate C22, Mohamed Ali Mohamed Alhadi, has only one PS won displaying a score of more than 90%. He is in 5th position. He will not receive any seat.

Candidate C33, Hamed Mohamed Mohamed Saleh Ibrikaw, has only one PS won displaying a score of more than 90% with 319 votes out of 348 valids, or 91.67%. He is in third position and will therefore receive a seat, but the difference with following candidates makes it unlikely that this PS alone would have an impact on the overall result.

Kikla and Qalaa:1 seat for Individual Candidates affected

PC 80044:	PC 80048:	PS 4: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)
PS 1: C4 (نور الدین سعید محمد مفتاح)	PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 5: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)
		PS 6: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)
PC 80045:	PC 80049:	PS 7: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)
PS 1: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 1: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 8: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)
PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	
	PS 3: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	

Candidate C1, Abdelaziz Ettaher Hriba Zbasi Alkikli, is in first position and won 1 seat by means of 11 PSs displaying scores of more than 90%.

Mezda: 1 seat for Individual Candidates affected

PC 80088:	PS 3: C4 (ابراهيم علي محمد ابوشعالة)	PS 1: C4 (ابراهيم علي محمد ابوشعالة)
PS 1: C4 (ابراهيم علي محمد ابوشعالة)	PS 4: C4 (ابراهيم علي محمد ابوشعالة)	PS 2: C4 (ابراهيم علي محمد ابوشعالة)
PS 2: C4 (ابراهيم علي محمد ابوشعالة)		PS 3: C4 (ابراهيم علي محمد ابوشعالة)
PS 3: C4 (ابراهيم علي محمد ابوشعالة)	PC 80090:	
PS 4: C4 (ابراهيم علي محمد ابوشعالة)	PS 1: C14 (محمد الجيلاني البدوي (الازهري)	PC 80093:
PS 5: C4 (ابراهيم علي محمد ابوشعالة)	PS 2: C14 (محمد الجيلاني البدوي (الازهري)	PS 1: C4 (ابراهيم علي محمد ابوشعالة)
PS 6: C4 (ابراهيم علي محمد ابوشعالة)	PS 3: C14 (محمد الجيلاني البدوي (الازهري)	PS 2: C4 (ابراهيم علي محمد ابوشعالة)
PS 7: C4 (ابراهيم علي محمد ابوشعالة)	PS 4: C14 (محمد الجيلاني البدوي (الازهري)	PS 3: C4 (ابراهيم علي محمد ابوشعالة)
		PS 4: C4 (ابراهيم علي محمد ابوشعالة)
PC 80089:		PS 5: C4 (ابراهيم علي محمد ابوشعالة)
PS 1: C4 (ابراهيم علي محمد ابوشعالة)		
PS 2: C4 (ابراهيم علي محمد ابوشعالة)	PC 80092:	

Candidate C4, Ibrahim Ali Mohamed Abusha'ala, won 1 seat by means of 19 PSs displaying scores of more than 90%.

Ghedames: 1 seat for Individual Candidates affected

PC 80132:	PC 80136:	PS 1: C3 (عيسى حسن عمر غلام)
PS 1: C3 (عيسى حسن عمر غلام)	PS 1: C1 (ابوبكر مرتضي مختار مدور)	PS 2: C3 (عيسى حسن عمر غلام)
	PS 2: C1 (ابوبكر مرتضي مختار مدور)	
PC 80133:		PC 80143:
PS 2: C3 (عيسى حسن عمر غلام)	PC 80137:	PS 2: C3 (عيسى حسن عمر غلام)
	PS 1: C1 (ابوبكر مرتضي مختار مدور)	
PC 80134:	PS 2: C1 (ابوبكر مرتضي مختار مدور)	PC 80801:
PS 1: C1 (ابوبكر مرتضي مختار مدور)	PS 3: C1 (ابوبكر مرتضي مختار مدور)	PS 1: C1 (ابوبكر مرتضي مختار مدور)
PS 2: C1 (ابوبكر مرتضي مختار مدور)	PS 4: C1 (ابوبكر مرتضي مختار مدور)	PS 2: C1 (ابوبكر مرتضي مختار مدور)
PS 3: C1 (ابوبكر مرتضي مختار مدور)		
	PC 80142:	PC 80802:

PS 1: C3 (عيسى حسن عمر غلام)

Abubaker Mortada Mokhtar Madoor, Candidate C1, won 1 seat by means of 11 PSs displaying scores of more than 90%.

Candidate C3, Isa Hussein Omar Gholam, is in second position. Although he will not receive a seat, 6 PSs display scores of more than 90%.

Full list of flagged PSs

Candidates or Political Entities who won a seat are highlighted in red.

District 1 (Tobruk)

PS 3: C2 (تحالف القوى الوطنية)

Subconstituency 1 (Tobruk/AIQubba/Derna)

PC 20357:

PC 10081:

PS 2: C9 (خليفة صالح سعيد محمد)

PS 4: C2 (تحالف القوى الوطنية)

PC 10025:

PS 4: C2 (تحالف القوى الوطنية)

District 3 (Benghazi)

District 2 (Beida)

Subconstituency 3 (Benghazi/Tawkara/Alabyar/Qamines/S oluq)

Subconstituency 2 (Shehat/Beida/Marj/Qasr Libya)

PC 10031:

PS 3: C2 (تحالف القوى الوطنية)

PC 30147:

PS 4: C2 (تحالف القوى الوطنية)

PC 20102:

PS 1: C2 (تحالف القوى الوطنية)

PS 3: C2 (تحالف القوى الوطنية)

PC 10032:

PC 30167:

PS 2: C2 (تحالف القوى الوطنية)

District 2 (Beida)

PS 2: C2 (تحالف القوى الوطنية)

Subconstituency 5 (Beida)

PC 10058:

District 3 (Benghazi)

PS 2: C2 (تحالف القوى الوطنية)

PC 20290:

Subconstituency 9 (Tawkara)

PS 1: C12 (عبدربه يوسف بوبريق ميكائيل)

PC 10069:

PS 2: C12 (عبدربه يوسف بوبريق ميكائيل)

PC 30177:

PS 2: C2 (تحالف القوى الوطنية)

PS 2: C5 (فهميم على سعد الرطب)¹⁰⁰

District 2 (Beida)

PC 10080:

Subconstituency 7 (Qasr Libya)

¹⁰⁰ Although only one polling station was flagged for the whole subconstituency,

	PS 4: C25 (محمد رزي محمد مردي)	PC 40057:
District 4 (Ajdabiya)	PS 5: C25 (محمد رزي محمد مردي)	PS 1: C25 (محمد رزي محمد مردي)
Subconstituency 17 (Alkufra)	PS 6: C25 (محمد رزي محمد مردي)	PS 2: C25 (محمد رزي محمد مردي)
PC 40048:	PC 40052:	PC 40058:
PS 1: C17 (السنوسي سالم عمر القمي)	PS 1: C17 (السنوسي سالم عمر القمي)	PS 1: C17 (السنوسي سالم عمر القمي)
PS 2: C17 (السنوسي سالم عمر القمي)	PS 2: C17 (السنوسي سالم عمر القمي)	PS 2: C17 (السنوسي سالم عمر القمي)
PS 3: C17 (السنوسي سالم عمر القمي)	PS 3: C17 (السنوسي سالم عمر القمي)	PS 3: C17 (السنوسي سالم عمر القمي)
PS 4: C17 (السنوسي سالم عمر القمي)	PS 4: C17 (السنوسي سالم عمر القمي)	PS 4: C17 (السنوسي سالم عمر القمي)
PS 5: C17 (السنوسي سالم عمر القمي)		
PS 6: C17 (السنوسي سالم عمر القمي)	PC 40053:	PC 40061:
	PS 1: C6 (حامد سليمان صالح الحته)	PS 2: C6 (حامد سليمان صالح الحته)
PC 40049:	PS 2: C6 (حامد سليمان صالح الحته)	
PS 1: C6 (حامد سليمان صالح الحته)	PS 3: C6 (حامد سليمان صالح الحته)	
PS 2: C6 (حامد سليمان صالح الحته)	PS 4: C6 (حامد سليمان صالح الحته)	District 4 (Ajdabiya)
PS 3: C6 (حامد سليمان صالح الحته)	PS 5: C6 (حامد سليمان صالح الحته)	Subconstituency 4
PS 4: C6 (حامد سليمان صالح الحته)	PS 6: C6 (حامد سليمان صالح الحته)	(Ajdabiya/Briga/Jalu/Tazerbu/Kufra/Ma rada)
PS 5: C6 (حامد سليمان صالح الحته)		
PS 6: C6 (حامد سليمان صالح الحته)	PC 40054:	PC 40048:
	PS 1: C6 (حامد سليمان صالح الحته)	PS 1: C41 (حزب الحكمة)
PC 40050:	PS 2: C6 (حامد سليمان صالح الحته)	PS 2: C41 (حزب الحكمة)
PS 1: C17 (السنوسي سالم عمر القمي)	PS 3: C6 (حامد سليمان صالح الحته)	PS 3: C41 (حزب الحكمة)
		PS 6: C41 (حزب الحكمة)
PC 40051:	PC 40055:	
PS 1: C25 (محمد رزي محمد مردي)	PS 1: C17 (السنوسي سالم عمر القمي)	PC 40049:
PS 2: C25 (محمد رزي محمد مردي)	PS 2: C17 (السنوسي سالم عمر القمي)	PS 1: C41 (حزب الحكمة)
PS 3: C25 (محمد رزي محمد مردي)	PS 3: C17 (السنوسي سالم عمر القمي)	PS 2: C41 (حزب الحكمة)
		PS 3: C41 (حزب الحكمة)

race was very close and seat allocation could be affected.

PS 4: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

PS 3: C5 (عمر شامخ محمد الحسوني)

PS 5: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PS 6: C41 (حزب الحكمة)

PS 5: C41 (حزب الحكمة)

PC 50043:

PS 2: C3 (سعد ابراهيم بن شرادة ابراهيم)

PC 40050:

PC 40055:

PS 1: C41 (حزب الحكمة)

PS 1: C41 (حزب الحكمة)

PC 50044:

PS 1: C3 (سعد ابراهيم بن شرادة ابراهيم)

PC 40051:

PS 3: C41 (حزب الحكمة)

PS 2: C3 (سعد ابراهيم بن شرادة ابراهيم)

PS 1: C12 (حزب الجبهة الوطنية)

PS 3: C3 (سعد ابراهيم بن شرادة ابراهيم)

PS 2: C12 (حزب الجبهة الوطنية)

PC 40057:

PS 3: C12 (حزب الجبهة الوطنية)

PS 1: C12 (حزب الجبهة الوطنية)

PC 50045:

PS 4: C12 (حزب الجبهة الوطنية)

PS 2: C12 (حزب الجبهة الوطنية)

PS 1: C3 (سعد ابراهيم بن شرادة ابراهيم)

PS 5: C12 (حزب الجبهة الوطنية)

PS 6: C12 (حزب الجبهة الوطنية)

PC 40058:

PC 50046:

PS 1: C41 (حزب الحكمة)

PS 1: C3 (سعد ابراهيم بن شرادة ابراهيم)

PC 40052:

PS 2: C41 (حزب الحكمة)

PS 1: C41 (حزب الحكمة)

PS 3: C41 (حزب الحكمة)

District 5 (Sirt)

PS 2: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

Subconstituency 20 (Sirt)

PS 3: C41 (حزب الحكمة)

PS 4: C41 (حزب الحكمة)

PC 40061:

PC 50015:

PS 1: C41 (حزب الحكمة)

PS 1: C5 (عبدالجليل محمد عبدالجليل الشاوش)

PC 40053:

PS 2: C41 (حزب الحكمة)

PS 2: C5 (عبدالجليل محمد عبدالجليل الشاوش)

PS 1: C41 (حزب الحكمة)

PS 3: C5 (عبدالجليل محمد عبدالجليل الشاوش)

PS 6: C41 (حزب الحكمة)

PS 4: C5 (عبدالجليل محمد عبدالجليل الشاوش)

District 5 (Sirt)

Subconstituency 19 (Alsidra)

PC 40054:

PC 50051:

PS 1: C41 (حزب الحكمة)

PC 50042:

PS 1: C19 (مفتاح فرج صالح عمر شنبور)

PS 2: C41 (حزب الحكمة)

PS 2: C5 (عمر شامخ محمد الحسوني)

PS 3: C19 (مفتاح فرج صالح عمر شنبور)

		PC 70017:
District 5 (Sirt)	PC 60058:	(محمد علي محمد الهادي) PS 1: C22
Subconstituency 21 (Aljufra)	PS 1: C26 (عبدالمطلب علي مسعود سالم)	
	PS 2: C26 (عبدالمطلب علي مسعود سالم)	PC 70024:
PC 50005:		PS 1: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 1: C3 (علي زيدان محمد زيدان)	District 7 (Obari)	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 2: C3 (علي زيدان محمد زيدان)	Subconstituency 28 (Merzeq)	PS 4: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 3: C3 (علي زيدان محمد زيدان)		PS 6: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 4: C3 (علي زيدان محمد زيدان)	PC 70007:	
	PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)	PC 70025:
PC 50006:	PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 1: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 1: C3 (علي زيدان محمد زيدان)	PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 3: C3 (علي زيدان محمد زيدان)		PS 3: C1 (عبدالوهاب محمد ابوبكر قائد)
	PC 70008:	PS 4: C1 (عبدالوهاب محمد ابوبكر قائد)
District 5 (Sirt)	PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)	
Subconstituency 5 (Alsidra/Sirt/Aljufra)	PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)	PC 70026:
	PS 4: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 2: C1 (عبدالوهاب محمد ابوبكر قائد)
PC 50046:		PS 3: C1 (عبدالوهاب محمد ابوبكر قائد)
PS 2: C64 (الوطن للتنمية والرفاه)	PC 70009:	
	PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)	PC 70063:
PC 50051:	PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 2: C33 (حماد محمد محمد الصالح ابريكاو)
PS 1: C8 (تيار شباب الوسط)	PS 3: C9 (مسعود عبدالسلام عبيد الطاهر)	
	PS 4: C9 (مسعود عبدالسلام عبيد الطاهر)	District 7 (Obari)
PC 50053:		Subconstituency 9 (Merzeq)
PS 1: C2 (تحالف القوى الوطنية)	PC 70010:	
	PS 1: C9 (مسعود عبدالسلام عبيد الطاهر)	PC 70007:
District 6 (Sabha)	PS 2: C9 (مسعود عبدالسلام عبيد الطاهر)	PS 1: C2 (تحالف القوى الوطنية)
Subconstituency 24 (Wadi Eshate' & Alqarada)		PS 2: C2 (تحالف القوى الوطنية)

PS 3: C2 (تحالف القوى الوطنية)	PS 7: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	
	PS 8: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PC 80089:
PC 70023:		PS 1: C4 (ابراهيم علي محمد ابوشعالة)
PS 2: C34 (كتلة الاحزاب الوطنية)	District 8 (Gherian)	PS 2: C4 (ابراهيم علي محمد ابوشعالة)
	Subconstituency 32 (Yefren)	PS 3: C4 (ابراهيم علي محمد ابوشعالة)
PC 70063:		PS 4: C4 (ابراهيم علي محمد ابوشعالة)
PS 1: C2 (تحالف القوى الوطنية)	PC 80056:	
	PS 1: C6 (خليفة عاشور مسعود النجار)	PC 80090:
District 8 (Gherian)	PS 2: C6 (خليفة عاشور مسعود النجار)	PS 1: C14 (محمد الجيلاني البدوي الازهري)
Subconstituency 31 (Kikla & Qalaa)	PS 3: C6 (خليفة عاشور مسعود النجار)	PS 2: C14 (محمد الجيلاني البدوي الازهري)
	PS 4: C6 (خليفة عاشور مسعود النجار)	PS 3: C14 (محمد الجيلاني البدوي الازهري)
PC 80044:	PS 5: C6 (خليفة عاشور مسعود النجار)	PS 4: C14 (محمد الجيلاني البدوي الازهري)
PS 1: C4 (نورالدين سعيد محمد مفتاح)		
	PC 80601:	PC 80092:
PC 80045:	PS 1: C2 (سليمان يونس امحمد قجم)	PS 1: C4 (ابراهيم علي محمد ابوشعالة)
PS 1: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 2: C2 (سليمان يونس امحمد قجم)	PS 2: C4 (ابراهيم علي محمد ابوشعالة)
PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)		PS 3: C4 (ابراهيم علي محمد ابوشعالة)
	District 8 (Gherian)	
PC 80048:	Subconstituency 38 (Mezda)	PC 80093:
PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)		PS 1: C4 (ابراهيم علي محمد ابوشعالة)
	PC 80088:	PS 2: C4 (ابراهيم علي محمد ابوشعالة)
PC 80049:	PS 1: C4 (ابراهيم علي محمد ابوشعالة)	PS 3: C4 (ابراهيم علي محمد ابوشعالة)
PS 1: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 2: C4 (ابراهيم علي محمد ابوشعالة)	PS 4: C4 (ابراهيم علي محمد ابوشعالة)
PS 2: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 3: C4 (ابراهيم علي محمد ابوشعالة)	PS 5: C4 (ابراهيم علي محمد ابوشعالة)
PS 3: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 4: C4 (ابراهيم علي محمد ابوشعالة)	
PS 4: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 5: C4 (ابراهيم علي محمد ابوشعالة)	District 8 (Gherian)
PS 5: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 6: C4 (ابراهيم علي محمد ابوشعالة)	Subconstituency 41 (Kabaw)
PS 6: C1 (عبدالعزیز الطاهر حریبه زباسي الککلی)	PS 7: C4 (ابراهيم علي محمد ابوشعالة)	

PC 80117:	PS 1: C3 (عيسى حسن عمر غلام)	
PS 4: C4 (عيسى محمد سعيد الشيباني)	PS 2: C3 (عيسى حسن عمر غلام)	PC 120009:
		PS 9: C2 (تحالف القوى الوطنية)
District 8 (Gherian)	PC 80143:	
Subconstituency 42 (Ghedames)	PS 2: C3 (عيسى حسن عمر غلام)	PC 120039:
		PS 4: C2 (تحالف القوى الوطنية)
PC 80132:	PC 80801:	
PS 1: C3 (عيسى حسن عمر غلام)	PS 1: C1 (ابوبكر مرتضي مختار مدور)	PC 120311:
	PS 2: C1 (ابوبكر مرتضي مختار مدور)	PS 4: C2 (تحالف القوى الوطنية)
PC 80133:		
PS 2: C3 (عيسى حسن عمر غلام)	PC 80802:	District 13 (Zawiya)
	PS 1: C3 (عيسى حسن عمر غلام)	Subconstituency 20 (Sirman/Sebrata/Ajilat/Zwara/Aljamil/Raqdalin/Zleten)
PC 80134:		
PS 1: C1 (ابوبكر مرتضي مختار مدور)	District 10 (Khoms)	
PS 2: C1 (ابوبكر مرتضي مختار مدور)	Subconstituency 12 (Tarhuna/Meslata/Alkhoms Assahel)	PC 130101:
PS 3: C1 (ابوبكر مرتضي مختار مدور)		PS 3: C2 (تحالف القوى الوطنية)
	PC 100436:	
PC 80136:	PS 2: C2 (تحالف القوى الوطنية)	
PS 1: C1 (ابوبكر مرتضي مختار مدور)		
PS 2: C1 (ابوبكر مرتضي مختار مدور)	District 10 (Khoms)	
	Subconstituency 47 (Tarhuna)	
PC 80137:		
PS 1: C1 (ابوبكر مرتضي مختار مدور)	PC 100436:	
PS 2: C1 (ابوبكر مرتضي مختار مدور)	PS 2: C35 (جمعة محمد عبدالقادر ابو علي)	
PS 3: C1 (ابوبكر مرتضي مختار مدور)		
PS 4: C1 (ابوبكر مرتضي مختار مدور)	District 12 (Aziziya)	
	Subconstituency 18 (Maya/Naseriya/Aziziya/Suani Ben Adam/Qar Ben Ghashir/Amsihel)	
PC 80142:		

SUGGESTED RECOMMENDATIONS BY THE EU EAT		MOTIVATION	CALENDAR FOR IMPLEMENTATION	AFFECTED LEGAL FRAMEWORK
CONSTITUTIONAL AND LEGAL FRAMEWORK				
1	Codification and harmonisation of the Election Law and the HNEC Regulations enacted for the election to the General National Congress of 7 July 2012.	Eliminate discrepancies and conflicting interpretations, enhance the accessibility of the electoral legal framework for political parties, candidates, the judiciary, voters and the general public and facilitate its application	At least 6 months before the general elections and according to the timetable established by Art. 30 of the Draft Constitutional Declaration, as amended. Immediate publication of all legislation in the Official Gazette.	Law no. 4/2012 as amended, Law no. 14/2012, and all related HNEC Regulations.
2	Enactment of the Election Law well in advance of the next electoral cycle. Only the necessary changes should be made in the run-up to the elections.	Allow sufficient time for all stakeholders to familiarize themselves with the application of the Election Law, and reinforce judicial certainty.	At least 6 months before the general elections, and in accordance with the timetable established by Art. 30 of the Draft Constitutional Declaration, as amended. Immediate publication of the law in the Official Gazette.	Law no. 4/2012 as amended, Law no. 14/2012, and all related HNEC Regulations.
3	Allow for members of the military to exercise their right to vote. Ensure that the provisions for lustration are clearly defined in the law. Apply the principle of proportionality for any restrictions of the right to vote and to be elected.	Further promote universal franchise and ensure due protection of citizens' electoral rights.	Before the enactment of the new Election Law, in accordance with Art. 30 of the Draft Constitutional Declaration, as amended.	Law no. 4/2012, as amended.

4	Consider any reforms to the components of the electoral system on the basis of broad and open consultation among the major election stakeholders and with key civil society organizations.	Strengthen the trust of the society in the electoral process.	Before the adoption of the new Constitution and the enactment of the new Election Law, in accordance with Art. 30 of the Draft Constitutional Declaration, as amended.	Law no. 4/2012, as amended.
5	It is recommended that electoral constituency boundaries would be revised, so as to provide for the territorial distribution of seats in accordance with a specific criterion, such as the population or the number of registered voters.	Preserve equal voting power.	Before the adoption of the new Constitution and the new Election Law.	Law no. 4/2012 as amended and Law no. 14/2012.
6	It is recommended that information regarding the creation of electoral districts and constituencies is published in the national and regional media, including specific deadlines in the law for the establishment of electoral districts.	Improve the transparency of the electoral process.		Law no. 4/2012 as amended and Law no. 14/2012.
7	It would be advisable to avoid provisions in the Election Law that <i>de facto</i> introduce an imperative mandate and a disproportionate level of political parties' control over the elected candidates.	Safeguard the principle of a free and independent mandate.	Before the enactment of the new Election Law, in accordance with Art. 30 of the Draft Constitutional Declaration, as amended.	Art. 7 par. 5 of Law no. 4/2012.
8	Consideration could be given to include provision in the Election	Enhance the transparency of the	Before the enactment of the	Art. 33 of Law no.

	Law for the publication of election results, broken down by each polling station, in a timely manner.	electoral process, by offering the possibility to the citizens to compare the results published at local level with the ones published at national level.	new Election Law, in accordance with Art. 30 of the Draft Constitutional Declaration, as amended.	4/2012.
9	It is recommended to include provisions in the Election Law for the replacement of elected candidates, if they are disqualified after the announcement of preliminary results by final court decisions.	Clarify the ambiguity in the law in case of disqualification of a candidate.	Before the enactment of the new Election Law, in accordance with Art. 30 of the Draft Constitutional Declaration, as amended.	There is no related article in the law.
ELECTION ADMINISTRATION				

- 10 (i) The authorities could take a decision to retain the existing structure and composition of the HNEC as to immediately commence the preparation for the referendum.
- Retain the valuable institutional memory and expertise gained with the first democratic election.
- In the short term; Art. 2 of Law no. 3/2012.
- (ii) The re-appointment of the members of the Board of Commissioners, the Central Administration, the Sub-commissions directors and staff for the upcoming referendum and electoral cycle, including a qualified full-time Secretariat and permanent Sub-commissions in all 13 districts would be beneficial.
- 11 The EMB could envisage efforts to implement streamlined, periodic and inclusive public communication mechanisms.
- Increase the HNEC's transparency in the implementation of the election.
- In the short term; before conducting the Referendum; Art. 3 of Law no. 3/2012.
- The district Sub-commissions could also profit from an improved and regulated communication strategy. Particularly beneficial could be the establishment of weekly information meetings with

stakeholders and an organised distribution of relevant documentation pertaining to the legal and electoral frameworks. Decisions and regulations produced by the EMB could be disseminated and clearly explained to the stakeholders.

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| 12 | The EMB could consider producing, publishing and implementing a comprehensive calendar for the organisation of the referendum and next electoral full cycle with clear deadlines for every stage of the electoral process. | Increase the HNEC's transparency in the implementation of the election | In the short term; before conducting the Referendum; | Law no.3/2012. |
| 13 | The authorities could envisage the possibility of holding an anticipated voting exercise for the military personnel as well as for homebound and hospital bound persons. | Ensure inclusive voting rights for all eligible citizens. | Short term, before conducting the Referendum; to be included in the new Electoral Law. | Art. 3 of Law no. 3/2012. |
| 14 | The EMB could envisage mechanisms to effectively support the full participation of political entity and individual candidates' agents in the election monitoring effort. | Enhance the transparency of the election. | Short term, before conducting the Referendum; to be included in the new Election Law. | Art. 43 of Law no.4/2012. |
| 15 | An audit of the voter register could be conducted once the register is digitalised. | Enhance the accuracy and completeness of the voter register and strengthen the public confidence in it. | Before the new General Elections. | |
| 16 | Organise Out-of-Country Voting (OCV) in those countries known to host large numbers of Libyan expatriate population such as Egypt and Tunisia. | Promote the principle of universal suffrage. | Before the enactment of the new Election Law. | |

VOTER REGISTRATION

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| 17 | <p>The existing voter lists issued by the HNEC could serve as the base on which to consolidate the production of an electronic voter database. Consideration could be given to establish an electronic voter registration updating system which could be led by the EMBs district offices, with closing cut off dates clearly stipulated in the law. More time for challenges to the voter lists could be allocated.</p> <p>The voters' electronic database could be correlated with the population census in order to take account of specific population trends and movements.</p> | <p>Increase the accuracy of the voter register, allowing for periodic updates, transferences, deletions etc.</p> | <p>Short term, before conducting the Referendum; to be included in the new Electoral Law.</p> | <p>Art. 8 of Law no.4/2012.</p> |
| 18 | <p>The HNEC could give special attention to minorities and internally displaced communities during the voter registration process and voting.</p> | <p>Ensuring the protection of political rights and civic participation of all citizens.</p> | <p>Short term, before conducting the Referendum; to be included in the new Electoral Law.</p> | <p>Art. 3 of Law no.4/2012.</p> |

REGISTRATION OF POLITICAL ENTITIES AND CANDIDATES

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| 19 | <p>The EMB could announce the registration opening and closing dates well in advance, in order for electoral contestants to dispose of sufficient time to prepare the required documentation.</p> | <p>In order to increase inclusivity and to allow all potential candidates to submit their applications on time.</p> | <p>Before the enactment of the new Election Law.</p> | <p>Art. 10 of Law no.4/2012, HNEC Regulations no. 30 and 38.</p> |
| 20 | <p>To submit lists of candidates, political parties were required by Law to register as political entities as well as any other group of persons or associations wishing to submit candidates for the election. The legislator could contemplate to exonerate political parties from the need to register also as political entities to be able to submit candidates</p> | <p>In order to facilitate participation in elections.</p> | <p>Before the adoption of the new Election Law.</p> | <p>HNEC Regulations no. 29 and 30.</p> |

for elections. That inscription could remain appropriate for other groups of persons and associations wishing to present candidates.

- 21 The legislator could consider discouraging the financial support of individual candidates by political parties. If those so supported candidates were elected, parties would benefit from extra seats outside of their 80 seats limit attributed by the Law.
- To increase transparency in the political context and ensure a level playing field for all contestants.
- Before the enactment of the new Election Law.
- Art. 22 of Law no. 4/2012.

22	The absence of the legal obligation for an individual candidate to disclose a party allegiance misleads voters, who might vote unknowingly for a party.	To increase transparency in the political context and ensure a level playing field for all contestants.	Before the enactment of the new Election Law.	Art. 22 of Law no. 4/2012.
VOTER INFORMATION AND CIVIC EDUCATION				

- 23 The EMB could envisage the planning and implementation of extensive civic education and voter information awareness programmes, to be conducted during longer periods of time preceding election days.
- Voter information and Civic education
- Short term, before the holding of the Referendum; to be included in the new Electoral Law.
- Art. 3 of Law no.3/2012.

The inclusion of remote rural populations, of internally displaced communities and of Libyans living abroad is important.

Civil Society Organisations could actively cooperate with the EMB on a more streamlined platform, with broad involvement in the design and implementation of these programmes.

MEDIA

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| 24 | Aiming at full compliance with international standards, the future Constitution could define freedom of expression broadly, and include the right to seek, receive and impart information and ideas. In line with the respect of the freedom of expression, it could also include the prohibition of all forms of censorship. | To promote and to guarantee freedom of expression. | Short term, before the holding of the Referendum. | Future Constitution |
| 25 | The regulatory frameworks are recommended to provide for the obligation to cover election campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters, with due respect for their editorial independence. | To stipulate fair as well as sufficient media coverage of election stakeholders during the campaign. | Short term, before the holding of the Referendum; to be included in the new Electoral Law. | Law no.4/2012, Chapter 6, Electoral Campaign. |
| 26 | It is recommended that all contestants are given access to State media to present their views. The free airtime and space has to be granted in a fair manner, and on the basis of transparent and objective criteria. The procedures have to be decided and announced to all stakeholders in due time, prior to the start of the official campaign. | Promotion of 'free airtime' as a key vehicle for contestants to address the electorate through the State media, granted in a fair manner and due time to all, especially those, whose access to the private media might be limited due to financial constraints. | Short term, before the holding of the Referendum; to be included in the new Electoral Law. | Law no.4/2012, Chapter 6, Electoral Campaign. |
| 27 | It is recommended, that all paid political advertising would be recognizable as such by viewers/readers, and contestants would have the possibility of buying advertising time/space under equal conditions and payment rates. The relevant media could announce the prices for the advertisement in due time, before the start of the | Setting basic rules for the paid advertising in order to avoid an unfair advantage of particular contestants. | Short term, before the holding of the Referendum; to be included in the new Electoral Law. | Law no.4/2012, Chapter 6, Electoral Campaign. |

official campaign, and maintain them throughout the entire campaign. The future EMB, or the High Media Council (HMC), could control the timely publication of the prices and the media adherence to them.

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| 28 | Comprehensive media legislation could be considered, including the process of transformation of the State media into Public ones. The future Media Regulator could develop an efficient media monitoring system allowing for supervision of broadcasters' compliance with their legal obligations, especially during the pre-election periods. | Media monitoring as an effective tool to control the media adherence to the legal framework. | Long term | New media legislation and regulation. |
| 29 | To broaden the diversity of the information sources available to the electorate, the state could facilitate the distribution of the print media and the access of the citizens to the Internet, for instance in community centres, schools and other learning facilities. | Facilitating voters' access of to a variety of views. | Long term | Not known |

HUMAN RIGHTS – PARTICIPATION OF WOMEN

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| 30 | Gender equality measures could be included in the provisions of the Election Law, civil and penal codes and Labour Law. | In order to comply with Art. 6 of the Draft Constitutional Declaration and to increase equality amongst all Libyans | Before the adoption of the new Constitution, in accordance with Art. 30 of the Constitutional Declaration, as amended. | Art.6 of the Draft Constitutional Declaration. |
| 31 | Financial incentives and capacity building for women candidates could be considered. The government could support training initiatives aimed at increasing women's political participation such as the | So as to guarantee gender equality among the individual political contestants. | To be considered for new election Regulations and Instructions. | |

practicalities of running a campaign and the strategic importance of teaming up in support networks and sustain it beyond the election period.

- 32 The authorities might wish to address any existing gaps and measure the progress in gender equality, by establishing and maintaining a gender disaggregated database to collect statistical information broken down by age, gender and geographical representation.
- In order to enable a comparative analysis for any election-related data, so as to increase women participation.
- To be considered for future action.

33	The authorities might wish to contemplate the withdrawal of the reservations on the CEDAW to ensure full compliance with the obligations of that convention. The Mission encourages the authorities to re-examine these reservations so as to identify the negative consequences they may have for the application of the principle of equal voting rights.	In order to ensure full compliance with the obligations of the CEDAW.	To be considered for future action.	
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- 34 The media and the education system could provide gender equality training programs and gender sensitive education material to positively influence the public opinion and the decision makers about the roles of men and women in society.
- In order to remove stereotypes and promote women's participation in political life.
- To be considered for future action.

- 35 The EMB could aim for a more gender-balanced work force in future elections, especially in management positions and could provide sufficient training opportunities for women employees.
- In order to ensure a more gender-balanced workforce.
- Before the enactment of the law establishing the future election management body.
- Law no. 3/2012.

COMPLAINTS AND APPEALS

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|----|---|---|---|--|
| 36 | Clearly define in the Election Law the powers and responsibilities of the HNEC and the courts with regard to complaints and appeals. | Reinforce the judicial certainty and promote the right to an effective legal remedy. | Before the enactment of the new Election Law, in accordance with Art. 30 of the Constitutional Declaration, as amended. | Art. 32 of Law no. 4/2012, as amended. |
| 37 | <p>It is advisable to amend the timeframes for submission of complaints and appeals to the HNEC and the courts respectively.</p> <p>It is recommended that the Election Law provides a three to five-day deadline for submission of complaints, and a three to five-day deadline for submission and consideration of appeals.</p> <p>Deadlines could start from the notification of a decision, rather than from the time when a decision is issued.</p> | Ensure a balance between timely adjudication of election disputes and respect for the right to an effective remedy. | Before the enactment of the new Election Law. | Art. 32 of Law no. 4/2012, as amended; HNEC Regulations no.19 on Voter Registration, no.38 on Candidate Registration, no. 91 on Establishing HNEC Sub-commissions on examination election complaints, no. 93 on Complaints and Disputes Adjudication, no. 95 on Aggregation and Announcement of Results. |
| 38 | The HNEC could consider developing comprehensive operating procedures for internal handling, examination and adjudication of complaints. These could be in accordance with due process of law and judicial independence requirements established by international legal instruments, such as consideration of complaints at public meetings, the right to a written decision with a justification that is made public, as well as the right for the involved parties to be present during the consideration of the complaint. | To contribute to an effective and transparent dispute resolution and to ensure consistency. | Before the new general elections. | |
| 39 | The Election Law could expressly stipulate for the right for election | Provide an effective | Before the enactment of the | Art. 31 of Law no. 4/2012 and art. 6 of |

stakeholders to challenge the overall election results, and not just the results of the polling station, the polling centre or the constituency.

It could also explicitly stipulate the powers of the courts to order re-counts, partial or total exclusion of ballots, partial or total re-runs and partial or total cancellation of results and could specify objective criteria for invalidation of results.

legal remedy.

new Election Law.

HNEC Regulation no. 95 on Aggregation and Announcement of Results.