

**EUROPEAN UNION
ELECTION EXPERT MISSION
EU EEM Libya 2014**

*Constitutional Drafting Assembly Election
20 February 2014*

DRAFT
FINAL REPORT

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Acronyms

ASC	The Amazigh Supreme Council
BOC	HNEC's Board of Commissioners
CD	Constitutional Declaration
CDA	Constitution Drafting Assembly
CDAW	Convention to Eliminate all forms of Discrimination Against Women
CRA	The Libyan Civil Registry Authority
CSO	Civil Society Organization
EDR	Electoral Dispute Resolution
EU EAT	European Union Election Assessment Team
EU EEM	European Union Election Expert Mission
EUR	Euro
GC	General Comment to the ICCPR by the UN Human Rights Committee
GNC	General National Congress
HCAPPS	High Commission for the Application Public Position Standard
HNEC	High National Election Commission
ICCPR	International Convent on Civil and Political Rights
IDP	Internally Displaced Person
IOM	International Organisation for Migration
LNPd	Libyan Network to Promote Democracy
LYD	Libyan Dinar
MoC	Ministry of Culture
NDI	National Democratic Institute
NID	National Identification Number
OCV	Out of Country Voting
PIL	The Political and Administrative Isolation Law
PSA	Public Service Announcement
RPG	Rocket Propelled Grenade
TNA	Tebu National Assembly
UNCAC	United Nations Convention Against Corruption
UNSMIL	United Nation Support Mission in Libya

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DRAFT Executive Summary

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The European Union decided to deploy a three-person European Union Election Expert Mission (EU EEM) to Libya for the election to the Constituent Drafting Assembly on 20 February 2014. The EEM stayed in country between the 8 February and 5 of March. Due to security restrictions the mission was not able to conduct any field visits outside Tripoli. This is the second time the EU deployed a mission to Libya, the first having been an Election Assessment Team (EAT) to the General National Congress elections in 2012.¹

An EU EEM is not equivalent to an election observation mission due to its limited staff and period of deployment. Therefore, the EU EEM was not in a position to offer a comprehensive assessment of the election process in its entirety.

1. Introduction

Libya has experienced growing political instability, unrest and a significant deterioration of the security situation. Since its first elections to the General National Congress (GNC) on 7 July 2012, the use of violence to promote parochial agendas has become more often the norm, with a number of armed rival militia groups active in the country. Extremist agendas, targeted killings in the East, threats to the Judiciary, Media, and security forces, and the overall sense of insecurity negatively affect the performance of state institutions, government and congress.

Libyans seem dismayed by the lack of leadership and wanting political agreement on main national issues. Politically, the country suffers from fragmentation, poor governance, and eroding public confidence in what are seen as weak and uncoordinated state institutions. Ineffective institutions and the government's incapacity to halt the spiral of violence in the East are funnelling discontent.

However, there also seems to be a collective political awareness that the Libyan transition benefits from an inclusive national dialogue, while respecting the principles of the existing Transitional Constitutional Declaration (CD). The election to the

¹ The EU EAT was headed by the Chief Observer Alexander Graf Lambsdorff a German member of the European Parliament, and consisted of seven core team members, and 14 regional experts from 19 different EU member states.

Constitutional Drafting Assembly (CDA) was therefore an important step towards a peaceful transition and the establishment of the rule of law.

The General National Congress detached the political transition process of the handover of power to new elected institutions from the constitutional drafting process. It acknowledged the need to allow for sufficient time for the drafting assembly to work removing pressure on the CDA in an already difficult and polarised process.

The sixth Constitutional Amendment to the Constitutional Declaration adopted on 11 of February 2014, outlines the Congress' transitional roadmap for Libya. According to the roadmap (i.e. roadmap plan b) Libya would hold elections in case the drafting assembly in early May would announce not to be able to agree on a draft for the new Constitution within the 120 days allotted timeframe. An ad hoc GNC Committee, commonly referred to as the "February Committee", was mandated to draft an amendment to the 2012 Transitional Constitutional Declaration to allow for presidential and parliamentary elections and to draft an election law, which is to be directly submitted for approval to the CDA. That the President would be elected directly by popular vote has been decided at Committee level.² The amendment proposal to the CD was in its completion phase while the drafting of the election law was ongoing. The draft of the Constitution would need to be ratified by popular referendum.

2. Legal Framework

Background

Decision 30/2013 established an election committee comprised of two representatives of the General National Congress and 15 other members with a legal background³ (including three women) to draft an electoral law for the Constituent Assembly elections. The committee had the arduous task of drafting a law within 45 days which had to be kept within the confines of the Constitutional Declaration which states that the Assembly should have 60 members and that it should follow the lines of the constitutional drafting committee that was formed in 1951⁴ whereby representation was divided equally between the South, West and East. Boundaries were more clearly defined than the 2012 elections; however there was no apparent consultative process at the level of the GNC or at the local government level. Special seats for women⁵ and ethnic groups⁶, which were not originally foreseen, were incorporated into the law, after various groups advocated for their inclusion. The draft law was approved by the GNC plenary on 16 July 2013.

² The "February Committee" announced that it agreed by a vote of 10 to 4, and one abstention, that a direct Presidential ballot would be proposed.

³ The Committee consisted of 17 members who were selected from different areas of the country. Two members were selected from the GNC and the other members were selected due to their legal background, nevertheless many of them did not have any experience in writing legal documents, let alone an electoral law.

⁴ This committee also had 60 members.

⁵ Civil society advocated strongly for a 35 per cent representation of women in the CDA, but their demands fell on deaf ears. This percentage was later reduced to 20 per cent and then 10 per cent.

⁶ Two seats for the Amazigh, two seats for the Tuareg and two seats for the Tebu.

Overview

The law regulating the elections should provide a basis for the conduct of an electoral process that adheres to international standards for genuine and democratic elections. Fundamental freedoms and political rights associated with elections are essential components of any democratic process and these rights should be fully protected. The Libyan electoral legal framework, albeit somewhat basic in its content, is generally in line with its international commitments. It does, however, contain some shortcomings and ambiguities that are considered to be contrary to international best practice. Some of these failings are in fact a reflection of the volatile political environment coupled with the fact that Libya is still a very young democracy. The High National Election Committee (HNEC) made concerted efforts to address the gaps in the electoral law by adopting various regulations and decisions in the limited time available, however complexities and lacunas remained. These include the overall electoral system which was not clearly defined in the electoral law. This lack of definition resulted in a complex system of seat allocation being adopted which inevitably distorted the proportionality of the vote. Moreover, the electoral law lacked clear guidelines on many of the key aspects of the electoral process, including but not limited to polling, recounts, registration and electoral disputes.

Electoral Legal Framework

The legal framework governing the elections of the Constituent Drafting Assembly includes the Constitutional Declaration and its amendments,⁷ Law 17/2013 on the election of the Constituent Assembly in charge of drafting the Constitution, Law 13/2013 on Political and Administrative Isolation (PIL) and Law 8/2013 which establishes the High National Elections Committee. These laws are complemented by various decisions and regulations that define the conduct of the CDA Elections.

International best practice dictates that all aspects of the electoral process should be established in law and in adequate detail before the start of the election process.⁸ The bulk of the electoral framework was approved by July 2013 although some additional regulations were introduced much later on in the process. In the main, regulations complementing the electoral law were passed far earlier than in 2012⁹, however this can also be attributed to the constant postponement of the final election date, which allowed more time to develop procedures and regulations. The procedures for tabulation including recounts were not stipulated in the statutory law and instead were supplemented by a regulation, which was only finalised a few days before the 20 February polls.

As in 2012, HNEC was again obligated to enact numerous supplementary regulations to cover key lacunas in the main Election Law. HNEC displayed the necessary flexibility and covered these gaps well. That notwithstanding, an electoral management body should not regulate on such issues, such as, *inter alia*, voter and candidate registration, campaign, election disputes, as well as polling, counting and tabulation, as this responsibility should generally lie with the legislature.

⁷ Amendments No 1 to 5.

⁸ Ideally a year prior to elections.

⁹ EU EAT 2012 recommended that the "enactment of election law should be done well in advance of the next electoral cycle" (recommendation number 2).

Law 17 (2013), nonetheless, did correct some of the shortfalls that were highlighted¹⁰ by the European Union Election Assessment Team (EAT) in 2012, and although the electoral framework was once again scattered amongst the statutory law and supplementary regulations, the framework appeared to be harmonised and no major inconsistencies were found.

Right to Participation

The right to stand in an election is enshrined in the International Covenant for Civic and Political Rights (ICCPR) Art. 25 “whereby every citizen shall have the right and the opportunity, without any distinction (..) and without unreasonable restrictions (b) to vote and be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors” Any limitations on the right to stand must be justifiable and based on objective and reasonable criteria.

The Election Law in Libya sets the minimum age at 25 and requests an academic secondary school education. Increasing the age and subjecting candidates to a minimum educational requirement could be held to be discriminatory, nonetheless given the nature of the drafting assembly and the fact that their sole task is to draft the constitution, these requirements seem reasonable.

The High Commission for the Implementation of the Integrity and Patriotism Standards (Law 26/2012) which disqualified more than 227¹¹ candidates from standing in the GNC elections in 2012 was replaced by Law 13/2013 (PIL) which established “the High Commission for the Application for Public Positions Standard” (HCAPPS) whose task was to weed out any potential CDA candidates who possessed a high rank in the Qadhafi regime between 1 September 1969 and 23 October 2011.¹² Any candidate found in violation of the law will be banned from holding such a position for the next 10 years.¹³ A total of two persons were disqualified.¹⁴

The introduction of a Political Isolation Law in a transitional regime is increasingly becoming common practice. Many transitional states believe that such legislation is necessary and appropriate in order to prohibit members of the former regime who are responsible for crimes and human rights violations to access power again. To this end, it is essential that the principle of proportionality is used in order to determine any restrictions on fundamental rights. In 2012, the EAT held that Law 26/2012 was justified in the circumstances. The PIL passed in 2013 in essence can be justified for the same reasons. Nonetheless, the 2013 law is very vague and signifies that virtually

¹⁰ For example, article 52 of the Law no 17/2013 specifies that “the vacant post shall be filled by the candidate obtaining the second highest number of votes after the outgoing member in his/her constituency” This was not stipulated in the 2012 Electoral Law.

¹¹ Initially 306 candidates were removed, but 79 were returned to the list upon appeal. Approximately 15 more were then removed subsequent to elections when more evidence came to light that these particular candidates were in breach of Law 26/2012

¹² This includes individuals belonging to several dozen categories, including prime ministers, ministers, high local and national law-enforcement officials, heads of public institutions, ambassadors, consuls, university presidents, heads of university departments, heads of security organisms, high-ranking military and police officers and the leaders of student unions, amongst many others.

¹³ These positions include sovereign functions in the state, executive positions, memberships of any judicial bodies and leadership positions in the security and military institutions. For a full list please refer to Article 2 of Law 13/2013.

¹⁴ Please see section under candidate nomination.

anyone who worked under the Qadhafi regime during his four-decade rule could potentially be barred from running for office. This is not proportional and goes against key international human rights principles. Furthermore, the law, which was passed in May 2013, was done so under duress, whereby armed militias coerced the GNC to approve the law by staging armed protests outside of the Congress. A number of groups claim that the law is unconstitutional, and seven appeals to this effect were submitted to the Supreme Court on 24 February 2014.¹⁵

Electoral System

Law 17 (2013) does not clearly specify the type of electoral system and just refers to the adoption of an individual electoral system, based on simple majority¹⁶. Regulation on the registration of candidates annexed to the Board of Commissioners (BOC) decision 45/2013 outlines in more detail the framework of the CDA elections (article 3) stating that there will be two races, a general race, which applies to all seats and a special race, which is limited to the seats reserved for women and cultural linguistic components. Chapter II stipulates the distribution of the seats for the latter two categories.

Notwithstanding the complexity in understanding the allocation of the special seats, the method of distribution, especially for that of the women's seats, was unwieldy and did not adhere to any particular prescribed formula. The allocation of only six seats limited and even disenfranchised some women from participating as candidates. As has been seen from the 2012 elections, women have very little chance of winning on a general ticket, nevertheless as the reserved seats were confined to six specific areas,¹⁷ the majority of the women (six out of the nine competing in the general race) were compelled to register as a candidate in the general election as there was no available reserved seat in their constituency. Women tend to have fewer resources to campaign, and many of the female candidates spent well below the financial threshold stipulated in the law. Furthermore, the women running in the sub-constituencies in both the South and the East¹⁸ found themselves unable to campaign in the other sub-constituencies where they were running as the law only permits candidates to campaign in their registered constituency.¹⁹

The regulation on the registration of candidates annexed to BOC decision 45/2013 stipulates that the winner under the female reserved seats in the southern region will be the "woman who obtains the highest number of votes, and will be granted the seat for the constituency, where she registered, regardless of the number of votes earned by the winning candidate in the same constituency within the general race". This is also true for one of the seats in the eastern region. The other seat where there are two seats foreseen the "winning female candidate shall replace the candidate winning the general race, with the second or third highest number of votes." This had the potential

¹⁵ The hearing of the cases was reportedly adjourned until 28 April 2014.

¹⁶ A total of 36 single-member districts were drawn which will use a simple majority first-past-the-post (FPTP) system and 10 multiple-member districts which will adopt the simple majority single non-transferable-vote (SNTV) system.

¹⁷ The women's reserved seats were confined to 24 out of the 46 constituencies - two in the West - main constituency one - one in sub-constituency one and the other in sub-constituency three; in the South in main constituency - one seat for sub-constituency one and the other for sub-constituency three; and in the East where one seat is reserved for women in main constituencies one and two, and the other seat is reserved for main constituencies three and four.

¹⁸ The female reserved seats in the East and the South covered a number of sub-constituencies and were not limited to just one like in the West.

¹⁹ Regulation on Electoral Campaigning for the CDA election annexed to BOC Decision 46 (2013), Section I, Article 18.

to frustrate male candidates in the south and eastern region as they risk being kicked out of their seat should the highest scoring woman²⁰ (even if they have less votes than the winning male) win in their particular sub-constituency.²¹ If women had been afforded more than the stipulated six seats, it would have been very difficult to distribute more female seats given the limited number of constituencies and number of seats apportioned to each respective area.

Seat Distribution

Law 17(2013) stipulates that the seats of the CDA shall be apportioned to three electoral regions. These three areas²² are then split into 11 main constituencies and 46 sub-constituencies.²³ According to international best practice the distribution of seats among electoral districts should be based on justifiable and established criteria and should reflect the size of the population of that area so that each region represents approximately the same number of electors. Subsequent to voter registration, the West has 61 per cent of the overall total registered, the East 31 per cent and the South 8 per cent. Given the differences between the numbers of registered voters across the country, the number of votes required to win varied hugely according to the region. The number of votes required to win a seat oscillated between 21,752 votes in Tripoli to 359 votes in a sub-constituency in Sabha. The one and only Tuareg candidate standing in Gadames received 245 votes. Equal suffrage is a core electoral principle, however a drawing of three equal regions was commonly agreed upon in order to ensure the effective and inclusive participation of the South and East in the constitutional drafting process. Such an approach, while it has historical justifications in the Libyan context for the Constitutional process, should not be adopted for general elections.

The disproportionate allocation of the seats coupled with the problems which ensued leading to the closure of five per cent of the electoral centres on Election Day resulted in a temporary political *impasse* for which there was no apparent legal remedy foreseen. Final results are due to be announced by the 25 March and by law, the GNC is mandated to call the CDA to meet within two weeks of that date, despite only 47 seats having been included in the preliminary results.

3. High National Election Commission

The HNEC, an independent body, was mandated to conduct the CDA elections, including voter registration and the announcement of final results to the 60-member assembly. It consists of a six-member Board of Commissioners (BOC),²⁴ its executive

²⁰ Please note that the two winning female candidates in the west actually both received more votes than their male counterparts from the same constituency, namely main constituency three, sub-constituencies one and three.

²¹ This was not the case in any of the five (one female reserved seat was not announced) reserved seats; all female winners received far more votes than their male counterparts. (Both candidates in Tripoli scored approximately 1,000 votes more than their closest male counterparts; in Sabha, sub-constituency 1 the female candidate received 500 votes more than the leading male within the same main constituency, in sub-constituency 2, the top female obtained more than 2000 votes than the leading male and in Benghazi, the top female candidate received approximately 600 votes more than the top male candidates (please note that it is not clear from which Sub-Constituency the top female winners were from, therefore it is not clear which male candidate - the top scorer or not- she will be replacing).

²² The three regions, West, East and South represent 60 per cent, 30 per cent and 10 per cent of the population respectively.

²³ There were originally 47 sub-constituencies, but two sub-constituencies were merged into one subsequent to a letter from the GNC on 7 January 2014.

²⁴ The Board of Commissioner is foreseen to comprise a chairperson and six fulltime members, however one commissioner resigned and the position remained vacant.

branch, a central administrative office and 17 electoral committee offices covering 46 voting districts. Three commissioners, including the chairperson, who oversaw the election to the GNC in 2012, were reappointed in April 2013. Their experience, integrity and expertise lent credibility to the institution and process. The board was in charge of issuing regulatory decisions regarding the election process and of supervising their adequate application. The BOC appoints the director general of the central administrative office who was responsible for the operational implementation of the election.

The Commission was competent and technically efficient in the delivery of the election, while demonstrating an improvement in its performance since the first elections. HNEC proved to be a professional management body, fulfilling its mandate competently. The lack of a public electoral calendar and the late announcement of the election date, only on 31 January, certainly added additional pressure to preparations, yet planning and operational provisions were in place for the opening of 1,576 electoral centres. Poll workers were mostly teachers and headmasters with previous experience and gender balance amongst poll staff was noted. The Ministry of Education was an essential partner in providing HNEC with adept staff and adequate locations during the registration of voters and election days.

Overall the HNEC performed positively in very challenging circumstances. In the current times, when numerous Libyan administrative bodies are perceived as inefficient, it is worth highlighting the peculiarity of the work of the HNEC with the objective that other Libyan institutions could follow the same path.

Security

Guaranteeing the overall security of the election process proved to be a considerable challenge. Before Election Day HNEC's Chairperson expressed deep concern²⁵ about the lack of planning and coordination by the relevant security and governmental authorities. Repeated public statements were issued calling for "serious and visible" actions to create a safe environment for voters and poll workers. HNEC further relied on regional and local security arrangements. Centres in problematic areas such as Derna, Ubari, Murzuq, Ajdabya, Kufra, Sirt, Sabha and Misurata needed special measures to ensure the security of staff and materials.²⁶

Parliamentary and Presidential Elections

The HNEC would need to be on stand-by for a new electoral cycle within the coming months if early parliamentary and presidential elections are planned to take place. With amendments to the electoral framework foreseen in the mandate of the "February Committee" and the introduction of yet another set of regulations framing the process, it is vital that public awareness is strongly strengthened in the time leading up to the likely polls.

²⁵ Meeting with the EEM shortly before election day, the HNEC Chairperson Nuri Ellabar confirmed that operational preparations were on track, with the exception of the critical governmental security component. The Board of Commissioners were not informed of any specific security plan in support of the CDA election.

²⁶ It was reported that bomb attacks on six electoral centres the night before Election Day halted the election in Derna. Polling staff was threatened, and stations were forced to close. Kufra has seen ongoing clashes between Arab Zwai tribesmen and the towns Tebu ethnic minority for months. (Source: Libya Herald, "Elections to go ahead in Kufra and Derna despite ongoing violence", February 2014).

4. Candidate Registration

Candidate registration started on 6 October and was due to finish on 22 October. The registration period was extended due to the initially low numbers and the boycott by the Amazigh.²⁷ Candidate registration drew to a close on 7 November and the provisional candidates' list was published on 7 December. A total of 702 aspiring candidates were displayed. Eight were disqualified under Law 13 – the Political and Administrative Law (PIL), however six of these were returned to the list after an appeal. The controversial legislation is considered to be vague, broad in its scope and is not subject to judicial review, which generally contravenes international human rights principles. The CDA elections were contested by 649 candidates,²⁸ ten per cent of these being women. A total of 28 persons officially withdrew before the announcement of the final list²⁹ on the 23 December 2013 and 23 were rejected by HNEC for not providing sufficient signatures.³⁰

Signature Requirement

Signatures³¹ to support candidate registration were submitted after the close of voter registration in December.³² The obtaining of 100 support signatures could be considered disproportional in some of the regions, as it would seem that in some sub-constituencies candidates had to get signatories from over 40 per cent of the registered voters.³³ This was a particular problem in the South where there was a lesser amount of registered voters and in many areas such as Sabha, had a higher number of registered candidates. The problem was particularly pertinent in sub-constituency 2 where the average number of votes cast for a winning candidate amounted to 367. Furthermore, it proved more difficult for minority candidates in the South to galvanise support amongst the population especially given the relatively low registration figures and the number of votes the Tuareg candidate received in Gadames.³⁴

HNEC stated that they did not employ any mechanism for cross checking duplicate signatories across any of the 46 sub-constituencies. A non-refundable deposit of LYD 500 (€300) was also required. This amount could be considered unreasonable especially given the fact that the mandate of the candidates is less than a year and an average monthly salary does not normally exceed this amount. Women and the “linguistic components” as well as candidates from the rural communities may have encountered difficulties in finding this sum.

²⁷ For further details please see the section under Gender.

²⁸ 575 (nine women) in the general race, 54 women under the reserved seats and 20 (one woman) under the “linguistic component” seats.

²⁹ Although the reasons for withdrawal were not known, it has been alleged that some candidates withdrew, as there had been a confusion as to which elections they were running for. Some candidates allegedly thought that they were applying to be candidates for the municipal elections.

³⁰ They did not fulfil the criteria of presenting the list of 100 registered voters.

³¹ Law 17 article 9 states that candidates should second one hundred voters signatures from the candidate's constituency.

³² A new bout of registration commenced on the 11 January, however candidates submitted their list prior to this.

³³ For example, in sub-constituency 22, there were a total of 18 candidates and only 4,540 registered voters, meaning that a total of 40 per cent of the registered voters had to pledge their support for the total number of candidates.

³⁴ Elections for other Tuareg and Tebu seats were not announced due to the boycott of those particular electoral districts on Election Day.

Withdrawals subsequent to the publication of the final list

According to the Law, candidates are not officially enabled to withdraw their candidature subsequent to the publication of the final candidate list. This is more of a practicality as once the list is published, a template of the ballot is sent for printing. Nonetheless, one candidate did try to withdraw but his withdrawal was not officially accepted by HNEC. Furthermore, seven Tebu candidates were reported to have withdrawn³⁵ their candidature in support of the boycott staged by a number of groups on both 20 and 26 February polls in the southern and eastern regions. HNEC was unaware of their official withdrawal.

5. Voter Registration

The legal framework regarding the voter registration process includes Law 8 (2013) on the Establishment of the High National Election Commission, Law 17 (2013) on the CDA election and BOC Decision 73 (2013). It stipulates that only persons included in the registry are allowed to vote, and that qualified citizens are required to actively apply to the Commission to be included.³⁶ The HNEC is mandated to conduct voter registration both for in-country and out-of-country citizens.³⁷ Eligibility criteria further include Libyan citizenship, to be 18 years of age on registration day, to be legally competent and to be a holder of a national identification number (NID).³⁸

The BOC Decision 73 tasked HNEC to establish an electronic voter registry. The register would be a new document, not containing data drawn from any records used for the GNC election or any past local or national elections. HNEC's initial timeline to prepare for voting in 2013 meant that plans for digitalising the existing voter register produced for the GNC election were not achievable. Also, the requirement of holding a NID to register made it impossible to make use the 2012 list. The HNEC expressed concern in regard to the NID prerequisite and argued against it, however the GNC decided to introduce it. This requisite imposes a rigour that might not be suited for Libya at this transitional stage.

Universal Suffrage

The principle of universal suffrage is paramount to creating an inclusive voter register. Article 25 of the ICCPR refers to "... elections which shall be by universal and equal suffrage". Furthermore, under ICCPR General Comment (GC) 25 it is stated "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed....". The introduction of the NID moreover impacted on cases of unresolved nationality relating to ethnic communities that suffered from discrimination under the previous Qadhafi rule, and probably on nomadic community's ability to participate.

Electronic Registration

The voter registration framework introduced a novel system of electronic registration³⁹ via text message. Electronic registration ran from 1 to 31 December

³⁵ According to the law, candidates are unable to officially withdraw after the final candidate list is published.

³⁶ BOC Decision 73 (2013), Article two, General Principles.

³⁷ Law 17 (2013), Chapter III, on the Election of the Constituent Assembly in Charge of Drafting the Constitution

³⁸ Article 8, Law 17 (2013).

³⁹ BOC Decision 73 (2013), Article 2, 4: The Commission plans to establish an electronic voter registry.

2013, with an extension from 11 to 16 January, concurrent to the in-person “Additions and Amendments” phase. Around 1,595 centres were made available during the second phase allowing for in-person registration, verification of voter registration data once the NID was found valid, and for requests in changing the voting centre. The largest number of registrants, 56 per cent are under forty years of age. Women registered in lower numbers, with a national average of 41 per cent.

Minor disturbances affected the operation of centres, some related to the Amazigh boycott in Alzawiya district in the West, sub-constituency Zoara, where registration records indicate no registration took place, and in Aubari district, a sub-constituency comprising a Tebu community, where registration records also remained blank.

Final Voter Register

By the end of the extended registration period a total of 1,101,024 citizens registered, 41 per cent women and 98,6 per cent by using the electronic text messages system. Only 14,321 citizens registered in person. The West registered with 674,964, the East with 336,687 and 89,721 in the South.⁴⁰

Voter Awareness

The ICCPR GC 25 further states that “voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community”. In principle, the right to universal suffrage was offered, however a timely and informative voter outreach was imperative given the challenges of implementing a new electronic system that depended on solid national communications networks. Furthermore, lack of awareness and difficulties by rural and middle age and up voters in using the SMS system may have disenfranchised citizens.

The SMS system allowed citizens the flexibility to register without having to personally visit a registration centre. However, difficulties inherent to this modality included the absent confirmation of the text message register by HNEC, and the concurrent voter registration for Local Council Elections that provoked confusion as for the need to register separately for both polls.

National Identification Number

The Libyan Civil Registry Authority (CRA)⁴¹ under the Ministry of Interior, is the issuer of the national identity number (NID) required for registration purposes.⁴² The commission is responsible for establishing the voter register but the CRA is accountable for the accuracy of data that is included in that register. Seemingly NID numbers are issued based on the CRA records without physical authentication of the Libyan citizen holding that number. Required information in order to obtain the NID is the family book registration number and the year of birth. Holders of Libyan

⁴⁰ HNEC registration data.

⁴¹ The Libyan Civil Registry Authority established an investigations department to analyse counterfeit family books and incorrect identification documents which seemingly have become prolific since the revolution. (Source: Libya Herald, 26 January 2014).

⁴² Libyan Deputy Prime Minister announced that “over six million new National Identity Numbers have been issued for Libyans” by the National Identity Number Department. The National Identification Number project “had furnished 83,2 per cent of Libyans with a national ID number (NID)”. The issue of the exact population in Libya is controversial. The Libyan Business TV, a business news service which worked closely with the National Transitional Council reported that the NID system is based on the shattered records of the Civil Authority Registry (Qadhafi time) that proved to have an exaggerated number of unauthenticated family books and records.

passports, which did not possess any family book information, were excluded from obtaining the NID. It is reported that NID numbers are communicated to Libyans through SMS and the Internet.⁴³ Concern was expressed over the accuracy of the CRA records, with claims that bogus family books are known to exist.

Residency Requirement

A residency requirement as mentioned in Law 17 (2013) “any citizen who meets the voter eligibility criteria shall select an electoral centre in the sub-constituency located in one’s place of residence”, was apparently removed to offer wider opportunity for political participation. Hence, all citizens were allowed to select an electoral centre in the sub-constituency of their choice. Most voters were registered in the nearest station to their residency.

Registration Centres

For purposes of registration, both via SMS or in-person, the election commission identified each registration centre with a unique number to be displayed at public school buildings throughout the country, locations that also served as electoral centres on 20 February. By using this identification number citizens were able to register to that centre using their personal data and the NID reference. Although it was noted that in urban Tripoli banners were visible displaying centre identification numbers, it is not clear how many schools actually did so in rural areas. The law outlines that centres and their numbers shall be announced well in advance “in all available TV, radio and printed mass media.” A call centre (1441#) was made operational to answer citizens’ inquiries regarding the process, with allegedly over 116,000 calls taken by HNEC staffers.

Public Exhibition and Challenges

A three-day public exhibitions and challenges period was opened from 21 to 23 of January to display the preliminary voters list in all registration centres. It was unclear whether this information was made available to voters. A three-day display period is too short to allow for public scrutiny, notwithstanding the use of the NID number, an element that introduced a certain level of confidence in the accuracy of the voters list.

Access to Voter Register

The voter registration regulation envisages that the commission “may make the final voter registry available through the means it finds fit”.⁴⁴ Although there is no obligatory provision in the framework to provide the register data to the public, it is however regarded as an important element in improving the transparency of the election administration. It was noted that the HNEC published the register on its website soon after Election Day and before the re-poll on the 26 February. The new digitised voter register is an open document that could be updated and used in forthcoming elections.

6. Election to the Constitutional Drafting Committee

Elections to the CDA took place on 20 February with an average turnout of 45 per cent. A total of 1,101,024 citizens registered, almost one-third short of the 2,8 million registered for the GNC elections, where 62 per cent of citizens cast their votes.

⁴³ Source: Immigration and Refugee Board of Canada, 26 November 2013, Refworld.org

⁴⁴ BOC Decision 73, (2013).

Stakeholders expressed concern with regard to the question of legitimacy of the elected assembly in drafting a national document in light of the low political participation. The legal framework does not stipulate a minimum threshold for voter registration nor voter participation. Reasons for the low turnout rate could be attributed to poor voter awareness, confusion created by concurrent local council elections and to a genuine expression of protest against the performance of the GNC and state institutions.

The HNEC reported the opening of up to 97 per cent of the planned polling stations, 3,833 in total. Women were able to vote in 1,727 dedicated stations staffed by female poll workers. Special voting was organised in 16 internally displaced persons (IDPs) centres, 10 oil fields and 1 rehabilitation centre. Another 165 locations across the country were accessible to disabled voters. HNEC announced the printing and distribution of over 4 million ballots.⁴⁵ Three different ballots were designed: a blue ballot for general seats, a pink for the reserved women seats and a grey combined ballot for general seats and “linguistic component” seats.

National observers noted a level of consistency in the set-up of centres and in the implementation of procedures, however also pointed out that more polling staff training was needed as some were observed to have proceeded with laxness in the fulfilment of their duties.

Re-polling

There were reported instances of localised boycotts, threats, attempts to intimidate poll workers, and attacks to polling locations with the destruction of materials. The south-western Aubari district was the most heavily affected area with 61 out of 69 planned centres not able to fully open due to threats of armed groups. Protestors threatened staff, damaged sensitive election materials and forced HNEC to close. The election commission office was also attacked. The turnout in these sub-constituencies was low. Two “linguistic component” seats, one Tebu and one Tuareg, were affected.

In Cyrenaica, Derna registered disturbances and a number of centres were not able to open at all. Kufra suffers from on-going violence between Tebu and Arab tribes. The Tebu National Assembly (TNA) called for an election boycott, however it was not clear if all registered Tebu voters would participate. Ajdabiya, Sabha, and Benghazi districts also reported incidents. As a result a total of 81 polling centres were forced to close or were not able to open. A reduced number of electoral sub-constituencies were affected, and overall, voting was hindered in approximately 5 per cent of centres.

A second day of polling took place on 26 February for those sub-constituencies where elections could not take place. The removal of the political and security obstacles that prevented voting in the first place seemed testing and improbable, nevertheless efforts were made to allow for voting. The HNEC was unable to conduct the re-poll in 59 electoral centres mainly in the Southwest and East of the country. On 1 March HNEC announced the combined preliminary results of the elected 47 seats, however thirteen seats remained unelected.

⁴⁵ HNEC announced the printing and distribution of 4,416,000 ballots in total (www.hnec.ly).

Minorities

Libyan minority activists are calling for an end to political discrimination, demanding stronger representation and participation in Libyan transitional institutions, the CDA and in the future of the country. Demands of wider inclusiveness, recognition of minority rights, of their language in the case of the Amazigh, and reference to the national anthem, the flag and the name of the state were presented and discussed within the GNC. Also, the Libyan citizenship of a number of these community members is of concern, particularly in regard to the Tebu ethnic group. The Tebu are a cross-border community, living between Libya, Chad and Niger. In the past citizenship was granted (1970's) and then removed (1990's) by the old regime, and more recent developments in Kufra to strip Tebu's of nationality rights led to conflict and fighting.⁴⁶

The Amazigh, the Tebu and Tuareg communities⁴⁷ were granted special seat allocation in the constitutional drafting assembly election, a total of six seats, two for each group. The Amazigh Supreme Council (ASC) and community representatives called for a boycott to the election from the onset, not registering voters or candidates in the Alzawiya district, sub-constituency Zoara in the West. Unsuccessful negotiations with the GNC on the inclusion of their specific minority demands were protracted. By the time of elections, the Amazigh were cast outside the electoral process. The Tebu and Tuareg communities participated by registering candidates and voters, however the Tebu National Assembly also called for a boycott close to Election Day.

After months of negotiations a decision concerning the Amazigh was reached on the inclusion of their representatives in the CDA.⁴⁸ The GNC agreed that on all decisions in the assembly concerning the right of minorities these are to be taken by a two third majority plus one minority vote. While politically predictable, the Amazigh boycott and the solidarity of the Tebu and Tuareg communities, mainly in Ubari, Murzuq and Kufra areas, had the potential to block the formation of an inclusive assembly.

7. Campaign Environment

The lack of competitiveness in numerous constituencies reflects a growing disillusionment with politics. In 14 constituencies not more than five aspirants were striving for one seat. The highest competition – 49 candidates for one seat – was noted in Benghazi; for the election in a Tuareg component seat in Gadames there was only one candidate standing. On average ten candidates stood for each CDA seat. If compared to the 2012 GNC elections, the number of aspirants has dropped by 46 per cent.⁴⁹

⁴⁶ Similarly some Tuareg groups from Mali and Niger who served in the Islamic Legion and other units, were granted citizenship in the 1980's. Some have returned to their countries, however a number remain in brigades in Ubari and Ghat. Source: SWP Research Paper, German Institute for International and Security Affairs, Wolfram Lacher, "Fault Lines of the Revolution", May 2013, Berlin

⁴⁷ In the absence of a recent census data, the current population size of these groups could not be ascertained. The Amazigh, a berber non-Arab community, claim to represent 10 to 15 per cent of the population of Libya, the Tuaregs claim to be around 35,000 families and Tebu around 200,000 people.

⁴⁸ The EEM was not able to obtain a copy of the decision.

⁴⁹ An average of 18.5 contestants for each GNC seat competed; pg.16, EU EAT Libya 2012 Final Report.

Despite the campaign period being three times longer than in 2012 elections,⁵⁰ low campaign ceilings amid a volatile security situation and threats issued against liberal-wing candidates⁵¹ narrowed the campaign scope to the indispensable minimum. From the beginning of the 56 day-long⁵² campaign period, the outdoor advertisement and the social media where the two main communication channels used by candidates to promote their standpoints and policies. 24 per cent of the winning candidates presented their platforms on *Facebook* in order to mobilise the young urban electorate. The propaganda on social media was not significantly different from the billboards and posters. Aspirants in the rural areas, who had no presence in the social or mainstream media, relied on the kinship and family ties. Out of 47 elected CDA members, 21 had no information on the social media and were not exposed in the news-reports over the last month.

Political Affiliation is a Conjecture

Since all candidates stood as individuals, and not party members, the aspirants' political affiliation was often merely a conjecture. The *Justice and Construction Party* in a statement on their *Facebook* page declared that "the party will support the most appropriate candidates" for the CDA elections. The EEM also noted that at least one candidate in each constituency emphasized his or her commitment to the *Sharia Law*.

Out of the 47 elected⁵³ CDA members, four openly emphasized their commitment to the *Sharia Law*, five members focused their campaign messages to the peaceful transformation of Libya and more than half to the necessity of clearly defining the distribution of power among the legislative and executive branch. The majority of the elected members used more generic messages such as the future Constitution recognising the principles of human rights and pledging for the country's further development.

There were no reports on corner meetings or larger gatherings organised by the aspirants. Also, the mainstream media was only used as a secondary channel for the political communication (see section *Media*). It is not even clear whether any of the candidates took the advantage of the HNEC Regulation 63, that prescribes allocation of the free-of charge airtime in the public broadcasters. Only a handful of candidates printed their free advertisement in the state-owned newspapers.

8. Regulatory Framework for the Campaign

The campaign is primarily governed by Law 17, further substantiated by HNEC's regulations⁵⁴ and by the Code of Conduct for Media as well as by the Code of Conduct for Candidates. The Law determines the campaign modalities, including prohibitions of campaigning in mosques and schools and use of public resources. The Law precludes civil servants from participation in campaign activities, lists prerequisites for the transparency of campaign funding and empowers HNEC to decide on a different campaign expenditure ceiling in each constituency. The HNEC regulations give more detailed description of the principles the candidates must

⁵⁰ The campaign period in 2012 for the GNC elections lasted 18 days.

⁵¹ One in Benghazi, one in Tripoli.

⁵² The campaign period started on December 25; the campaign silence commenced 24 hours prior to the polling.

⁵³ Preliminary results were announced on 1 March 2014 by HNEC Board of Commissioners.

⁵⁴ Regulation on the Electoral Campaign for the CDA Elections 46 (2013); Regulation of the Electoral Campaign for the CDA Elections in the Public and Private Media 63 (2013).

adhere to during the campaign, including respecting the dignity of other candidates and compliance with the ethics of *Islamic Sharia Law*.⁵⁵ Regulations further meticulously describe the campaign activities in the media and even list for the printed propaganda the content components, like biography and contact number. The Code of Conduct mirrors the HNEC regulations in a more generic manner.

Even if the legislation provides for a three-level complaint resolution mechanism for campaign-related disputes and empowers HNEC to undertake investigations of this nature of its own accord, the system was hardly used with only three complaints submitted to the HNEC (see section *Complaints and Appeals*).

9. Campaign Finance

Following the international best practice of transparency, accountability and in light of the United Nations Convention Against Corruption (UNCAC), article seven, which refers to “enhance[ing] transparency in the funding of candidatures for elected public office”,⁵⁶ the Law 17 outlines the campaign funding provisions, authorises HNEC to decide on campaign ceilings and foresees an accountability mechanism both to HNEC and to the electorate. The Law 17 requires candidates to open a separate bank account “to deposit all monetary donations and funds allocated to the campaign”⁵⁷ and obligates all aspirants to submit to the election commission a financial report not later than seven days after polling. Within the aforementioned time frame 138 candidates failed to submit their expenditure reports, despite the risk of being banned from future elections.⁵⁸ Even if the HNEC regulation 46 stipulates publication of the expenditure reports, no statement was made public by March 4.

While Law 17 and its subsequent regulations respect Libya’s international commitments, a number of ambiguities undermine the principles of equality and transparency. The legislation does not stipulate the exact mechanism of how HNEC defines the campaign ceilings. For example, in Tripoli, Benghazi, Misurata and Kufra the estimate spending per registered voter was below 1 LYD,⁵⁹ while in Sabha the spending limit exceeded 5 LYD.⁶⁰ In Tripoli, Benghazi and Misurata, the established expenditure ceiling per candidate is 94,000, 86,000 and 50,000 LYD respectively, while in Ghat, Gadames and Tokra only 7,000 LYD.⁶¹ According to the election commission, the expenditure ceiling was calculated taking into consideration the number of registered voters per constituency in 2012, divided by two (since from the HNEC’s perspective the candidate should target 51 per cent of the registered voters in order to be elected), and multiplied by 0.5 dinars (an estimate of how much money the aspirant needed per one voter).

⁵⁵ Regulation 64, article eight.

⁵⁶ United Nations Convention Against Corruption (2004), article 7, paragraph three ” Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”.

⁵⁷ Law 17 (2013), article 19.

⁵⁸ Law 17 (2013), article 35: “A candidate who has not submitted a detailed statement to the Commission shall be sentenced to the imprisonment or a fine not exceeding 5.000 LYD (2.857 EUR) and shall be barred from candidacy for five years”.

⁵⁹ 1 LYD = 0.57 EUR

⁶⁰ For detailed calculation see the Annex.

⁶¹ Ibid, Annex.

Another shortcoming is the generic nature of the expenditure reports to be submitted to HNEC. Prerequisites for an efficient and legitimate crosschecking mechanism to establish if the report genuinely reflects the campaign spending were not foreseen. Moreover, in a cash driven economy such as in Libya, it was insufficient to delegate the primary verification of the report to an auditor hired by the candidates themselves. Similarly, concerns arose about the HNEC regional branches' capacity to analyse and inspect financial reports. No discrepancies were reported until 4 March. Thus the spirit of the UNCAC might have been undermined.

The Law 17 envisages various punishments for violating the campaign regulations, including imprisonment and banning from elections for not submitting the financial report within the legal deadline, exceeding the campaign ceiling or receiving donations from international sources. EEM finds that in several cases the punishment is disproportional to the offence.

10. Out of Country Voting

The International Organisation for Migration (IOM), similarly to 2012, and under the supervision of HNEC, conducted voting for Libyans living abroad. Thirteen countries hosted out-of-country (OCV) voting by opening 19 centres, seven more than in previous GNC elections. Egypt and Tunisia, both hosting important Libyan communities who left during the conflict and have not returned, were included among the 13 countries. Voter registration started in tandem with in-country registration and closed on 14 February with 6,997 registered voters, 31 per cent being women. Voting took place during three days between 15-17 February and all centres, operated from Libyan Embassies and Consulates, were declared open and functional. Counting of OCV ballots commenced only after the closing of polling stations of in-country voting.

Registration followed an on-line process, requiring the submission of the registrant's national identification number. A special matrix ballot was designed, the same as foreseen for special voting centres (i.e. IDPs, oil field workers, and registered voters in rehabilitation centres) allowing citizens the choice of indicating their sub-constituency of choice and respective candidate. No residency requirement was necessary. A low average of 360 registered voters per centre might reflect lack of information on the process and disinterest in the political developments in Libya. However the preliminary turnout announced was at 82 per cent. Neighbouring Tunisia and Egypt registered an extremely low participation with 60 votes in Tunisia, and Egypt with 252 votes cast.

11. Election Dispute Resolution and Complaints

The Electoral Dispute Resolution (EDR) for the CDA elections is based on a mixed system that relies on the judiciary for legal challenges and appeals and HNEC for complaints of an administrative nature. It is governed by Law 17/2013, Law 13 on Political and Administrative Isolation (PIL) and decisions No 5 and 47. In accordance with Article 6 of Decision 47, HNEC has also drawn up a formalities manual for complaints and electoral dispute resolutions.

Candidates who wished to register for these elections had to satisfy a number of criteria including meeting the requirements for assuming public offices as per the PIL. To this end, candidates had to submit a form to be scrutinised by the High Commission for the Application of Public Positions Standards in order to ascertain if they were in violation of the legislation. Article 12 provided a general timeline of 21 days for the HCAPPS to make their decision with regards to the eligibility of the candidates, with two stages of appeals that in essence could take up to a total of 70 days (10 + 21 + 10 + 30) to reach a final decision.⁶² In Law 17, the timeline stipulated for appeals is 12 days, thus some confusion arose as to which legislation would apply. Nevertheless, article 12 of Law 13 was amended (Law 28) stipulating that the vetting for candidates emanating from the CDA elections could take up to 14 days. Decisions were taken at the local level.

The numbers of candidates contesting the elections were far fewer than in 2012, therefore the caseload of the High Commission was manageable. Eight persons were originally taken off the candidate list (five men and three women), but after an appeal six were reinstated. Two people remained disqualified (one man and one woman).⁶³ There is no clarity as to whether any more candidates will be disqualified once elected, should new information come to light.⁶⁴ There are no such provisions in the law, however chapter V, article 16 of the candidate registration regulation does state that all “candidates shall abide by all laws and regulations, regulating the electoral process. The Commission has the right to exclude any candidate if proved to have breached the relevant laws and regulations.”

The judiciary is considered to be a weak institution and many distrust the apparatus that they view as a relic and an unwanted remnant from the Qadhafi regime.⁶⁵ The dysfunctional court system and the increasing violence and intimidation faced by the Judiciary led them to go out on strike in February, although this did not appear to impact on the local courts in the 17 electoral districts. However, walk-outs may have affected the administrative courts and may have dissuaded people from submitting complaints.

Given the Judiciary’s weak infrastructure and resources, complimentary training on the electoral process was afforded to all the courts around the country. Judges who underwent training were drawn from the two levels of courts, including approximately 130 judges from local courts and 27 from partial courts. The training covered the electoral framework, the different stages of the electoral process and how to adjudicate election related cases. Training of the legal experts working for HNEC was also carried out in each of the 17 Electoral Offices across the country.

⁶² Article 12: Concerned parties may appeal the Commission’s decision before the Administrative judicial Chamber in the Court of Appeal...within a period of 10 days as of the date of their notification...The Administrative Chamber shall rule within 21 days from the date of appeal...The plaintiffs may appeal the decision of the Administrative Judicial Chamber before the Supreme Court within 10 days of the date of their notification; the Supreme Court must decide on the appeal within a month from the date of filing the appeal....

⁶³ It has been alleged that one more woman appealed late and although the decision was to include her in the list, she filed the appeal too late to be considered to be returned to the list. The mission has been unable to verify this information

⁶⁴ Regulation on the Registration of Candidates Annexed to BOC Decision 45 (2013), Chapter V: General Provisions, Article 16, reads “All candidates shall abide by all laws and regulations regulating the electoral process. The Commission has the right to exclude any candidate if proved to have breached the relevant laws and regulations.

⁶⁵ Trial by Error: Justice in Post-Qadhafi Libya – International Crisis Group

Voter and candidates alike may challenge procedures that relate to any stage of the electoral process within three days of the occurrence of the event.⁶⁶ The additional day given for lodging complaints⁶⁷ and resolving them as compared to 2012 is welcomed and is reasonable given the fast pace nature of an electoral process. The scant knowledge by the main stakeholders on how to submit a complaint, and perhaps the ensuing lack of public confidence in the integrity of the judiciary and the perceived weakness of its institutions has contributed to a far lower number of cases being recorded than in 2012.⁶⁸

Unlike 2012, there were no official challenges to the voter registration. There were also no challenges to candidates except to those under Law 13. The number of complaints for the whole process was relatively few. In total, HNEC received 27 administrative complaints; these included six complaints on the campaign in Tripoli and four in Kufra (violation of the campaign silence). There were seven complaints of minor irregularities and six allegations of fraud in Tripoli and Benghazi. Four complaints were also submitted about elections in Benghazi whereby two electoral centres were reportedly stormed and materials burned. The majority of the aforementioned cases were dismissed but six have now been referred to the Courts (two in Tripoli and four in Benghazi) as they are considered criminal matters and are therefore outside of the remit of HNEC. A further five cases were filed directly in the local courts. This included two in Albayda, one in Jebel,⁶⁹ one in Ajdabiya and one in Kufra.

Preliminary results were announced on 1 March, and candidates had three days to submit their complaints to the local courts. HNEC reported that two cases have been filed in Albayda and Jebel 1. Both cases involved alleged fraud and resulted in a previous petition being overturned in Jebel 1 and a new election to take place in 1 polling centre in Albayda. Local Courts had three days to adjudicate on any challenges. An appeal may be lodged against these decisions before the head of the Primary Court within three days from the date of the delivery of the ruling, which should be adjudicated within three days. The Electoral Law does not clearly stipulate the powers of the courts in respect to ordering re-counts, partial or total exclusion of the ballots. Nevertheless the Law does state that HNEC is bound to implement the rulings of the primary courts on appeals.

12. Data Entry Centre

The HNEC opened a Data Entry Centre on 20 February in order to commence the intake and tabulation process of polling stations results from centres around the country. Procedures regarding the operation and details of the data entry centre were reported to have been late in finalising. A total of 140 staff was trained by HNEC, mostly young students recruited from IT colleges. The centre was set-up within HNEC's new compound and followed what had been put in place for the 2012 in terms of data entry procedures, including a digital double-blind entry of results

⁶⁶ Law 17 (2013) Chapter VI: Challenges Article 28

⁶⁷ Three days as opposed to two days

⁶⁸ HNEC received a total of 28 complaints, which are mainly of procedural nature. A small number are related to the violation of the candidates' code of conduct and the breaking of the campaign silence.

⁶⁹ This is a case which has been overturned

mechanism, clearance and audit procedures and the identification of problematic or incomplete results or discrepancies in the tabulation of ballots and results. HNEC tried to engage candidate agents and domestic observers in the observation of the process and access to the scrutiny was widely granted.⁷⁰

Audits and recounts

The HNEC decided that results forms and voting information regarding 59 polling stations in 11 electoral committees across the country required further investigation and auditing. Sensitive election materials such as ballots were kept in the districts to allow for local verification if requested by the commission. Electoral committees were in charge of undertaking manual recounts for identified stations in order to resolve discrepancies and inconsistencies in reported results forms. In all, audited polling stations represented 1,5 per cent of the total number of operated polling stations. Domestic observers, candidate agents and the media were invited to observe the audit process in the districts.

13. Preliminary Results

On 1 March HNEC published preliminary results: a total of 47 seats were elected, 13 short of the full 60-member drafting assembly. Elected members to the assembly are 41 on general seats, 5 on reserved seats for women and one Tuareg on the special “linguistic component” seat.

Vacant seats refer to two Tebu, one Tuareg, two Amazigh “linguistic component” seats, seven general and one female reserved seat. The General National Congress is now responsible to find an equitable solution within a political agreement enabling the CDA to function in light of the results.

The preliminary results reveal a fairly diverse representation of society with a predominantly secular and western-democratic values oriented stance. At least one third of the elected members have a legal background. Around one third, including two female representatives are vocal civil society activists. The majority of the elected members in their pre-election programmes stressed the necessity for a “peaceful transfer of power” as well as underlined the imperative of an equal distribution of power among legislative and executive branches. Only two of the elected members in their programmes echoed the regionalists’ standpoints and four have expressed their devotion to the *Sharia* law and Islam as such.

Of concern were the votes for women candidates on general and reserved seats with a obvious difference in the total number of votes cast. In total female candidates running on special ballots received less valid votes than the ones standing for election on general seats – 17 per cent on average. That substantiates the missions previously expressed concern that a meaningful number of voters deliberately spoiled the reserved seats ballot or left it empty.

The HNEC established a Media Centre where preliminary results were progressively announced by the Board of Commissioners. Preliminary results were to be publicised

⁷⁰ The EEM was not able to read any translation regarding procedures of data entry and tabulation of results offered by the UN Electoral Support Team in Libya UNSMIL.

within the stipulated ten days, which was the case despite the re-poll in several constituencies taking place on the 26 February.

14. Media Landscape

The vibrant, yet polarized media offers a fair variety of standpoints and political prospects to the general public, also in regard to the elections. Nevertheless, the freedom of speech has declined since the 2012 GNC elections due to numerous reasons, including regular threats and attacks perpetrated by non-state actors. The volatile security situation supplemented by the lack of efficient safeguarding mechanisms for journalists results in self-censorship that seriously undermines the quality of reporting as well as jeopardises Libya's compliance with international commitments with regard to the freedom of speech.⁷¹

Countrywide, 20 TV channels and a dozen of radio stations, three and four of these state-owned respectively, and around a hundred of print media outlets are operational.⁷² The television is perceived by Libyans as the primary source of information, particularly in respect to political issues. Due to an attractive programming policy, the privately owned stations, most notably *Libya al-Ahrar* and *Libya Awalan*,⁷³ have outrivalled the state-owned channels with the nation-wide reach like *Al Wataneyah* and *Qantan Libya All Rasmiyah*. There is no national radio network. However, numerous private and publicly owned radio stations, operating under the Ministry of Information,⁷⁴ offer a wide range of locally accustomed infotainment and music programmes in each of the regions. As a consequence, the radio is not regarded as a relevant channel for political communication on a national level. Even if the print media outnumbers the audio-visual media, newspapers have not managed to establish a steady and loyal readership as well as a reliable distribution network, thus print outlets' importance is minimal.

Attacks on the Freedom of Speech

The freedom of speech in the mainstream media was curtailed on the eve of elections - in February at least five journalists were kidnapped, several media stations were attacked⁷⁵ and state-owned TV station's director general received numerous intimidating phone calls from elected officials as well as from militias. Two further incidents involving journalists occurred even on Election Day.⁷⁶ On 28 February the Ministry of Information came under militia's attack. The assaults on journalists and

⁷¹ ICCPR GC 34, paragraph 13 reads: "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and enjoyment of other Covenant rights."

⁷² Information provided by the Ministry of Information. The ministry does not have an exact information on the number of radio stations operational in the country and is not fully aware how many print media outlets are distributed.

⁷³ The audience share of both channels constitutes 43 per cent. (Libya Media Survey, conducted by Altai consulting in 2012, considered by the Ministry of Information as the most accurate audience survey)

⁷⁴ Municipality level but Ministry of Information-operated radio stations.

⁷⁵ On 5 February the Benghazi bureau chief of the private *Al-Assima TV* was kidnapped; on 12 February the editor-in-chief of the state-owned newspaper *Tarablus* and in a separate incident three journalists from the state-owned *Al Wataneyah TV* were kidnapped in and around Tripoli, respectively. The privately owned TV station *Libya Likul Al-Ahrar*, suffered an attack by RPG on 5 February; the office of the Dubai based broadcaster *Al-Arabia* was stormed on 11 February.

⁷⁶ The director of the state-owned *Al Wataneyah* was abducted and a correspondent of the commercial *Alan TV* was attacked while covering elections.

media houses often occur with impunity raising issues concerning Libya's compliance with international commitments regarding the freedom of speech.⁷⁷

The Internet's Growing Popularity

Internet use has expanded since the 2012 elections. By the end of 2013 approximately 17 per cent of the population had access to the on-line media. The *Facebook*, with a 13,9 per cent penetration rate⁷⁸ has become an important tool not just for the candidates to convey propaganda but also for the government institutions to inform the public about their activities. If compared to the mainstream media, the level of freedom for on-line journalists is relatively high. No cases of intimidation of on-line bloggers, reporters or citizen journalists have been registered over the last year.⁷⁹

15. Legal Framework For Media

The fundamental principles of freedom of expression and freedom of press are enshrined in the Constitutional Declaration with article 14 stating that "Freedom of opinion for individuals and groups (...) freedom of communication, liberty of the press, printing, publication and mass media (...) shall be guaranteed by the State (...)". Nevertheless, the CD does not abolish censorship and does not stipulate the freedom to seek, receive and impart information. Furthermore, the GNC Resolution 5 (2014) empowers the Ministry of Information to take "necessary action that leads to the prevention of broadcasts by all satellite channels that are counter-revolutionary to the 17 February revolution"⁸⁰. The aforesaid allows the EEM to infer that the spirit of the ICCPR article 19 remains unfulfilled.⁸¹

Legal Framework

The legal framework for media is comprised of numerous out-dated laws and regulations inherited from the previous regime not providing for a coherent and homogeneous legislation that respects editorial independence, creates an enabling working environment for media practitioners and protects public's rights to comprehensive information. The state-owned broadcasters are currently under the Ministry of Information. The minister appoints the director general and the ministry allocates its annual budget to the respective medium. The existing system does not provide for a sufficient state media's editorial independence as per Libya's international commitments⁸² and impacted the election coverage – *Libya Al Wataneyah* did not receive supplementary budget to cover the elections in a comprehensive manner and the management received regular phone calls and letters from elected officials that interfered with broadcaster's editorial policy.

⁷⁷ ICCPR GC 34, paragraph 23 reads that "States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression." See also the UN Human Rights Council Resolution on the safety of journalists, 21 September 21 2012, particularly paragraphs 7 and 8.

⁷⁸ <http://www.internetworldstats.com/africa.htm#ly>

⁷⁹ Freedom House, "Freedom of the Net 2013, Libya".

⁸⁰ GNC Resolution Number (5) 2014, On Stopping and Preventing Broadcasting by Some Satellite Channels, Article 1 (unofficial translation by the EU EEM Libya 2014).

⁸¹ ICCPR article 19 "1) Everyone shall have the right to hold opinions without interference. 2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

⁸² ICCPR GC 34, paragraph 16: "State parties should ensure that public broadcasting services operate in the independent manner. In this regard State parties should guarantee independence and editorial freedom. They should provide funding in the manner that does not undermines their independence."

It was expected that with the creation of the new, so-called media ministry in November 2012 the legal framework would be synthesized. However, due to the lack of administrative and legal capacity, and by virtue of internal rivalry between the Ministry of Information and the Ministry of Culture (MoC), the former regulatory body for the media, it has not happened yet, *de facto* leaving the media in legal limbo. Also the transfer of the licensing mandate from the MoC to the Ministry of Information is not finalised.

Legal Framework For Election Coverage

Media outlets' conduct during the campaign period is determined in the electoral legislation, Law 8 and Law 17, respectively, and further elaborated in HNEC's regulations and Codes of Conduct. Regulation of the Electoral campaign for CDA Elections in the Public and Private Media No.63 (2013) stipulates all candidates' equal access to the media and calls for impartial, non-partisan reporting during the campaign period. It also grants allocation of free-of-charge airtime to all aspirants in the state-owned media.

Shortcomings in Electoral Legislation

The legal framework for the media's conduct during the campaign period widely complies with the international best practice, however several shortcomings could be noted. There is no requirement for the paid-for political propaganda to be specifically labelled and there are no legal prerequisites for equal advertisement-pricing policy for all aspirants in the commercial media.

The legal framework also does not establish an efficient enforcement mechanism over HNEC's regulations. At the beginning of the campaign period HNEC merely informed all contestants and media houses about the existing legal requirements, and respective ministries (Ministry of Culture and Ministry of Information) reinforced the message.

At the same time state-owned TV *Al Wataneyah* claimed that, unlike before the 2012 GNC elections when information on the election related issues including the allocation of the free-of-charge airtime and the lists of candidates standing for election in each district, was provided in a timely manner, this year there was lesser cooperation from HNEC's side. Noting that the Article 11, HNEC regulation 63 (2013) reads that: "The HNEC, cooperating with the management of public TV and radio, will determine the total time allocated to the electoral campaign and its distribution for candidates...", EEM concludes that there was neglect in the implementation of the electoral legislation for the campaign and since the media monitoring for the campaign period that was introduced during the 2012 elections was abandoned, none of the regulatory bodies had a proper oversight to guarantee a level playing field within the media.

16. Political Campaign Coverage in the Media

Eroded public trust in the GNC and the poorly implemented HNEC's regulations for the media resulted in a minimal pre-election coverage in the mainstream media. The state-owned television organised only a limited number of debates on constitution drafting issues, presenting the standpoints of a very few aspirants. The campaigning

was similarly subdued in the print media: only the state-owned newspaper *Libya Al-Akhabareya* printed free-of-charge advertisements, exposing four per cent of the candidates standing for election.⁸³ The schedule for the free airtime was missing on the HNEC's or broadcasters'/newspapers' websites. Respective ministries and HNEC admitted that they had no legitimate data on how and by whom the stipulated free airtime/space was used. The *Al Wataneyah* TV explained that due to the lack of institutional cooperation, the free-of-charge airtime allocation did not take place.

Use of social media in the campaign

The social media was widely used by numerous candidates to spread campaign messages, in particular in urban areas. The *Facebook* was used by 24 per cent of the winning candidates to inform the electorate about their standpoints on the constitution and values the drafting policy would be based on. Another popular social platform is the web-site *Voters Guide*,⁸⁴ created by the Civil Society Organisation *Office of Transition Initiatives*. This was launched on 7 February and it gave space to 250 aspirants who answered 17 questions asked by the organisation, elaborating on issues such as Libya's future political system, distribution of power and human rights. Out of the 47 elected CDA members, 29 presented their platforms on the *Voters Guide*.

17. Voter Awareness

The Law 13 (2013), article III mandates HNEC to conduct an inclusive voter and civic education to "ensure the success"⁸⁵ of the electoral process and facilitate voters in making an informed choice. HNEC has developed a 13-week communication strategy, including public service announcements to build confidence in HNEC and basic voter and civic education allowing for an informed and deliberate choice on Election Day. The campaign was carried out through numerous communication channels such as leaflets and booklets, outdoor advertisements, social media, public service announcements (PSA) in the mainstream media and press conferences. Even if HNEC was evidently present in the social media, the outdoor advertisement and the promotion of voter education in the broadcast/print media was sparse due to various reasons, such as the lack of funding from HNEC, the delayed printing of voter education materials and the nominal interest from media houses to air and print PSA at their own expense.

The communication strategy covered all stages of the electoral process. However, in-depth explanations on essential issues like the role of the CDA, the logic behind the allocation of seats and the proper marking of the ballot was lacking. A compelling PSA leaflet like newspaper, designed by HNEC (listing all constituencies, polling centres, candidates standing for election and explaining the allocation of seats) was printed only a few days prior to Election Day and was thus not distributed on time to district centres across the country, thus in remote areas the voters' ability to make an informed choice was disadvantaged.

⁸³ Information provided by the Ministry of Culture.

⁸⁴ <http://ourvotersguide.ly/find-soon.php?id=6>

⁸⁵ The Law 13 (2013), article III. 3.

18. Human Rights and Gender

The human rights situation within the whole country remains volatile. Civil and political liberties are slowly eroding and politically motivated killings are becoming common place. According to Human Rights Watch, unidentified armed men in the eastern Libyan cities of Benghazi and Derna assassinated at least 60 judges, activists, and members of armed forces in 2013. Other groups have also been victim to abuse with approximately 35,000 people from the town of Tawergha, in Libya's northeast still being forcibly displaced with militias from nearby Misrata preventing them from returning to their homes.

The Constitution, which guarantees key fundamental political rights such as the freedom of expression, peaceful assembly and association, are now being allegedly repealed and the new authorities are utilizing the draconian legislation once adopted under Qadhafi to stifle the opposition to the new regime.

Various high profile cases have come to light, which indicate that Libya is in contravention of its commitments to guarantee fundamental freedoms such as free speech, the right to assembly and association and to take special measures to prevent discrimination against women. In 2013, at least four people were prosecuted for speech related "crimes including blasphemy and defamation charges."⁸⁶ Perhaps the most prominent of these cases, was Jamal Al-Haggi, a political activist who was ordered with an eight-month jail sentence with labour and a fine of 4000,000 Libyan dinars for criticizing the political isolation law.

Furthermore, two GNC members have been charged with blasphemy and if found guilty could be subject to the death penalty. Both were found guilty of using posters during the GNC elections campaign period promoting the equal participation of women in the electoral process which militia members claimed to be anti-Islamic.⁸⁷

Law 65/2012, which was issued by the GNC on guidelines for peaceful demonstrations, allegedly places restrictions on public gatherings by limiting them to those that are only strictly necessary for protecting public order, public morals and the rights of others. It is unclear as to whether anybody has yet been charged under this law.

Women

Women are also finding it increasingly difficult to access their rights and various pieces of legislation have been passed which discriminate against them, including effectively sanctioning violence against women in cases of alleged adultery and denying women a remedy against abuse or dissuading them from reporting domestic violence. A law which was due to be passed which would have also enabled women to be compensated for the violations they suffered during the revolution has currently been relegated to the backburner, only confirming that women's rights are not considered a priority.

In order to address some of these gaps and discriminatory practices, it is essential that women are enabled a level political playing field with men so that they are able to

⁸⁶ Source Human Rights Watch.

⁸⁷ There are reports that their appeal was successful, and they only had to pay a fine.

influence policy and law makers. Libya is a signatory to the Committee on the Elimination of Discrimination against Women (CEDAW) and is obligated to ensure that women are able to participate in policy making and are able to enjoy access to equal opportunities with men. The decision to include a woman's quota in the CDA elections was only admitted at the last moment, and is considered by most interlocutors to be insufficient to ensure women's equal participation and influence over the constitutional drafting process. Efforts to promote a 35 per cent women's quota in the CDA elections were thwarted and resulted in women being afforded six seats only. The allocation of such a low number of seats to the CDA elections signifies a ceiling for female candidates in the constitutional process and means that women could be effectively blocked from contributing to any key decisions in the constitutional making process. The six seats which represent only ten per cent of the CDA falls short of the 30 per cent quota set by the Beijing Platform⁸⁸ and is below that of the 16 per cent achieved in the 2012 elections.

At the behest of various recommendations emanating from the last electoral process, various Civil Society Organisations (CSO's) worked arduously on encouraging women's support for these elections both as voters and candidates. Strong criticism has been voiced by the CSO's that the number of seats allocated to women was not sufficient as it was largely believed that women would be highly unlikely to win under the general seats. There are on-going debates about how to increase women's participation in the constitution drafting process as it is possible that they may be alienated in some decisions. There are also discussions on how to ensure a women's quota to be included in the electoral law that is currently being drafted.

18. Civil Society Organisations and Observation

The regulation on Observers and Candidates Agents (annexed to BOC Decision 65 (2013) defines the main requirements to obtain HNEC accreditation for the CDA election. Reference is made to the International Declaration on the Principles of International Observation of Elections and the to Code of Conduct for International Election Observers. Domestic observers requisites for neutrality include not running for elections, to have no political affiliation, and not to engage in any electoral campaign. Anyone requesting accreditation has to be a representative of an organisation accredited by the Ministry of Culture and Civil Society. Applicants pledge to abide by HNEC's Code of Conduct. Electoral committees in the districts accredited domestic observers. The application and accreditation process is straightforward, well publicised by HNEC and information is available on its website.

International observers were accredited centrally at HNEC headquarters. Rights of observers and candidate agents include "full access to observe all electoral stages" granting them access to information and data related to the electoral process. Election observers are to issue a public report based on their observations while providing "arguments and evidence in support of their judgements".

⁸⁸ The Economic and Social Council endorsed a target of 30 per cent of women in positions at decision-making levels by 1995. This was further supported by the Beijing Platform of Action. The figure of 30 per cent forms the so-called "critical mass", believed to be necessary for women to make a visible impact on the style and content of decision-making.

Candidates' agents registered with HNEC were, on average, less than two agents per candidate. Domestic observers noted that their presence was mostly lacking at electoral centres.

Domestic Observation

Over 1,392 national observers were accredited throughout the country, many by small civil society organisation. The Libyan Network to Promote Democracy (LNPD), trained by the National Democratic Institute (NDI) was one of the most visible groups, and deployed over 500 observers, with 22 per cent women, in 450 polling centres. LNPD is a civic volunteer group composed of local organisations, aiming at promoting democracy, civil society and social justice. It noted that the CDA election "met most international standards for credible elections ". Irregularities observed were not assessed as systematic and did not call into question the overall integrity of the process. Key observations include: i) the absence of candidate agents in polling stations, ii) reported power outages at a number of stations with counting proceeding without electricity, iii) insufficient knowledge of poll workers about election day procedures, iv) last minute changes to counting location for ballots cast at oil fields and IDPs camps that were counted at HNEC head office and not at polling stations, v) results sheets not displayed at a number of stations, contradicting the regulations, vi) a significant number of spoiled ballots, vii) lack of proper explanation on how to mark a ballot. The LNPD requested HNEC to publish all final certified results by polling station to promote transparency and accountability of the process.

The presence of national observers, the media, and guests contributed with they efforts to the credibility of the election process. Small international observer missions such as The Carter Center, the African Union, the League of Arab States, the International Islamic Conference, Gender Concerns International and the Diplomatic Community were also present.⁸⁹ Overall, the different missions noted HNECs implementing capacity to have been positive and efficient, however were concerned by the lack of security in a number of locations and by the low voter registration numbers when compared to the elections in 2012.

⁸⁹ The Carter Center was to publish a final report.

20. RECOMMENDATIONS

CONSTITUTIONAL AND LEGAL FRAMEWORK

1. In order to avoid ambiguity and to ensure inclusiveness in the process, the legal framework for elections should be written in consultation with electoral stakeholders, and outline the key areas of the electoral process including the electoral system and constituency boundaries as well as key aspects of the electoral process. The electoral framework to cover all types of elections and not just refer to any one type of election.
2. In order to promote representativeness, inclusiveness and equal voting power to undertake boundary delimitation well in advance of the next election and in wide consultation. Boundaries be drawn in such a way to ensure equal weight to each vote and ensure effective representation as much as possible. The boundary delimitation formula applied to be well publicised in order to promote transparency.
3. In order to conform to its international commitments, that any restrictions on the right to stand be based on objective, proportional and reasonable criteria. Electoral rights to be only limited in conformity with the law and be specific and subject to judicial review.
4. The electoral law to contemplate stipulating a minimum number of seats to be filled, and possible actions should seats remain vacant.
5. The electoral law to foresee provisions for the full publication of election results, broken down by each polling station and stipulate clearly the power to order recounts, and/or re-polling, including the rights of the courts to order any such action.
6. In order to abide by its international and national commitments and in line with the UN Economic and Social Council Resolution 1990/15 and recommendations from the Beijing platform of action, the electoral law to strive to achieve at least a 30 per cent minimum proportion of women in the electoral process in order to ensure women's equal participation with men.

ELECTION ADMINISTRATION

7. [Information](#) of public interest regarding the electoral process, including HNEC *ha doc* decisions and regulations, to be made readily accessible. That same information should be made easily accessible at the electoral committee level.
8. To insure transparency and credibility of the electoral process HNEC should certify the publication of full election results, including reference to final audit results as well as the number of invalid and blank ballots down to every polling station and centre.

9. The HNEC work in a consultative manner throughout the electoral cycle, implementing an accessible practice of meetings with civil society organisations and political stakeholders.
10. Once the transition process is completed HNEC should consider producing and publishing a comprehensive calendar for any upcoming electoral cycle.
11. To enhance the comprehensiveness of the voter register, the GNC, in close cooperation with HNEC and the Libyan Civil Registry Authority, should review the registration modalities to ensure an inclusive and sustainable registration process. Consideration should be given to conducting a registration campaign by allowing a longer period for in-person registration, and eventually consider mobile registration teams to cover rural and more remote areas.
12. To promote safeguards in the polling and counting, the HNEC to ensure the timely and adequate training of all polling staff and that staff be provided with manuals on Election Day procedures.
13. That security of polling staff, voters and polling stations is adequately ensured throughout the election period.

VOTER INFORMATION AND CIVIC EDUCATION

14. HNEC to envisage an inclusive and extensive voter information and civic education awareness programme in cooperation with relevant stakeholders, civil society organizations and media houses in particular.
15. HNEC to design a realistic implementation plan in order to reach the population in remote areas, and the programme message for various stages of the process to be tailored to address issues of primary relevance and to reach various target-groups like minorities and women in particular.

CAMPAIGN

16. To enhance the transparency and accountability, HNEC to decide on the campaign ceilings in the consultative manner and make the calculation formula available for the electorate and candidates by placing it in the public domain. Introducing the submission and publicising of the mid-campaign financial reports of the candidates could build up public's confidence in the fairness of the campaign, and promote transparency as indicated in the UN Convention against Corruption.
17. HNEC to develop campaign regulations in the public and private media in a consultative process with media houses and candidates in particular, and focus on establishing a realistic and transparent enforcement mechanism.

18. HNEC to endeavour to re-establish a comprehensive media-monitoring system for the campaign period and to publish mid-term campaign monitoring results to ensure the level playing field in the media.

MEDIA AND FREEDOM OF EXPRESSION

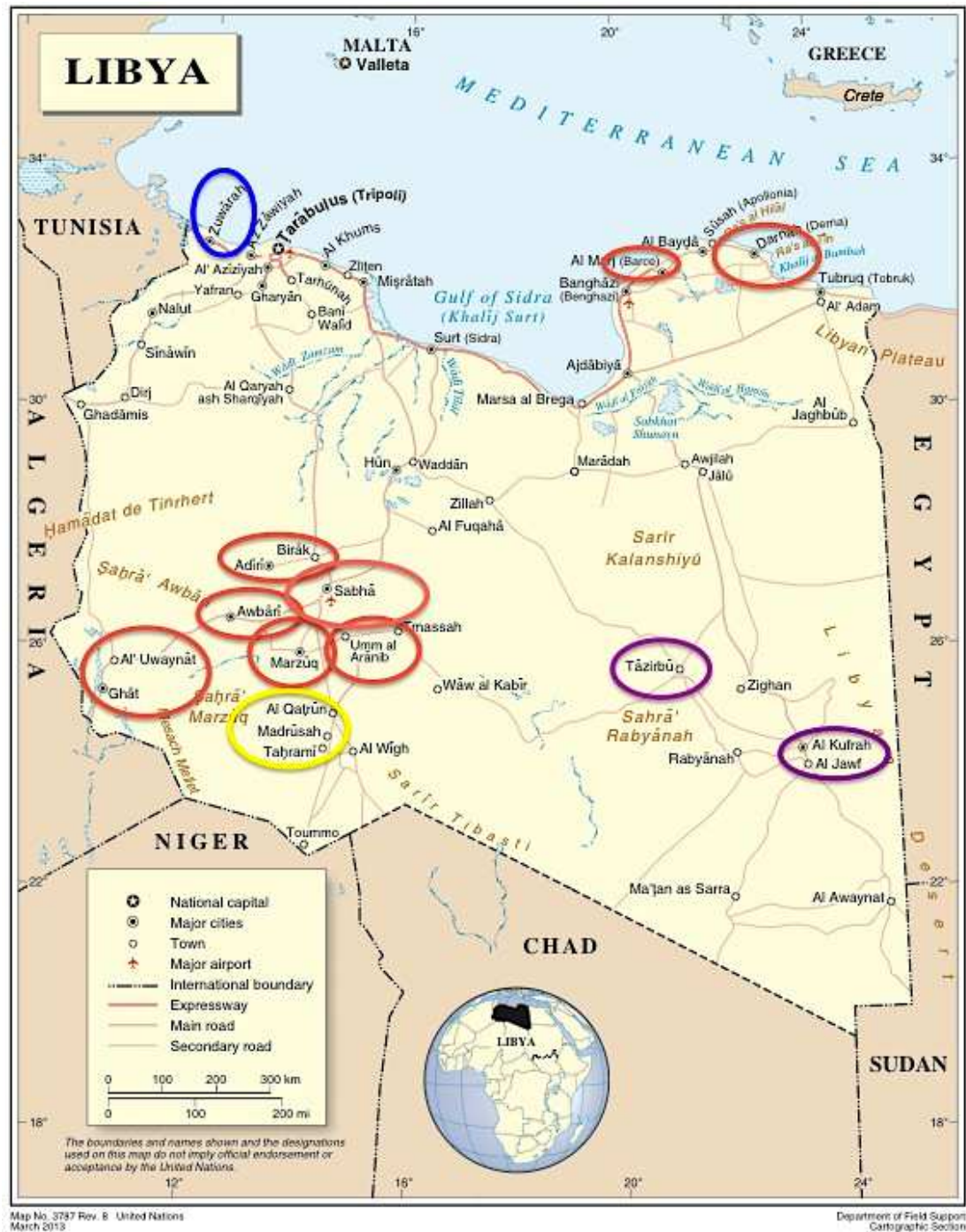
19. Aiming at full compliance with Libya's international commitments, the Constitution to be amended so that the freedom of expression is fully respected by eliminating censorship and securing electorate's rights to seek, receive and impart information.
20. The media legislation to be synthesized to secure media outlets' editorial independence, state-owned media's in particular, and to have a transparent, clear-cut management of the sector.
21. State authorities to put in place effective measures to protect against attacks on journalists and media houses as indicated in the ICCPR GC 34, paragraph 23.
22. The paid-for advertisement to be clearly labelled in the broadcast and print media to enable electorate to distinguish between the editorial content and political propaganda. HNEC, in close consultations with the media houses, to design legally binding regulations for the advertisement rates during the campaign period to grant all candidates equal campaign opportunities. To enhance the transparency, the advertisement rates to be publicised on HNEC's and/or media house's webpages.
23. The allocation of the free-of-charge airtime to the candidates in the state media to be designed in a transparent manner and in close cooperation with broadcasters. Procedures to be devised and announced in a timely manner to all stakeholders, at the beginning of the campaign period at latest. To provide for a comprehensive oversight of the process, the respective schedule to be placed in the public domain.

HUMAN RIGHTS AND GENDER

24. Given Libya's international commitments under the ICCPR, it is essential that the authorities review current laws on political association and assembly in order to ensure that they comply with international laws and do not disproportionately restrict persons from demonstrating or their right of assembly.
25. Libya has signed and ratified CEDAW and supports the Beijing Platform of Action. To this end, the electoral law should support the allocation of a minimum of 30 per cent seats to women in order to be in line with international commitments.

This report was produced by the European Union Election Experts Mission (EU EEM) to Libya and presents the Mission's assessment of the Constitutional Drafting Assembly Election on 20 February 2014. These views have not been adopted or in any way approved by the European Union and should not be relied upon as a statement of the European Union. The European Union does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.

Geographical areas where elections did not take place on 20 February 2014.



 Tuareg  Tebu  Amazigh  General Seats

Annex II

Electoral Information

1. CDA Election Results

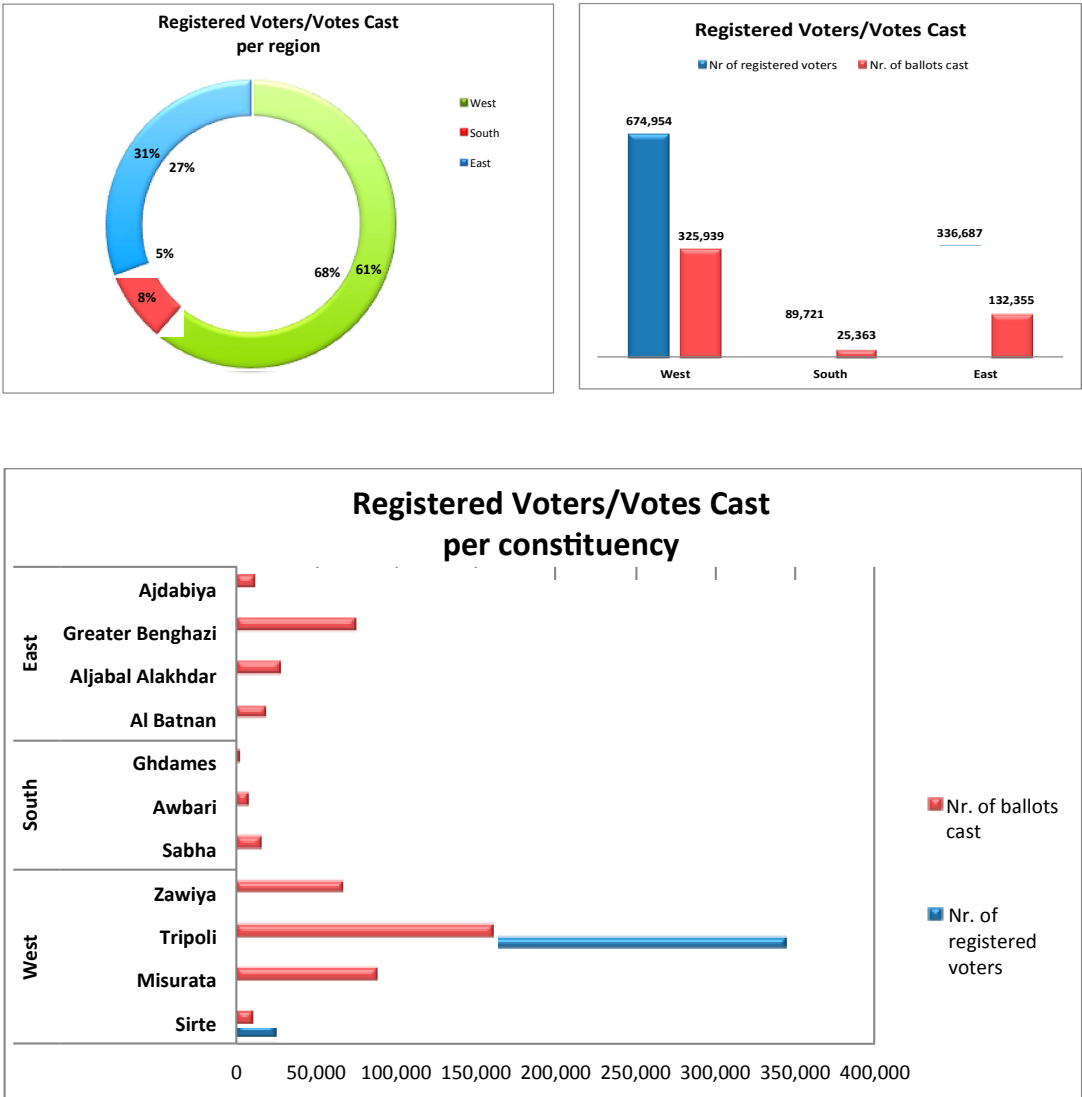
	ELECTED CDA MEMBERS	VACANT CDA SEATS
GENERAL SEATS	41	7
RESERVED SEATS FOR WOMAN	5	1
COMPONENT SEATS	1 (Tuareg)	5 (2-Amazigh; 2 -Tebu; 1 - Tuareg)
TOTAL	47	13

2. Registration and Turnout (2012 and 2014 elections)

	REGISTERED VOTERS	PERCENTAGE FROM ELIGIBLE VOTRS (estimate)*	VOTES CAST	TURNOUT	PERCENTAGE FROM ELIGIBLE VOTRS (estimate)*	ELIGIBLE VOTERS (CIA 2013 estimate)*
2012	2,865,937	71%	1,764,840	62%	44%	4,029,558
2014	1,101,362	27%	497,197	45%	12%	
delta	1,764,575		1,267,643			

Electoral Information

3. Voter Registration/Turnout for 2014 CDA Elections



Annex III

Campaign Expenditures' Ceilings per Constituency

Region	Main District	Voting district Nr.	Voting District's Area	Nr of registered voters	Turnout %	Estimate Nr. of ballots cast	Campaign Ceiling for constituency (LYD)	Campaign ceiling per voter (from turnout)	Campaign ceiling per voter (from registered)
West	Sirte	1	Bani Waleed - Tawrgha - Bugreen - Al Washka - Zamzam - BuNageem	9,495	26%	2,512	28,000	11.146	2.949
		2	Mantiga Gafra: Widan - Hon - Sukta - Zila - Fagha	7,519	55%	4,141	11,000	2.656	1.463
		3	Ras lanoof - Elsidra - Sirt	8,817	46%	4,069	27,000	6.636	3.062
	Misurata	4	Misurata	87,714	63%	54,908	50,000	0.911	0.570
		5	Zlieten	24,365	51%	12,495	37,000	2.961	1.519
		6	AlKhoms - Soog Alkhamees - Ghneema - Gasr Al Akhyar	27,888	44%	12,304	38,000	3.088	1.363
		7	Tarhoona - Muslata	22,528	40%	9,010	37,000	4.107	1.642
	Tripoli	8	Algara Bolli- Tajora- Soog ALgom3a	112,374	52%	57,935	37,000	0.639	0.329
		9	Abu Saleem - Ain Zara	57,846	40%	23,346	65,000	2.784	1.124
		10	Hai Alandlus - Tarablus Almarkz - Ganzoor	126,131	49%	61,619	94,000	1.526	0.745
		11	Almaia - Alzahra - Alnasriya - AL aziziya - Sawani bin adam - Gasr bin Ghasheer - Amsi7il - Alsaih - Al sabia	48,265	36%	17,221	69,000	4.007	1.430
	Al-Zawya	12	Al Zawiya	44,097	58%	25,790	45,000	1.745	1.020
		13	Sarman - Sobrata	20,749	52%	10,740	34,000	3.166	1.639
		14	Zoara	no voters registered					
		15	Al ajilat - Ragdalieen - AL gameel- Zaltan	18,915	35%	6,594	41,000	6.218	2.168
		16	All Aljabal cities	58,251	40%	23,255	73,000	3.139	1.253
South	Sabha	17	Ghadwa - Samno - Tamanht - Alzayfn	2,922	48%	1,416	28,000	19.774	9.582
		18	Alghirda - Althanaawiya - Hai Alkarama	4,359	Affected Constituency/Seat Remains Vacant				
		19	Ghaied - Almanshiya	6,018	53%	3,199	28,000	8.753	4.653
		20	Algadeed - Sokkra - Hai Abdelkafi	5,383	55%	2,983	28,000	9.387	5.202
		21	Al Nasriya - Hajart AL Mahdiya	4,931	42%	2,058	28,000	13.605	5.678
		22	Brak - Ashkada - Zilwaz - Ghiera - Ziwiay	4,540	Affected Constituency/Seat Remains Vacant				
		23	Aghar - Hai AL Mshashiya- Tamzawa - Mahrooga - AL gharda - Tawrt	5,801	49%	2,855	21,000	7.356	3.620
		24	Ghata - Brgn - Alghla - Abu Gdood - Alzahra	2,547	55%	1,405	21,000	14.947	8.245
		25	Winzareek - AL hatiya - Tamsan - AL mansooraa - Idri	2,375	53%	1,270	21,000	16.535	8.842
	Aubari	26	Aubari madina - Aldisa Al hatiya - alghairat - Al ghrifa - Jarma	8,285	45%	3,728	22,000	5.901	2.655
		27	Tosh - Abreek - Alfakhfakha - Toyo Alkhraig - Gharagra - Takrkiba - Alfajeej	3,673	43%	1,585	22,000	13.880	5.990
		28	Bint Biya - Alghraiya - Ghabr Aon - Al raghiba - AL tanahma - AL ziwiya - Al galaa - Akhleef - AL hamra - Bin Harith - Al abiad	5,191	42%	2,160	22,000	10.185	4.238
		29	Marzg- Jizaw - Edleem - Haj Hajeel	10,370	Affected Constituency/Seat Remains Vacant				
		30	Umm El hamam - Dojal - Agar atbah - Marhaba - Tagroteen - Alsabitat - Tasawa - Aljarn - Maknoosa	4,965	Affected Constituency/Seat Remains Vacant				
		31	Traghing - Fangil - Umm Elaranib - Majdool - Tamsa - Zawil	9,622	Affected Constituency/Seat Remains Vacant				
		32	Algatrron - Tagrhi - Albkhi - Madroos - Tabu component	no voters registered					
		33	Ghat - Albrkt - Alfytot - Tahala- Aloinat	2,551	Affected Constituency/Seat Remains Vacant				
	Gidames	34	Ghidamis - Sinawon - Daraj - Tawarig component	6,188	44%	2,727	7,000	2.567	1.131
East	Al Batan	35	Tubrog Almadina - Al jagboob - Alwatr - Amsaad - Albardi - Ras azaz - Gasr Aljadi - Beer Al ashhab - Kamboot - Janzoor - Al Gaara - Bab alzytoon - Al marss - Balkhatir - Al ghardaba- Ain Alghazala - Al shoba - Marslk	37,722	39%	14,540	35,000	2.407	0.928
		36	Al Goba Almadina - Al mkhily - Alabrg - Algigb - Lali - Kholan Lamloda - Ain Mara - Bait Tamir - Ras Halal and all villages arround	11,282	37%	4,189	15,000	3.581	1.330
		37	Darnat Almadina - Alaziyat - Altamimi - Um Elrazm - Khaleej AL bomba - Martooba - Al fataieh - Al athroon- Karsa & all areas arround	14,284	Affected Constituency/Seat Remains Vacant				
		38	Shahat - Alfaiidiya - Ghranda - Soosa and all areas around it	9,403	38%	3,582	14,000	3.908	1.489
	Aljabal Al Akhdar	39	Al baida - Al wasita - Massa - Al khwimat - Omer AL mukhtar - Salanta - Ghandoola - Marawa - Jads Aljarari and all areas arround it	30,827	42%	12,847	37,000	2.880	1.200
		40	Almarj - Tanks - Jars Al abeed - Albniya - Al saliaia - Mdwr al zaltoon - Farzooga - Al awiliya - Alwilia - zawlya Algasoor - Sidi Sadig - Al kharooba	17,973	39%	6,953	26,000	3.739	1.447
		41	Gasr Libya - Zawiya Alargoub - Wadi Bihhadeed - Albaiaida - Talmita - Batta - Sidi Noun - Agfnta - Al hamama - Al hnai	10,353	41%	4,238	12,000	2.832	1.159
		42	Bin Ghazi - from Jisr Sidi Khalifa in the East to Altria West to the cementfactory in the south	129,586	52%	67,868	86,000	1.267	0.664
	Benghazi	43	Eastern cost from Tokra Area to Sidi Khalifa	4,532	Affected Constituency/Seat Remains Vacant				
		44	Saloog - Alnawagya - Abu alsafn - Gamnees - Almagrron - Saht alydeen - Alragta - Zawiya - Talimoon - Saloog - Aljardina - Masoos - Alabiar - Al rajma - Banina - Wadi albab - Alsilk - Al magzha	17,125	38%	6,493	23,000	3.542	1.343
	Ajdabia	45	Ajdabiya - Sultan - Bishr - Albariga - Alagila - Marada - Alzwitina	27,883	34%	9,346	31,000	3.317	1.112
		46	Alwhat: Jalo - Awjla - Ajkhra	7,641	30%	2,299	11,000	4.785	1.440
		47	Alkofra - Tazrbo - Tabu Component	18,076	Affected Constituency/Seat Remains Vacant				

	Constituencies with the lowest campaign ceiling per registered voter
	Constituencies with the highest campaign ceiling per registered voter
	Affected constituencies where the seat remained vacant

Annex IV

Elected Members of the Constitutional Drafting Assembly (General Seats).

Region	Main District	VD Nr.	Nr of registered voters	Turnout %	Estimate voters voted	% of votes received	Candidate	Gender	Votes casted	Competiti on for 1 seat	Campaign platform	Followers on Facebook
West	Sirte	1	9,495	26%	2,512	47%	Al-Hadi Ali Yousef Bou-Hamra	M	1,169	8	No Information	
		2	7,519	55%	4,141	25%	Saleh Mohammad Shaker Ibrahim	M	1,033	8	Islam is the country's religion, the unity of Libya and the peaceful transfer of power	NO Facebook
		3	8,817	46%	4,069	24%	Jamal Mohammad Abd-Almawla Al-Ghazal	M	992	11	No Information	NO Facebook
	Misurata	4	87,714	63%	54,908	40%	Mohammad Abd-Alrahman Othman Belrwein	M	21,752	12	Rule of law, rights and freedoms, minority rights and political pluralism	1,072
		5	24,365	51%	12,495	31%	Mohammad Al-Hadi Ahmed Al-Sari	M	3,933	11	Constitution should grant justice and equality, efficient government and independent administrative unit of the city of Listen	NO Facebook
		6	27,888	44%	12,304	40%	Mohammad Faraj El-Zayde	M	4,891	12	Human rights attention, restricting the powers of the President who should allways consult and and work in compatibility with the Prime Minister and the GNC	NO Facebook
		7	22,528	40%	9,010	35%	Mohammad Ahmed Thaw Abdullah	M	3,175	13	The Libyan Constitution should include a fundamental rights and freedoms, equality and citizenship	NO Facebook
	Tripoli	8	112,374	52%	57,935	26%	Salem Mohammad Salem Kashlaf	M	15,031	33	Campaigned on his activities in the CSO (Member of (Oya) Centre for Research and Strategic Studies)	250
		9	57,846	40%	23,346	25%	Al-Badri Mohammad Abdullah Al-Sharif	M	5,836	30	Constitution emphasizes respect for the Libyan citizen to provide the necessary protection to preserve citizens' freedom	2,607
		10	126,131	49%	61,619	29%	Mohammad Abd-Algader Al-Toumi	M	17,996	41	Today the constitution is for us and tomorrow is for our children's, rights for elderly, rights for handicapped and recognition the rights of the Amazigh, Tuareg and Toubou component	11,440
		11	48,265	36%	17,221	25%	Thaw Al-Mansouri Masoud Aoun	M	4,361	20	No Information	NO Facebook
	Al-Zawya	12	44,097	58%	25,790	32%	Abd-Albaset Al-Hadi Ahmed Al-Naas	M	8,359	14	Constitution guarantees public freedom, women's rights, peaceful transfer of power and excellent education	NO Facebook
		13	20,749	52%	10,740	45%	Al-Arabi Al-Sharif Al-Sharef Sweisi	M	4,816	10	No Information	NO Facebook
		14	no voters registered (Amazigh boycott)				no voters registered (Amazigh boycott)					
		15	18,915	35%	6,594	21%	Ramadan Abd-Salam Al-Ajeme Al-Twejer	M	1,360	10	No Information	NO Facebook
		16	58,251	40%	23,255	27%	Mohammad Al-Jelani Ahmed Al-Badawe	M	6,277	28	No Information	NO Facebook
						13%	Abd-Albaset Abd-Alghani Mohammad Al-Baghdadi	M	3,002	28	No Information	NO Facebook

Elected Members of the Constitutional Drafting Assembly (General Seats).

Region	Main District	VD Nr.	Nr of registered voters	Turnout %	Estimate voters voted	% of votes received	Candidate	Gender	Votes casted	Competiti on for 1 seat	Campaign platform	Followers on Facebook	
South	Sabha	17	2,922	48%	1,416	35%	Al-Gaddafi Ibrahim Al-Taher Ebredeh	M	496	5	No Information	NO Facebook	
		18	4,359	Affected Constituency/Seat Remains Vacant									
		19	6,018	53%	3,199	33%	Ahmed Ali Bou-Baker Ali Mahjoub	M	1,067	5	No Information	NO Facebook	
		20	5,383	55%	2,983	81%	Mohammad Mohammad Abd-Algader Habib	M	2,403	3	No Information	NO Facebook	
		21	4,931	41%	2,035	28%	Ahmed Ali Othman Mohammad Goti	M	579	8	No Information	NO Facebook	
		22	4,540	Affected Constituency/Seat Remains Vacant									
		23	5,801	49%	2,855	13%	Salah Al-Dein Othman Imhemed Bou-Baker Bou-Khuzam	M	359	19	No Information	NO Facebook	
		24	2,547	55%	1,405	32%	Abeed Al-Zaroug Salem Abou-Alesaad	M	448	5	Rule of the country, health and education are the main topic that should be discussed during the drafting of the constitution	NO Facebook	
		25	2,375	53%	1,270	46%	Irhoma Omar Jebriel Irhoma	M	579	8	No Information	NO Facebook	
	Aubari	26	8,285	45%	3,728	25%	Al-Jelani Abd-Alsalam Irhoma Irhoma	M	920	11	Rights and freedoms - the unity of the country because it's the reason for stability and development	NO Facebook page	
		27	3,673	43%	1,585	38%	Omar Abd-Alrahman Bou-Baker Ibrahi	M	605	5	No Information	NO Facebook page	
		28	5,191	42%	2,160	28%	Khaled Abd-Algader Abdullah Al-Twaty	M	609	2	Peaceful transfer of power, and ensure the rights and freedoms of citizens	NO Facebook	
		29	10,370	Affected Constituency/Seat Remains Vacant									
		30	4,965	Affected Constituency/Seat Remains Vacant									
		31	9,622	Affected Constituency/Seat Remains Vacant									
		32	no voters registered				no voters registered						
		33	2,551	Affected Constituency/Seat Remains Vacant									
	Gidames	34	6,188	44%	2,727	60%	Abou-Alqasem Bashir Qassem Youshea	M	1,643	2	No Information	NO Facebook	

Elected Members of the Constitutional Drafting Assembly (General Seats).

Region	Main District	VD Nr.	Nr of registered voters	Turnout %	Estimate voters voted	% of votes received	Candidate	Gender	Votes casted	Competiti on for 1 seat	Campaign platform	Followers on Facebook
East	Al Batan	35	37,722	39%	14,540	23%	Mrajea Ali Nouh Qassem	M	3,345	23	No Information	NO Facebook
						13%	Hamza Abdraba Hmad Sulieman	M	1,935	23	No Information	NO Facebook
		36	11,282	37%	4,189	29%	Sulieman Mahmoud Abd-Alhameed Al-Fadeel	M	1,218	11	No Information	NO Facebook
		37	14,284	Affected Constituency/Seat Remains Vacant								
	Aljabal Al Akhdar	38	9,403	38%	3,582	40%	Abd-Alrahman Jebriil Hussien Adam	M	1,442	10	The separation of powers and political and judicial censorship	
		39	30,827	42%	12,847	37%	Mustafa Abd-Alhamed Mohammad Dalaf	M	4,715	20	No Information	NO Facebook
						13%	Al-Twaty hamad Hassan Bou-Shah	M	1,621	20	No Information	NO Facebook
		40	17,973	39%	6,953	36%	Saad Salem Al-Taleb Hamad	M	2,531	12	No Information	NO Facebook
	Benghazi	41	10,353	41%	4,238	33%	Al-Sadeq Al-Mabrouk Omran Saad	M	1,390	8	No Information	NO Facebook
		42	129,586	52%	67,868	31%	Ali Abd-Salam Abd-Alhadi Al-Tarhouni	M	20,835	49	Campaigned on his previous experience as a Oil minister	NO Facebook
						13%	Abd-Algader Abdullah Ibrahim Igdoura	M	8,501	49	Achieve justice in the distribution of wealth among all Libyan areas as well as make a balance between power and freedom in the country	16,169
		43	4,532	Affected Constituency/Seat Remains Vacant								
	Ajdabia	44	17,125	38%	6,493	25%	Meneam Mohammad Al-Sharif Abd-Rabah	M	1,650	10	Citizens and component rights, the peaceful transfer of power , women rights and social justice for all society segments	133
		45	27,883	34%	9,346	22%	Nouh Abd-Alsayed Abdullah Younes	M	2,038	16	Contributing to the issuance of just laws; guarantee the rights of all society segments	18
						17%	Omar Al-Naas Mohammad Ali	M	1,633	16	Country of law and justice	403
		46	7,641	30%	2,299	67%	Hussien Sakran Al-Hussien Sakran	M	1,545	2	No Information	NO Facebook
		47	18,076	Affected Constituency/Seat Remains Vacant								

Annex V

Elected Members of the Constitutional Drafting Assembly (reserved seats for women).

Region	Main District	District's Number	Nr. of registered voters	Valid votes cast for general seat	Valid votes cast for female/general seat	Valid votes cast for reserved seat for women	% of votes cast for the candidate	Candidate	Gender	Votes Cast	Nr. of candidates	Campaign platform	Followers on Facebook
West	Tripoli	8	112,374	57,935	77%	44,561	37%	Etimad Omar Ahmed Mesalati	F	16,305	5	Islamic law the main source of legislation, ensure women's rights in what does not contradict with Islamic law, activation of the army and police.	75
		10	126,131	61,619	90%	55,543	34%	Zeinab Ali Suleiman El Zaidi	F	18,906	15	The elimination of corruption in various international institutions	2,369
South	Sabha	sub constituency one	42,295	11,792	82%	9,667	30%	Nadia Mohammad Muftah Omran	F	2,933	8	The separation of powers the legislative, executive and judicial - public rights and freedoms - reactivate the national army and police also activate the rule of law	NO Facebook
		sub constituency two	21,064	7,565	82%	6,199	57%	Rania Abd Al Salam Mohamed Al Seid	F	3,516	3	Ph.D. in international law. A former employee at the Electoral Commission in the Department of political entities and candidates, works with Libyan women's associations in all regions of Libya, Human rights activist in the field of human rights	236
East	Al Batan Aljbar Al Akhdar	joint district for female candidates	131,844	Affected Constituency/Seat Remains Vacant									
	Benghazi Ajdabia	joint district for female candidates	204,843	74,361	107%	79,930	27%	Ibtisam Ahmed Othman Ibhaih	F	21,426	13	No on-line campaign. The candidate is a Professor at the Benghazi University, field of expertise - commercial law.	NO Facebook

Annex VI

Administrative Complaints

Sequence number of complaints	Electoral Office	Polling station number	Time and date of the violation	Details of the complaint	The date of the offense	The date of filing the complaint at the Electoral Commission	Date of the referral	Action taken by the Electoral Commission	The final decision of the Commission	Notes
1	Tripoli			Disseminate propaganda poster outside his sub-Constituency	1/4/14	1/5/14	6/1/14	Complaint accepted	Maintained the complaint	Based on information, candidate did campaign outside his sub-constituency
2	Tripoli			Removal of poster of one candidate and replacing it with another poster	2/18/14	2/19/14	20/2/2014	Accept the complaint and forwarded to the Supreme Committee for decision-making	Complaint dismissed	Dismiss the complaint for lack of evidence
3	Tripoli			Destruction of a persons name from electoral propaganda	2/19/14	2/19/14	20/2/2014	Refer the complaint to the public prosecution	Refer the complaint to the public prosecution	Finalised
4	Tripoli			Claim that a candidate had withdrawn from the race to voters	2/20/14	2/20/14	20/2/2014	Accept the complaint and transfer it to the public prosecution	Refer the complaint to the public prosecution	02.25.2014 sent to prosecutors by the Office of Tripoli
5	Tripoli			The ink was removeable	2/20/14	2/20/14	20/2/2014	Accept the complaint	Keeping the complaint	Finalised after referring it to the Supreme Committee for complaints
6	Tripoli			Disseminate propaganda poster near a polling station during election silence	2/19/14	2/20/14	22/2/2014	Accept the complaint and transfer it to the supreme committee for a decision	Dismiss the complaint	referral to the Supreme Committee for complaints
7	Tripoli			Defamation and false accusation	2/18/14	2/22/14	22/2/2014	Accept the complaint and transfer it to the supreme committee for a decision	Dismiss the complaint	Dismiss the complaint for lack of evidence
8	Tripoli			electoral propaganda via text message during electoral silence	2/19/14	2/22/14	22/2/2014	Accept the complaint	Dismiss the complaint	Dismiss the complaint for lack of evidence
9	Tripoli			Indicating the voters to vote for the candidate Badri Ahmed Sharif inside the center	2/20/14	2/22/14	22/2/2014	Accept the complaint	Dismiss the complaint	Dismiss the complaint for lack of evidence
10	Tripoli			Prevented voters from voting for the complainant	2/20/14	2/22/14	22/2/2014	Accept the complaint	Dismiss the complaint	Dismissed the complaint
11	Tripoli			Allegation of fraud in the process of counting and sorting	2/20/14	2/22/14	22/2/2014	Accept the complaint	Dismiss the complaint	Dismissed the complaint

Administrative Complaints

Sequence number of complaints	Electoral Office	Polling station number	Time and date of the violation	Details of the complaint	The date of the offense	The date of filing the complaint at the Electoral Commission	Date of the referral	Action taken by the Electoral Commission	The final decision of the Commission	Notes
12	Tripoli			Breach of electoral silence	2/22/14	2/23/14		Accept the complaint	Dismiss the complaint	Finalised
13	Jabel 1	Omar Almokhtar Station NO 17036		Objections and the threat to the Candidate's agent		2/20/14		Accept the complaint	Dismiss the complaint	Finalised
14	Kufra		20/2/2014	Breach of electoral silence		2/20/14		Accept the complaint		Finalised
15	Kufra		20/2/2014	Breach of electoral silence		2/20/14		Accept the complaint		Finalised
16	Kufra		20/2/2014	Breach of electoral silence		2/20/14		Accept the complaint	Candidate withdrew the complaint	Finalised
17	Kufra	Feb 17	20/2/2014	Breach of electoral silence		2/20/14		Accept the complaint		Finalised
18	Benghazi	NO 34133 Emhammed Baoor		Center attacked		2/20/14		Transfer it to the high commission and to the public prosecutor	Re-vote on February 26	Finalised
19	Benghazi	Ashaheed Sulaiman Toukra NO 34134		Center attacked		2/20/14		Transfer it to the high commission and to the public prosecutor	Re-vote on February 26	Finalised
20	Benghazi	Almojahed Saeed Alkweesa NO 34136		Center attacked		2/20/14		Transfer it to the high commission and to the public prosecutor	Re-vote on February 26	Finalised
21	Benghazi	Almojahed Saeed Alkweesa NO 34136		Center attacked		2/20/14		Transfer it to the high commission and to the public prosecutor	Re-vote on February 26	Finalised
22	Benghazi			Allegation of fraud		2/23/14		Accept the complaint		Complaints Commission's recommendation to dismiss the complaint for lack of evidence

Administrative Complaints

Sequence number of complaints	Electoral Office	Polling station number	Time and date of the violation	Details of the complaint	The date of the offense	The date of filing the complaint at the Electoral Commission	Date of the referral	Action taken by the Electoral Commission	The final decision of the Commission	Notes
23	Benghazi			Allegation of fraud		2/23/14		Accept the complaint		Complaints Commission's recommendation to dismiss the complaint for lack of evidence
24	Benghazi			Allegation of fraud		2/23/14		Accept the complaint as a form		Complaints Commission's recommendation to dismiss the complaint for lack of evidence
25	Benghazi			Allegation of fraud		2/23/14		Accept the complaint		Complaints Commission's recommendation to dismiss the complaint for lack of evidence
26	Benghazi			Allegation of fraud		2/23/14		Accept the complaint		Complaints Commission's recommendation to dismiss the complaint for lack of evidence
27	Ajdabiya			Observers prevent the entry of men to women stations	2/20/14	2/22/14		Accept the complaint and transfer it to the supreme committee to decision making		Complaints Commission's recommendation to dismiss the complaint for lack of evidence