THE
CARTER CENTER

General National Congress Elections in Libya

Final Report

July 7, 2012

Waging Peace. Fighting Disease. Building Hope.

The Carter Center strives to relieve suffering
by advancing peace and health worldwide; it seeks
to prevent and resolve conflicts, enhance freedom and
democracy, and protect and promote human rights worldwide.

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Libya
International boundary
Baladīyat boundary
National capital
Baladīyat capital
Railroad
Road
Track
0 100 200 Kilometers
0 100 200 Miles
Lambert Conformal Conic Projection, SP 8N/32N
Baladīyah (municipalities)
1. AN NUQAT AL KHAMS
2. AZ ZĀWIYAH
3. AL 'AZĪZĪYAH
4. TARĀBULUS
5. AL KHUMS
6. TARHŪNAH
7. ZLĪTAN
8. MIṢRĀTAH
9. AL JABAL AL AKHḌAR
Ionian Sea
Mediterranean Sea
Gulf of Sidra
TUNISIA
ALGERIA
EGYPT
NIGER
CHAD
SUDAN
MALTA
GREECE
Sicily (ITALY)
Crete (GREECE)
Tripoli
Valletta
Tunis
Bizerte
Sousse
Sfax
Gabès
Médenine
Tataouine
Zuwārah
Al Khums
Misrātah
Bani Walid
Surt
As Sidrah
Marsa al Burayqah
Tūkrah
Al Bayḍā'
Sūsah
Darnah
Banghāzī
Al Marj
Tobruk
Bardīyah
Sidi Barrāni
Marsā Maṭrūḥ
As Salūm
Qamīnis
Ajdābiyā
Jālū
Al Jaghbūb
Siwah
Hūn
Waddān
Ghadāmis
Al Qaryah ash Sharqiyah
Ohanet
I-n-Amenas
Adirī
Birāk
Sabhā
Awbārī
Al 'Uwaynāt
Murzūq
Zawīlah
Al Qaṭrūn
Ghāt
Djanet
Tāzirbū
Al Jawf
Ma'ṭan as Sārah
Al 'Uwaynāt
Madama
Aozou
Bardai
Zouar
Faya-Largeau
GHADĀMIS
GHARYĀN
SAWFAJJIN
SURT
AJDĀBIYĀ
ṬUBRUQ
ASH SHĀṬI'
AL JUFRAH
SABHĀ
AWBĀRĪ
MURZŪQ
AL KUFRAH
Presently Libya has 25 municipalities. An unconfirmed press article reports that the municipalities were replaced with 1,500 communes in 1802.
Base 801964 (R00515) 5-93

Foreword

By Dr. John Stremlau
Vice President for Peace Programs, The Carter Center
Leader, Election Observation Mission in Libya

On behalf of The Carter Center, I would like to thank the people and government of Libya for inviting us to observe the July 7, 2012, election of a General National Congress (GNC) that is preparing the way for entrenching democratic government for the first time in the country's 60 years of independence. In accepting this invitation, we knew that Libyans were recovering from the effects of a deadly civil war that ended only in October 2011 with the overthrow of the dictator Muammar Qadhafi. Evidence of continuing insecurity in some parts of the country, most notably in the south, prevented us from mounting a comprehensive observation mission.

With no firsthand experience and what seemed to be an impossibly short timetable, we congratulate the Libyan people for their dedication and perseverance to conduct elections and form a 200-member GNC. Despite the lack of adequate voter education, evident confusion, and serious but isolated acts of violent intimidation, more than 60 percent of eligible voters turned out to vote in what a senior United Nations official described as an "electoral religious experience."

Now, the hard political work of building national institutions begins, virtually from scratch. There are many diverse and conflicting political views in

The Carter Center

Mission leadership meets with Ambassador Stevens and Sen. McCain: (left to right) Ambassador Chris Stevens, Sarah Johnson, Sen. John McCain, Diederik Vandewalle, Alexander Bick, and John Stremlau.

Libya, but there also appears to be new national consensus about the overriding imperative not to allow dictatorship to return. Such generalizations at this stage are risky, but after 42 years of increasing isolation, humiliation, and abuse under Muammar Qadhafi's capricious and brutal dictatorship, there is a huge power vacuum that the country's new breed of pragmatic patriots seems eager to fill with sufficient checks and balances to limit executive power and the further squandering of the country's oil revenue.

The fundamental questions facing Libya are no different from those revolutions have grappled with at least since the French Revolution of 1789: how to uphold the defense of property while pursuing universal rights; how to balance individual rights with those of the wider community; and how to achieve outcomes consonant with democratic ideals without resorting to means replicating the sins of the old order, which is what happened initially when the dictatorship of Napoleon replaced that which had prevailed for centuries of monarchy.

Today's Libyans are surely more capable of establishing self-government than the French were in 1789, but their cause is too important to the Arab region, Africa, and the rest of the world to be done in isolation. As the government begins taking steps toward ensuring transitional justice and reconciliation, we hope they will continue to welcome international advice and cooperation from around the world, including governments, international organizations, and civil society. The successful staging of national elections with the peaceful enthusiastic support of the Libyan people, followed by the rapid transfer of power from the ad hoc National Transitional Council (NTC) to the duly elected GNC is the most hopeful sign that Libya has begun the long and difficult process of building viable national political institutions.

The Carter Center's election mission to Libya was fully funded by a number of generous international donors, including the American, Canadian, Danish, Dutch, German, Norwegian, and Swedish governments. We are especially grateful to the late Christopher Stevens, the United States ambassador to Libya, who was murdered along with three colleagues while visiting Benghazi on Sept. 11, 2012. Ambassador Stevens' deep knowledge of and affection for Libya and its people inspired our mission. That this affection was so evidently reciprocated by Libyans is a source of hope that our friendship will continue to grow despite this or any other tragedy we are unable to prevent.

Barely two years ago, Libya was consumed by total civil war. Today, however, Libya ranks among the most politically successful in the volatile Arab world. The Carter Center was privileged to be able to bear witness to the first major phase of this vital transition, and we look forward to celebrating further successes in the years ahead.

Executive Summary

Libya's July 7, 2012, elections were the first national elections in more than 40 years and represented a major step forward in the country's transition from authoritarian rule to participatory democracy. Despite overwhelming challenges, Libyan authorities organized the election in a timely, orderly, and impartial manner that offered Libyans a historic opportunity to exercise their franchise. The Carter Center congratulates the Libyan people on this tremendous achievement and wishes the new General National Congress (GNC) success as it forms a new government and oversees the drafting of a new constitution.

Libya's July 7, 2012, elections were the first national elections in more than 40 years and represented a major step forward in the country's transition from authoritarian rule to participatory democracy.

The Carter Center and the GNC Elections

Representatives of The Carter Center first visited Libya in March 2012 and were invited by the High National Election Commission (HNEC) and the National Transition Council (NTC) to organize an election observation mission to assess all aspects of the electoral process. Based on a careful assessment of security conditions, the Center determined that observers could not be deployed to some areas of the country and that their movements would need to be restricted in others. The Center's mission was, therefore, limited in nature and did not claim to provide a comprehensive assessment of the credibility of Libya's electoral process.

A core team was deployed in June, followed by medium-term and short-term observers. In total, The Carter Center accredited approximately 40 observers for the period leading up to and around election day. The Center's delegation was led by Dr. John Stremlau, vice president for peace programs. Carter Center observers visited polling stations in 11 of 13 electoral districts and observed other phases of the electoral process in 12 districts.

Pre-election Developments

The GNC elections were held under Libya's constitutional declaration, promulgated by the NTC on Aug. 3, 2011; law no. 4, passed by the NTC on Jan. 28, 2012; and subsequent amendments, laws, and regulations. The legal framework for the elections was adequate to meet Libya's obligations for democratic elections, though several aspects were deficient and should be improved in future electoral processes. Most importantly, the electoral system — which was comprised of three different models, including first-past-the-post, single nontransferable votes, and proportional representation — was excessively complicated and difficult for voters to understand and failed to adequately meet obligations for equality of suffrage whereby each vote has a roughly equivalent weight.

While the future electoral system will depend on the decisions of the constitutional council and the GNC, Libyan authorities should carefully consider the advantages and disadvantages of each model as a new electoral law is elaborated. They also should work to balance the competing geographical and political interests against the importance of the voters' ability to understand the process, establish a connection with their representatives in government, and allocate seats fairly across constituencies.

The Center urges Libyan authorities to ensure adequate timelines for election preparations and to consolidate laws, regulations, and other decisions

affecting the legal framework for elections in order to avoid the need for amendments and other changes in the regulations that would substantially impact the implementation of the elections at a late date.

In the event of substantial changes to the legal and electoral framework, Libyan authorities should be mindful of the time and resources necessary to conduct voter and civic education and fully inform the electorate of any changes that could impact their voting decisions.

The GNC elections were administered by the HNEC, which was led by a board of commissioners and oversaw 13 district election offices. Overall, and despite the fact that the HNEC had little or no experience with previous elections, Carter Center observers found that HNEC staff performed their responsibilities with professionalism and dedication. Their work was largely applauded by the Libyan public. The HNEC opened a media center to regularly update the public, including releasing results. Consistent with the interim constitutional declaration, the HNEC was to be dissolved after the completion of the elections. The Carter Center recommends that the GNC consider retaining core administrative staff in order to facilitate the next round of elections.

Carter Center observers found that HNEC staff performed their responsibilities with professionalism and dedication.

The Center did not observe the voter registration process. Electoral stakeholders informed members of the Carter Center core team and observers that registration was carried out in a timely manner and, in the lead-up to the elections, appeared to be accepted as credible and accurate. Voter registration was extended by one week and held over the period May 1–21. The HNEC registered 2,865,937 voters at 1,548 registration centers, equal to 82 percent of the estimated 3.5 million eligible voters. Women made up 45 percent of registered voters.

A number of challenges should be considered for future elections, including dealing with overseas voter registration and the need for a clear process to contest the eligibility of registered voters. This issue caused a particular problem in Kufra, where 1,008 names were removed from the voter roll after challenges to their registration eligibility after the end-of-complaints period. The HNEC's decision to remove the names was not made in a timely fashion, and the names were not made public, potentially disenfranchising some voters. Registration for refugees was also very limited and was not undertaken in neighboring Egypt and Tunisia where large numbers of Libyans reside.

After several decades of political repression, the NTC lifted the law criminalizing political party formation. Candidate registration took place May 1–15, 2012, and resulted in 3,767 candidates registering to run either as individuals or as part of the 377 lists, representing 130 political entities. Despite the use of quotas on the lists for political entities, the participation of women remained low, with only 585 female candidates. Candidacy was restricted by a lustration law, which limited the participation of individuals associated with the former regime who could not provide evidence of their support for the revolution. The High Commission for the Implementation of Integrity and Patriotism, formed in April 2012, was charged with reviewing candidate applications for compliance with the lustration law; a total of 306 candidates were excluded from the process, of which 79 were reinstated by the courts.[1]

Campaigning was completed in only a three-week period leading up to the election, and although insufficient in duration, it was conducted in a

1 These figures were reported to Carter Center core staff by the High Commission for the Implementation of Integrity and Patriotism (HCIIP) members during the election observation mission; other estimates reported in the media and other sources vary. The HCIIP reviewed the compliance of successful candidates with the lustration law again after the election, which resulted in legal challenges to the election of a limited number of elected officials.

generally peaceful atmosphere in which many political parties signed and adhered to a voluntary code of conduct. Campaigns were carried out through posters and billboards, online media such as Facebook, and low-visibility, grassroots activities such as distributing leaflets and private meetings. Some posters, notably of female candidates, were defaced. Media enjoyed increased freedom of the press and became progressively involved in reporting campaign activities and offering air time to candidates. However, several candidates noted that they had been allotted an insufficient amount of TV and radio time. Observers reported that political parties and candidates generally respected the period of campaign silence on July 6.

Alexander Bick

Men make the sign for peace with fingers inked from voting.

Polling and Postelection Developments

In most of the country, election day was peaceful and jubilant: 1,764,840 people, or approximately 62 percent of registered voters, cast their ballots at 6,629 polling places throughout the country. On election day, roughly 38,000 polling station staff implemented the elections. Carter Center observers, deployed in 11 of the 13 electoral districts, assessed the performance of the polling station staff as very positive. Voting procedures were correctly implemented in 95 percent of the stations visited, and in the remaining cases the irregularity was exclusively linked to a failure by polling staff to check voters' fingers for ink.

The electoral environment in some areas of eastern Libya diverged significantly from the rest of the country.

The electoral environment in some areas of eastern Libya diverged significantly from the rest of the country. Security challenges in Benghazi, Ajdabiya, and Kufra both immediately preceding the polls and on election day significantly marred polling in these areas. Attacks on materials and polling stations led to the death of an HNEC employee and caused polling stations to be consolidated or to open late. Looting of HNEC offices in Benghazi and Tobruq and destruction of election materials in an HNEC warehouse in Ajdabiya also had significant impact on the process. Heavy security by militia forces in Ajdabiya allowed voting and counting to take place but also created an atmosphere of intimidation.

When faced with this insecurity, polling officials demonstrated heroic efforts to carry the election

forward. Despite their best efforts and intentions, some voters may have been disenfranchised due to concerns about security or uncertainty over the hours and location of their polling place. The Center strongly recommends that HNEC develop a comprehensive electoral security plan and publicize contingency measures so that all voters are able to participate equally in future elections.

In the election, Mahmoud Jibril's National Alliance (a coalition of over 40 smaller parties) emerged as the dominant power, winning 39 of the 80 seats assigned for political entities. The Alliance was followed, by a substantial distance, by the Justice and Construction Party, the party associated with the Muslim Brotherhood, which obtained 19 seats. Although prominent in the period leading up to the elections, the National Front, led by Mohamed Yusuf al-Mugharief, won three seats, and Abdul Hakim Belhaj's party, the Nation, won one of the seats reserved for political entities. Individual candidates, who make up 120 of the 200 total seats in the GNC, will likely play an important role in national politics.

The complaint process following the election was limited. Ninety complaints were filed on election day, and another 37 complaints were filed in the 48-hour period after the elections. None of these complaints affected the overall integrity of the vote, and all but one of the postelectoral complaints were dismissed by district courts. In advance of future elections, the legal framework should be strengthened so that candidates and political entities are fully educated on their right to appeal.

Libyan civil society groups played an important role in the elections by organizing observers and issuing detailed public statements. According to the HNEC, 11,344 domestic observers were accredited, along with 14,304 political entities and candidates' delegates. On election day, Carter Center observers reported the presence of domestic observers in 47 percent of the polling stations visited. The transparency and credibility of the electoral process were greatly enhanced by their participation and should be promoted and broadened in future polls.

With these elections, Libya has taken a major step forward toward the construction of a modern state.

Recommendations

With these elections, Libya has taken a major step forward toward the construction of a modern state. The elections were symbolically important in bringing the country out from the shadows of the Qadhafi regime. However, the broader transition will undoubtedly be a very long process that involves writing a constitution and creating a new government. Libya's relatively inexperienced new rulers will have to create the political structures and processes necessary for the democratic process to gain traction in the country.

The Carter Center's recommendations for strengthening future electoral processes are highlighted in this summary and can be found throughout the report. A comprehensive list of recommendations is provided at the end of this report.

The Carter Center in Libya

In late March 2012, The Carter Center conducted an assessment mission in Libya to determine whether key political and electoral stakeholders would welcome an election observation mission and if the Center could play a useful role in supporting Libya's transition. Throughout the mission, key Libyan actors, including representatives of the NTC, the HNEC, and civil society leaders requested the Center's assistance in supporting the electoral process. They welcomed the Carter Center's possible role as international observers, and the HNEC extended an oral invitation to the Center to observe the entirety of the electoral process. This was followed in May by a formal written invitation. The first members of the Carter Center core team arrived that same month, and an office was established in Tripoli in early June 2012.

While this was the Center's first involvement in Libya, The Carter Center has for many years supported efforts to build peace and foster democracy and human rights in the Middle East and North Africa. The Camp David Accords of 1978 were a major achievement of the Carter administration, and President Carter has continued his deep interest in Middle East peace since leaving the White House. The Carter Center has worked in Sudan since the early 1990s and opened a long-term office in the Occupied Palestinian Territories in 2006. The Center has observed elections in the Occupied Palestinian Territories (1995, 2005, and 2006), Lebanon (2009), and Sudan (2010). Since the beginning of the Arab Spring, The Carter Center has been heavily engaged across the region and deployed missions to Egypt to observe the parliamentary, Shura Council, and presidential elections in 2011 and 2012 as well as the National Assembly elections in Tunisia in 2011. The Center maintains an observer presence in Tunisia, where it is following the constitutional drafting process and electoral preparations in advance of the national elections anticipated in 2013.

The Carter Center has for many years supported efforts to build peace and foster democracy and human rights in the Middle East and North Africa.

Election Observation Methodology

Since 1989, The Carter Center has observed more than 90 elections in 36 countries. Carter Center election observation missions are conducted in accordance with the Declaration of Principles for International Election Observation, which was adopted at the U.N. in 2005 and has been endorsed by 37 election observation groups. Carter Center election observation missions provide an impartial assessment of the quality of the electoral process and the extent to which it meets a country's international obligations for democratic elections. Election observation demonstrates international support for the democratic process, helps to detect and expose potential fraud, and enhances the transparency and integrity of the electoral process. In this way, international election observation contributes to establishing legitimate authority and holding governments accountable to their people.

The Carter Center was formally invited to observe all aspects of Libya's electoral process by the HNEC, the body responsible for organizing and administering national elections. Based on a careful assessment of security conditions, the Center determined that observers could not be deployed to some areas of the country and that their movements would need to be restricted in others. This included a number of areas in which fighting was ongoing in rural areas throughout the country. The Center's observation was, therefore, a limited mission and did not claim to offer a comprehensive assessment of the credibility of Libya's electoral process as a whole. The Center offered to share its findings and analysis with the HNEC and the public in a spirit of cooperation to enhance the quality of future elections and in support of a successful democratic transition.

The Center commenced its observation mission in late May 2012 with the arrival of a core team based in Tripoli. This team included 12 people from eight countries and with different areas of expertise. Supporting the field office director were a deputy field office director; political, elections, and legal analysts; observer, security, and logistics coordinators; an operations manager and finance officer; a media liaison; and an additional security officer based in Benghazi. Twelve Libyan staff supported the mission in Tripoli.

Ten medium-term observers (MTOs) arrived in Libya on June 22, and following a two-day briefing, they were deployed in five teams of two to their respective areas of responsibility. MTOs came from nine different countries and had experience in observation, election administration and technical assistance, journalism, and international development.

Ossama Kamel

Field office staff and Atlanta project staff gather for a photo to mark election day.

Each team was assigned an area of responsibility that included one or more administrative and electoral districts. The first MTO team was responsible for Tripoli, Zuwara, and Az Zawiyah. The second team was based in Misrata with responsibility for Misrata and Al Khoms. The third team was based in Benghazi and also covered Ajdabiya. The fourth team was based in Al Bayda and also was responsible for Tobruk. The fifth team was responsible for Sebah, Al Azaziyah, and Gharyan.

During the pre-election period, MTOs familiarized themselves with their areas of responsibility and assessed key issues, including electoral preparations, recruitment of election staff, voter and civic education, the campaign environment, and the media. MTOs worked in close cooperation with local authorities such as the HNEC and local civilian and military councils and held regular meetings with key stakeholders, including political entities, individual candidates, and representatives of civil society organizations, including domestic observers. MTOs produced weekly analytical reports for submission to the core team in Tripoli. This information contributed directly to the drafting of the Center's public statements. MTOs also prepared briefings and made logistical arrangements for the arrival of STOs. During the postelection period, MTOs observed recounts and collected information on election complaints.

For the immediate election period, Carter Center MTOs were joined by two additional MTOs and 14 STOs as well as by additional leadership and staff from Atlanta. This brought the size of the Carter Center's delegation to 45 accredited observers who deployed in 16 teams on election day. STOs observed opening, polling, or counting at 160 polling stations across Libya. Carter Center observers visited 12 of the 13 electoral districts over the course of the mission.

The Carter Center assesses elections against a country's national legal framework and its international obligations for democratic elections.

The Carter Center assesses elections against a country's national legal framework and its international obligations for democratic elections. The Carter Center assesses each stage of the electoral process and the extent to which it adheres to national and international standards. Libya is a member state of the U.N. and the African Union (AU) and has acceded to the seven major U.N. conventions on human rights, namely: the two International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights (1970); the International Convention on the Elimination of All Forms of Racial Discrimination (1968); the Convention on the Elimination of All Forms of Discrimination Against Women (1989); the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1989); the Convention on the Rights of the Child (1993); and the Convention on the Protection of Migrant Workers and Members of Their Families (2004). Moreover, Libya has signed the first optional protocol attached to the Covenant on Civil and Political Rights concerning filing complaints by individuals (1989) and the optional protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (2004).

Regionally, Libya has agreed to the Cairo Declaration on Human Rights in Islam issued in 1990 by foreign ministers of Muslim countries. Libya also ratified the Arab Charter of Human Rights/ Amended, prepared by the Arab Summit in Tunisia in May 2004; the African Charter for Human and Peoples' Rights (1986); The African Charter on the Rights and Welfare of The Child (2003); the protocol on establishing the African Court for Human and Peoples' Rights; and the protocol on Women's Rights (2004).

Historical and Political Background

Since 1951, Libya has had virtually no experience with competitive elections. In 1952, shortly after the United Kingdom of Libya was created, political parties were disbanded. Although there were elections (without parties) for the country's Parliament in subsequent years, the 2012 elections were the country's first credible, multiparty elections in decades. In light of this, and considering the sensitive issues raised in the weeks and months leading up to the elections, it is important to understand how Libya's history has shaped its recent politics.

The Sanusi Monarchy: Federalism Versus a Unitary State, 1951–1969

When King Idris al-Sanusi announced the creation of the United Kingdom of Libya on Dec. 24, 1951, a protracted process of multilevel negotiations between international, regional, and local actors came to a close.

In Tripolitania and Fazzan, two of Libya's provinces, the United Kingdom of Libya seemed to most groups to be the best compromise that could be achieved. That calculation was largely based on the fact that an extended trusteeship under one of the victorious World War II powers remained a lingering possibility during the early postwar negotiations. At the same time, however, as the U.N. Commission (headed by Dr. Adrian Pelt) pointed out, the compromise required a central government that would prove capable of bringing the different parts of the country together politically and economically while leaving sufficient autonomy to the existing provincial administrations.

Separate administrations under the British and the French, lingering memories of Cyrenaica and Tripolitania's differential reactions to Italian colonialism, and protracted negotiations after World War II at the United Nations all nurtured suspicions between the provinces. It was, therefore, not surprising that the United Kingdom of Libya at independence adopted a constitutional framework that left the powers of the individual provinces strong and those of the central government relatively weak.

Except for some nationalists—particularly in Tripolitania—who argued from the beginning for a unitary state, the provinces were willing to accept a federal formula that determined economic and political relations between the Libyan state and its constituent provinces. The challenge of trying to foster the idea of a unified political community in a country that essentially remained a tribal society—i.e. where political loyalties at best extended to provincial borders and most often, among the urbanized population, barely reached beyond the cities—proved a vexing one.

The United Kingdom of Libya at independence adopted a constitutional framework that left the powers of the individual provinces strong and those of the central government relatively weak.

When U.N. Commissioner Pelt arrived in Libya in December 1949, he proved instrumental in creating the National Assembly. Through a series of intense negotiations with the country's different provinces and interlocutors, Pelt attempted to balance the interests of the three provinces. While each was vying for equality of status under the proposed constitution, this equality masked great disparities in terms of population, resources, and inclinations toward unity—much as it does, although to a lesser extent, today.

Representatives of Cyrenaica and Fazzan forcefully insisted on a federal formula, afraid that a unitary government would be dominated by Tripolitania, where two-thirds of the country's population lived. Tripolitanians were openly against the federal formula, arguing that its implementation would leave the central government with little power to implement decisions of national interest. Several considered the federal formula an undisguised attempt by the West to maintain their influence in the kingdom.

In the end, the National Assembly adopted the federal formula and offered the role of king to al-Sanusi, then amir of Cyrenaica. The formal powers of the federal and provincial governments were clearly delineated under Articles 36–39 of Libya's Constitution. In some areas, the federal government obtained both legislative and executive power, but in others—banking, organization of imports and exports, income tax, subsoil wealth and mines, among others—it possessed only legislative power. The executive power to implement this legislation remained within the competence of the provinces, "acting under the supervision of the federal government" (Article 38). This latter category of so-called "joint powers," which enabled the provinces to prevent the creation of a single, national policy, later formed a stumbling block for the development of national economic and tax policy given the crucial role of the provincial governments in these areas.

The federal system that was put into place in 1951 created an elaborate administrative structure with—in yet another compromise—capitals in both Tripoli and Benghazi. It also boasted provincial legislative councils and executive councils in Tripoli, Benghazi, and Sebha (Article 188). If the federal system was, at least temporarily, necessary from a political viewpoint, it imposed enormous costs from an economic and social viewpoint. The country—with a population of slightly over 1 million people—found itself economically burdened with one national and three provincial governments, each with its own executive, parliament, cabinet, and a wide range of administrative and bureaucratic departments.

As the country's oil industry increasingly necessitated unified legislation, the need to surmount these limitations led to a constitutional amendment in 1963. This proved difficult in practice since, under the constitution, the federal formula could only be changed by a two-thirds majority in each of the country's two chambers and "must be approved, in addition . . . by all the legislative councils of the provinces" (Article 199).

In effect, Libya's first experiment with elections was also its last — neither under the monarchy nor under the Qadhafi regime after 1969 would free, multiparty elections take place again.

After the declaration of independence in 1951, a number of political parties were created—chief among them the National Congress Party in Tripolitania and the Umar al-Mukhtar Club in Cyrenaica. They were soon abolished by the king, after a first round of national elections took place, on the grounds that the country could not afford the instability the parties generated. In effect, Libya's first experiment with elections was also its last—neither under the monarchy nor under the Qadhafi regime after 1969 would free, multiparty elections take place again.

The discovery of oil in 1959 forced the kingdom for the first time to think about a deliberate national planning effort. The functioning of the central government remained hampered by the extensive power that had been left to the provinces and by the king's entourage. Under the federal formula, King Idris—advised by the members of the royal *diwan*—and successive cabinets dominated the country's political life. Although ministers were

responsible to Parliament, it rarely influenced the country's political or economic development until the discovery of oil. King Idris remained a crucial player in the country's political life but did little to rule or extend the powers of a modern state within Libya.

By 1963, it had become clear that the federal formula was a problematic political configuration for a country whose economic fortunes had been altered beyond recognition by rapidly growing oil revenues. The central bureaucracy—located in Tripoli and able to attract the best-trained technocrats and experienced administrators—slowly but steadily increased its strength vis-à-vis the provincial governments. In 1963, King Idris eliminated the federal formula and created a unitary state.

The carefully calibrated federal system had, of course, been the price Libya had paid to make independence possible and to construct the United Kingdom of Libya out of the different interests of the independent-minded provinces. The new unitary system proved as unstable as the previous federal formula for a combination of political and economic reasons. The impact of the oil revenues within the kingdom—and the opportunities created by the country's institutions to use oil income for personal advancement and riches—added immeasurably to these difficulties.

This impact proved disastrous, in part because it reverberated within a country whose citizens had effectively been reduced to bystanders in the political system. The suspension of the country's inexperienced political parties in 1952 had perhaps been comprehensible within the chaos surrounding independence, but the lack of participation became increasingly unacceptable, not only as the chance for a representative system was being frittered away but also because it could have acted as a counterweight to the political agitation provoked within the region by Arab nationalism. Cyrenacian tribal affiliation remained focused on loyalty to Idris and the Sanusis. In Tripolitania, Arab nationalist calls being broadcast by Cairo radio stations reverberated among a receptive audience. It is within this context that the 1969 coup by Col. Muammar Qadhafi took place.

The Qadhafi Period, 1969–2011

Although the Qadhafi period lasted more than twice as long as the country's monarchy, its impact on the political development of the country is relatively weak. For all practical purposes, political life disappeared almost entirely. The early years of the revolution, when the regime attempted to consolidate itself, were spent trying to mobilize Libya's society on behalf of its self-styled revolution. After imitating his hero, President Gamal Abdul Nasser of Egypt, Qadhafi quickly discovered the limits of political persuasion.

All political activity was considered treasonous, leading to a growing secular opposition to Qadhafi's rule in the 1970s and 1980s and Islamist opposition in the 1990s.

His disappointment led to a spectacular period of political experimentation between 1973 and early 1986 that became the hallmark of Qadhafi's Libya. In a set of reforms, based on the philosophy contained in his Green Book, the Libyan leader transformed or obliterated many of the country's economic and political structures. He did so while emphasizing that Libya could do without a set of state structures that, at least in his estimation, prevented citizens from running their daily lives. All of this went hand in hand with the emergence of a highly repressive political system, centered on a set of interlocking security apparatuses and revolutionary committees that reported directly to Qadhafi. All political activity was considered treasonous, leading to a growing secular opposition to Qadhafi's rule in the 1970s and 1980s and Islamist opposition in the 1990s. The regime was considered so entrenched, however, that few opposition figures held out hope of overthrowing Qadhafi.

The regime's anti-Western policies and its use of terrorism to accomplish its policies increasingly pitted it against a growing international coalition that eventually imposed a set of stringent multilateral sanctions on Tripoli. Although the Lockerbie bombing in December 1988 became the most notorious example of the Libyan regime's use of terrorism, it was preceded (and was followed) by a number of high profile terrorist incidents. The West's insistence on compensation for Lockerbie victims eventually became one of the main negotiating points when Libya attempted to rehabilitate itself after 1999.

This attempt at rehabilitation was spearheaded by Saif al-Islam al-Qadhafi, the oldest son of Libya's ruler, and culminated in Libya's announcement in December 2003 that it would give up its weapons of mass destruction. But while international investment and the relaxation of internal economic controls introduced Libyans to a number of goods that had been denied them for decades, it became increasingly clear that any reform of the country's political system would not take place as long as Qadhafi himself was still in power. By 2010, Libya, while now an attractive destination for international investment, remained politically unreconstructed.

The damage done to Libya as a political community during the Qadhafi period proved extensive. The denial of any political life—and the use of the country's resources to keep the regime's exclusionary system balanced by buying off selected groups that were judged instrumental to its survival—created a society in which social conflicts remained submerged and in which interpersonal trust or any form of mediation between social groups disappeared. Politics under Qadhafi had always been between the ruler and his subjects. The kind of horizontal alliances that develop in modern political systems, with their need for compromise and accommodation among different political players, remained absent.

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Libya's Revolution and Its Emerging Political Life

The Libyan revolution took place within the context of the Arab Spring that had already sparked uprisings in neighboring Tunisia and Egypt. The uprising started on Feb. 17, 2011, when Fathi Terbil, one of the country's human rights lawyers who had investigated an earlier bloody prison uprising, was arrested in Benghazi. Fueled in part by social media and by the rapid and unanticipated collapse of Qadhafi's security organizations in Benghazi, the conflict quickly expanded throughout the country. Since Libya had no national army, as in neighboring Tunisia or Egypt, there was no body of national standing that could function as an interlocutor between the regime and its opponents. As a result, the uprising in Libya led to a virtual civil war between Qadhafi's supports and opposition militias that only ended with the death of Qadhafi on Oct. 20, 2011.

Aware of the political and economic challenges the country would face in the aftermath of the fighting, the Libyan opposition quickly consolidated and arranged for temporary institutions to provide guidance, help restore stability, and lobby for international military assistance to topple the Qadhafi regime. The most important for its future was the National Transition Council (NTC), which consisted of a collection of defectors, most importantly

Solvej Krause

Street art in Tripoli depicts a rebel fighter.

Mahmoud Jibril, who served as chairman of the NTC executive council, and a number of opposition figures, including Ali Tarhouni, Abdul Rahim al-Keeb, and Muhammad Mugharief. The NTC initially was based in Benghazi and moved to Tripoli after the city's liberation.

During the fighting, the NTC produced a road map for the country's political future that envisioned national elections that would create a national congress, a constituent assembly, and eventually, a constitution for the country. The rapid termination of the war, the enormous challenges of creating a new state, and the group's limited experience in governing meant that the NTC solicited international advice and expertise early on to help organize Libya's first postwar national elections.

The fact that the NTC was a self-appointed body, not an elected one, weakened its legitimacy in the eyes of many Libyans. Its coercive power was overshadowed by a large number of competing militias that had been formed during the civil war, which effectively meant that the country's leaders could only cajole a growing number of factions. The political fault lines within the country were further exacerbated by a traditional antagonism and suspicions between its western and eastern provinces, Tripolitania and Cyrenaica, and by the assassination of the rebellion's military leader, Abdul Fatah Younes, in Benghazi during the early months of the war.

Among these problems, the presence of the country's militias has proven the most difficult challenge for the NTC to resolve. Drawn from the ranks of primarily young people who fought the war against the Qadhafi regime, the NTC initially relied upon the *thuwar* (revolutionaries) to help provide security for a government that had little capacity for doing so itself. Organized in part along city affiliations (hence the Zintani militia, the Misrata militias, etc.), but also representing different religious trends, these militias proliferated during the conflict and, more often than not, gradually became obstacles to the government's attempts at imposing order.

Guided by the HNEC, Libya implemented the first part of the NTC's original road map by announcing that elections would take place on June 19. Supported by new legislation, a plethora of political parties and political entities emerged that encompassed interest groups throughout the country, including a large representation of civil society groups.

Not surprisingly, since the war ended, many of the suggestions for the country's political future have drawn their inspiration from the political arrangements that existed during the country's monarchy (1951–1969). On March 6, 2012, at the so-called Barqa conference (Barqa being the traditional name

in Arabic for Cyrenaica), a group of individuals claiming to speak for the region as a whole invoked the notion of federalism as a political aspiration. Guided in part by Ahmad Zubair al-Sanusi, a member of the former royal family and Libya's longest-serving political prisoner under Qadhafi, their demand did not meet widespread approval. The negative response came not only from national leaders but also from Cyrenaica's major cities—al-Bayda, Tobruk, Derna, and Benghazi—which refused to recognize the regional council of which Ahmed Zubair is the leader. Both the Muslim Brotherhood and the unofficial but powerful Barqa Military Council, a coalition of army units in Cyrenaica, spoke out clearly against the declaration.

The Libyan opposition quickly consolidated and arranged for temporary institutions to provide guidance, help restore stability, and lobby for international military assistance to topple the Qadhafi regime.

The Barqa conference vividly indicated not only a continuing lack of national identity but also the extent to which some sense of regional allegiance at the expense of the state as a whole still finds adherents in the country. Until now, most of the political and military organization that has taken place in post-civil war Libya has been at the local and regional level—local councils, militias representing cities, some tribal groups—while progress at the national level has been slow. This tension—between the centripetal forces of the government trying to create a unified state and the centrifugal efforts of various groups to carve out concessions while the central government remains relatively weak—may continue in Libya for some time.

Chris Blanchard

Federalists discuss the process with Carter Center observer Fatherrahman Yousif.

The elections for the GNC provided a first but critical step in Libya's emergence as a political community in the wake of the revolution. With no experience to rely on, with a multitude of political entities that reflected this inexperience, and faced with considerable political obstacles, the NTC nevertheless completed the first promise of its road map and organized elections.

At the same time, it is clear that unresolved problems, dating back to the Qadhafi regime, remain. Of the utmost importance among these are the challenge to restore security throughout the country and to rebuild relations with minorities in the south of the country, including the Tebu and Touareg communities that have straddled the country's borders, were favored by Qadhafi, and whose citizenship often remains unclear. Another outstanding issue is the absence of a political settlement that brings

Alexander Bick

Libyan children in Free Libya shirts show the peace sign.

pro-Qadhafi loyalists (for example, in the cities of Sirte and Bani Walid) back into the country's mainstream political system. Underscored by renewed fighting among revolutionary forces and former Qadhafi loyalists in areas such as Bani Walid, this dynamic presents an immense challenge. Despite these difficulties, Libyans proudly point to the elections as the start of a new, more inclusive political process for the country.

Electoral Institutions and Framework for the GNC Election

Libya's elections were organized by the HNEC in accordance with Article 30 of the constitutional declaration, agreed on by the NTC on Aug. 3, 2011. The elections were to select a 200-member GNC that would assume authority from the NTC and appoint an interim government. Although initially announced for June 19, 2012, the elections were held on July 7, slightly behind the time frame set out in the constitutional declaration. The short delay was necessary in order to allow sufficient time for electoral preparations, especially candidate nominations and the campaign period. The NTC passed three amendments to the constitutional declaration on March 13, June 10, and July 5. These amendments laid out a precise timeline and responsibilities for the work of the GNC. A third amendment altered the GNC's mandate, removing its authority to select a 60-member constituent assembly and instead mandating national polls to elect the constitutional council.

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Legal Framework

A sound legal and electoral framework, including domestic laws that regulate the electoral process, is essential to the effective administration of genuine democratic elections. As Libya is a member of the United Nations, African Union, League of Arab States, and Organization of Islamic Conference and signatory to a number of international treaties and conventions, the framework must also be in accordance with all of Libya's international obligations regarding civil and political rights.[2,3]

After the Feb. 17, 2011, revolution, the NTC was formed, which then introduced legislation, including a constitutional declaration, constitutional amendments, and electoral laws. Electoral issues and provisions not covered in elections-related laws were left to the HNEC to be determined in executive regulations.[4] This not only increased the possibility of inconsistent implementation but also left gaps in the legal framework.

The timeline for consideration and adoption of the electoral laws and regulations was extremely condensed. Over the first half of 2012, the GNC issued several amendments of a significant nature to the constitutional declaration and the laws governing the elections. For its part, the HNEC issued a series of regulations in the four months preceding the elections to fill gaps in the legal framework or impose stricter

2 Libya is signatory to the following international conventions or treaties, among others: the International Covenant on Civil and Political Rights (ICCPR) (ratified 5/15/1970); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (ratified 7/3/1968); the Convention on the Elimination of Discrimination Against Women (CEDAW) (ratified 5/26/1989); the Convention on the Rights of Persons With Disabilities (CPRD) (signed 5/1/2008, but not yet ratified); International Covenant on Economic, Social and Cultural Rights (ICESCR) (signed 5/15/1970); Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT) (ratified 5/16/1989); and the Universal Declaration of Human Rights.

3 A number of obligations are relevant within the context of the legal framework including, but not limited to: the will of the people shall be the basis of government, genuine elections, periodic elections, equality and absence of discrimination, right to an effective remedy, state must take necessary steps to ensure rights, and rule of law.

4 The HNEC had authority to do so under laws such as law no. 4 for 2012, where it states that "The Commission shall develop procedures for the voting, sorting and counting process in the polling stations and centers."

requirements than were put forth in the election-related laws.[5] The last regulation was issued just seven days prior to election day, which was insufficient for stakeholders, candidates, and voters to familiarize themselves with its content.

For future electoral processes, The Carter Center urges Libyan authorities to consolidate all laws regulating the elections into a structured, understandable, and comprehensive election law. This would ensure the legal framework is fully in place in a timely manner, encourage conformity in elections management, and promote consistent implementation. In addition, the electoral law should clarify how to address irregularities, set the rules to follow when an individual seat becomes vacant, and set rules and regulations for recounts.

Constitutional Declaration

On Aug. 3, 2011, the NTC issued a constitutional declaration outlining the guidelines for the interim period. Article 17 of the constitutional declaration declares the NTC the supreme power in the state of Libya, mandating it to "undertake the works of the supreme sovereignty, including legislation, and lay down the general policy of the state." Article 30 of the declaration addresses the formation of the GNC by carrying out the following steps:

1. Promulgating a law on electing the GNC
2. Appointing the HNEC
3. Inviting the election of the GNC

On Jan. 18, 2012, the NTC issued law no. 3 for 2012 outlining the formation, mandate, and responsibilities of the HNEC. According to the initial law, the election commission would be composed of 17 commissioners and would be in charge of carrying out all electoral operations. The number of election commissioners was later reduced from 17 to 11.[6] HNEC members were selected by the NTC shortly thereafter, and the body became operational in February 2012, some six months before the elections.

On Jan. 28, 2012, the NTC issued law no. 4 for 2012 on the election of the GNC. This law governed many of the different phases of the GNC elections process, mainly the right to vote, the right to stand for elections, electoral campaigns, voting, counting, and results. Although the law provided a general framework for the elections, several pertinent electoral issues — including procedures for voting, sorting, and counting — were left to the HNEC to be determined in executive regulations.[7] The NTC later amended the electoral law to further detail the electoral complaints process.[8]

Constitutional Amendments

The first constitutional amendment was issued on March 13, 2012. It modified several points of Article 30 of the constitutional declaration and required that the members of the GNC select (outside of its members) a body composed of 60 people to draft a new constitution. The amendment also extended the deadline by which the constitutional council must draft the constitution from 60 days, as stated in the constitutional declaration, to 120 days.

The NTC issued a second constitutional amendment on June 10, 2012, to delineate the proposed membership of the constitutional council, namely specifying the appointment of 20 representatives from each of Libya's three provinces (Tripolitania, Cyrenaica, and Fezzan) for a total of 60 members.

On July 5, 2012, the NTC issued a third amendment to the constitutional declaration that mandated the creation of a constitutional assembly elected through free and direct suffrage rather than one appointed by the members of the GNC.

5 For example, the law did not oblige political entities to provide the HNEC with alternative candidate lists in addition to their official candidate nominations, while HNEC decrees required political entities to submit a list of alternative candidates in addition to their candidacy nominations. HNEC decree no. 13, 2012

6 Law no. 44, issued on May 16, 2012, amended law no. 3 with regard to the number of commissioners.

7 The HNEC had authority to do so under laws such as law no. 4 for 2012, where it states that "The commission shall develop procedures for the voting, sorting, and counting process in the polling stations and centers."

8 Article 32 of law no. 4, governing electoral dispute resolution procedures, was amended by law no. 28 amended, issued on April 17, 2012.

This amendment—only 48 hours before election day—aimed to reduce tension that was mounting in the east of the country over the GNC seat distribution and substantially altered the responsibilities bestowed on the elected GNC members.

Boundary Delimitation

The NTC designated the boundary delimitations and seat allocations for the GNC elections on Feb. 12, 2012.[9] The country was divided into 13 administrative districts and 73 constituencies. Voters in 69 constituencies elected one or more individual candidates, for a total of 120 individual candidates, to represent them in the GNC. Eighty seats for political entities were elected by proportional representation. The NTC grouped the 73 constituencies into 20 electoral districts. The impact of the boundary delimitations and the electoral system is explored in the Electoral System section of this report.

After several decades of political suppression, the NTC formally adopted legislation on Jan. 4, 2012, lifting restrictions that criminalized the formation of political entities.

Formation of Political Parties

After several decades of political suppression, the NTC formally adopted legislation on Jan. 4, 2012, lifting restrictions that criminalized the formation of political entities.[10] Some two months before the elections, the GNC issued a law regulating the formation, membership, and activities of political parties.[11] The law stipulated that founding members of a political party should not be less than 250 members and laid out the procedures and documents necessary to register a political party. Among other restrictions, political parties were prohibited from forming any military or quasi-military units (Article 9) or receiving financing from abroad (Article 18). A separate law issued by the NTC at the end of April 2012 prohibiting the formation of political parties based on religion, ethnicity, or tribe was quickly overturned by the NTC judicial council following an outcry by political parties affiliated with the Muslim Brotherhood.[12]

Although the candidate registration period started on May 1, 2012, law no. 29 governing the establishment of political parties was not issued until the following day. This caused confusion among parties about the candidates' registration requirements. As a result, the HNEC decided to apply a decree issued in April concerning candidate registration rather than impose the political party law retroactively.[13]

Electoral Time Frame

The constitutional declaration set a period of 240 days (later extended to 270 days) to carry out the GNC elections following the formation of the NTC.[14] As the HNEC was not formed until Jan. 18, 2012, and not functional until February, this period was effectively reduced to about 150 days. As discussed, the GNC elections law (law no. 4 for 2012) was not issued until Jan. 28, 2012.

The resulting tight time frame affected almost all phases of the electoral process and was further impacted by many amendments made to election-related laws within a few months of their issuance. Voter and candidate registration were carried out simultaneously. Voter registration was conducted May 1–14, while candidate registration took place

9 Law no. 14 for 2012. This law was later amended by law no. 34 issued on May 2, 2012, to add two constituencies within electoral districts 4 and 13.

10 Law no. 2 of 2012 on the Criminalization of the Party System

11 Law no. 29, issued on May 2, 2012

12 Law no. 30, issued on April 24, 2012

13 Law no. 38 for 2012 pertaining to candidate registration was issued on April 23, 2012.

14 Constitutional declaration, art. 3015; HNEC statement on April 26, 2012

May 1–8.[15] In light of an amendment to the boundary delimitations law after the start of candidate registration, registration was extended to May 15.[16] Voter registration was also extended, through May 21, when it became evident that not all eligible voters who wanted to register would be able to do so within the initial time frame. Although Libya had not conducted genuine elections for several decades and political parties were nascent, the campaign period was extremely condensed, taking place over a roughly two-and-a-half-week period from June 18 to July 5.[17] The HNEC issued a decree concerning the ceiling of expenditures for electoral campaigns two days prior to the start of the official campaign period, leaving little time for candidates to become familiar with its details and conform to its regulations.[18]

The NTC expressed its wish to fulfill its commitment to hand over its responsibilities to an elected body as soon as possible, and it worked hard to implement laws that allowed for elections to be conducted within the time it had set in the constitutional declaration. While The Carter Center recognizes the urgency of holding elections while also addressing other pressing challenges, including but not limited to the popular perception of the NTC's legitimacy, future elections should be scheduled with adequate time to allow for the implementation of all parts of the electoral process, and the legislative calendar related to the development of electoral laws should be published well in advance.[19]

Future elections should be scheduled with adequate time to allow for the implementation of all parts of the electoral process.

Electoral System

Electoral systems determine the manner in which the will of the people is translated into a representative government. As electoral systems are not neutral—but rather promote different types of representation and political behavior—an informed and broad debate should accompany decisions on the electoral system so that it best upholds a country's international obligation for genuine elections that reflect the will of the people.[20]

A closed-list system of proportional representation promotes the development of strong political parties and allows for coalition-building, but it does so at the expense of a direct link between voters and their elected representative. A majoritarian system, on the other hand, promotes a strong connection between the representative and the constituency but does not encourage coalition-building.

The electoral system used in Libya to elect the 200 GNC members was a mixed parallel system with three component parts. One hundred twenty members were elected through one of two majoritarian systems—either first past the post or single nontransferable vote. The first-past-the-post system is a simple majority system in which the candidate who garners the most votes is awarded the seat in the constituency. Under the single-nontransferable-vote system, each voter casts a vote in a multimember district, and members are elected by plurality vote.

The remaining 80 seats were reserved for political entities and were elected through a closed-list proportional-representation system. Libyan election law states that such seats are allocated on a proportional basis and that vacant seats are distributed by the highest-remainder method. The law does not address

15 HNEC statement on April 26, 2012

16 HNEC statement on May 7, 2012

17 HNEC statement on June 16, 2012

18 HNEC decree no. 85 for 2012 issued on June 16, 2012

19 See U.N., Human Rights and Elections, para. 75 (discussing the scheduling of elections); Merloe, Promoting Legal Frameworks, p. 38, discussing state practice concerning legislative calendars for the development of electoral laws.

20 See U.N., United Nations Human Rights Committee, general comment no. 25, para. 21 (stating that "any system operating in a state party must be compatible with the rights protected by art. 25 and must guarantee and give effect to the free expression of the will of the electors"); U.N. ICCPR, art. 25(b)

the case of two or more parties having the same number of votes or remainder after the first distribution of seats.[21] The mixed parallel system complicated the task of drawing boundary delimitations and allocating seats across the country.

The process of boundary delimitation determines how constituencies are drawn and should respect the principles of equal and universal suffrage. Equal suffrage can be achieved through boundary assignment if it is based on specific apportionment criteria. It should not, however, be used to undermine the will of the people or discount the votes of particular groups of people.[22]

Law no. 14 on electoral districting was issued in May 2012, approximately three months after the adoption of the electoral law, including the electoral system. It is unusual for decisions regarding the electoral system and allocation of seats to be taken without consideration of the boundary delimitations. These issues are interlinked and should go hand in hand.

In Libya, districting took into consideration three main factors: population, geographical area, and the social and historical conditions of the country, including the size of Libya's 1951 Parliament and the historic division of the country into three provinces: West (Tripolitania), East (Cyrenaica), and South (Fezzan). By agreement within the NTC, 106 seats were allocated to Tripolitania, 60 seats to Cyrenaica, and 34 seats to Fezzan.

Although the patchwork of electoral systems, boundary delimitations, and seat allocation met specific political interests and concerns expressed in the lead-up to the GNC elections, the process was highly complex and varied from one location to another. In 50 of the 73 constituencies, voters were eligible to cast two ballots—either first past the post and single nontransferable vote, or first past the post and proportional representation. In 19 constituencies, voters cast ballots for either first past the post or single nontransferable vote only. The first-past-the-post system was used to elect 40 members in single-member districts. The single-nontransferable-vote system was used for the election of 80 seats in 29 constituencies. Twenty-eight constituencies were allotted two to four seats each, while one constituency in Benghazi had nine seats.[23] The four remaining constituencies used only proportional representation. Out of 20 of these constituencies, one had 11 seats, three had five seats each, and the remaining 16 had three to four seats each.

While it may have met political interests, the electoral system failed to fulfill Libya's obligations under international public law to ensure equal suffrage by according each voter and vote equal weight.

In light of the discrepancies between the population of electoral districts and the number of seats allocated to them, votes cast in certain areas had a greater weight than others. The system also favored voters in the 50 constituencies who were eligible to cast two ballots. The law does not explain the logic behind the drawing of the electoral boundaries and the apportionment of seats assigned to them.[24] While it may have met political interests, the electoral system failed to fulfill Libya's obligations under international public law to ensure equal suffrage by according each voter and vote equal weight.[25]

Districting and the allocation of seats proved to be one of the most controversial issues in the days preceding the elections. In the future, a clear,

21 Law no. 4 for 2012 on GNC elections, art. 7

22 U.N., ICCPR, art. 25(b); U.N., Human Rights and Elections, para. 68

23 Law no. 14 for 2012 on Electoral Constituencies amended by law no. 34 for 2012

24 UNHRC, general comment no. 25, para 21: "The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."

25 U.N., United Nations Human Rights Committee, general comment no. 25, para. 21, stating that "The principle of one person, one vote must apply, and within the framework of each state's electoral system, the vote of one elector should be equal to the vote of another."

objective approach should be used, and citizens should be educated on any new districting exercise. This will help to ensure that boundary delimitation and the allocation of seats are implemented in a transparent and unbiased manner.

Furthermore, the mixed parallel system was difficult for political entities, candidates, and voters to understand. The inconsistent breakdown of single-nontransferable-vote, first-past-the-post, and proportional-representation districts made voter education and election administration extremely challenging. It also had implications for the counting process, as different forms and procedures were used for each system. For future elections, The Carter Center recommends that lawmakers give careful consideration to the most appropriate electoral systems, giving due consideration to the potential implications for equal suffrage, election administration, voter education, and political party development. While mixed parallel electoral systems are common in other countries, the electoral system as implemented in Libya unnecessarily complicated an already challenging election.

Elizabeth Plachta

A poster reminds voters of election day.

Quota for Women

Women are entitled to electoral rights on equal terms with men, including the right to be elected, and states are obligated to take appropriate measures to eliminate discrimination.[26] In order to increase the number of women in the GNC, a quota for women was applied to the 80 political entity seats elected through the proportional-representation system. Male and female candidates alternated on the political entities' lists both vertically and horizontally, that is, parties were required to place women at the head of half of their lists and to alternate between men and women on each list submitted.[27] The horizontal alternation was introduced to ensure balance between male and female candidates at the top of the political entities' lists if those entities ran in more than one constituency.

Thirty-three women were elected to the GNC — 32 on the political entity lists and one as an individual candidate.

This system had an important effect on the elections. Women represented 15.5 percent of the registered candidates (585 candidates). Five hundred of those women participated on the proportional-representation list, while 85 women ran as individual candidates. Thirty-three women were elected to the GNC—32 on the political entity lists and one as an individual candidate.

Although the quota was well-intentioned, it failed to ensure adequate female participation and, ultimately, representation. Women representing political entities that won several seats in the proportional-representation races, including the National Forces Alliance (NFA) and JCP, garnered 22 and six seats, respectively. Female candidates from five additional parties—Alliance for Democracy and Development, Lubayk National Assembly, National

26 U.N., Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), art. 7

27 Law no. 4 for 2012 on GNC elections, art. 15

Centrist Party, Union of National Parties, and Wadi al-Haya— also were elected. In this context, and in light of Libya's international commitments to equal participation of women and men in public affairs, The Carter Center encourages Libyan authorities to examine further measures, including the continued use of quotas, to ensure the effective representation of women in future parliamentary elections.[28]

Election Management

An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.[29] The HNEC was established on Jan. 18, 2012, by law no. 3 for 2012 and given extensive powers, duties, and responsibilities for all aspects of the electoral process. The commission is the only body that undertakes preparation, implementation, supervision, monitoring, and announcement of the results of the GNC election.[30]

The HNEC is governed by an 11-member board of commissioners that was appointed by the NTC on Feb. 7, 2012.[31] The commissioners are protected by law from any prosecution concerning their work without permission from the NTC, which gives them the necessary liberty and security to more freely undertake the tasks assigned to them.[32] The chair of the HNEC was replaced by the NTC on April 25, 2012. Although this decision was never explained publicly and led to the resignation of the board's only female commissioner, it appears to have been motivated primarily by a desire to improve the HNEC's performance.[33]

The board of commissioners supervises the HNEC secretariat, based in Tripoli, whose mandate is the implementation of the election. The secretariat oversees the work of 13 subadministration or district offices throughout Libya. Subadministration offices are located in the 13 main constituencies, and each is composed of five members who are appointed by the board of commissioners and are responsible for implementing the decisions of the HNEC down to the polling-station level. During the electoral period, there were more than 100 employees in the HNEC headquarters and approximately 600 staff in the 13 district offices. On election day, roughly 38,000 polling-station staff implemented the elections in 6,629 polling stations.

The Carter Center acknowledges the extensive and impressive efforts of the HNEC to ensure smooth democratic elections and notes that election authorities carried out their responsibilities with a high level of dedication.

Overall, The Carter Center acknowledges the extensive and impressive efforts of the HNEC to ensure smooth democratic elections and notes that

28 CEDAW Committee, general recommendation no. 5, para 15: "Where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas, and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies."

29 U.N. Human Rights Committee, general comment no. 25, para. 20

30 Law no. 3 of 2012 on the establishment of the HNEC, art. 3

31 According to electoral law no. 3 of 2012, the HNEC was originally to be comprised of 17 members. Only 15 of 17 members were appointed on Feb. 7, 2012, and then on April 25, 2012, the board of commissioners was restructured and the total number of commissioners reduced to 11. In May 2012, one commissioner resigned. A new commissioner, Mr. Wesam Al-Saghir, was appointed on June 16, 2012.

32 Law no. 3 of 2012, art. 15

33 Ibid. According to art. 13, membership in the commission can be ended for any of the following: submission of resignation, death, a final judicial decision convicting of a crime of moral turpitude, or the end of the commission's work.

election authorities carried out their responsibilities with a high level of dedication. Despite an extremely short time frame and lack of previous electoral experience, election authorities drafted regulations and procedures, prepared for and carried out electoral operations, and built confidence among election stakeholders and the broader Libyan public.

The election management body plays the major role in the conduct of any elections. Libyan authorities should consider a comprehensive law that explicitly presents its composition as well as the mode of members' appointment, removal, and replacement. The roles and responsibilities of the election management body should be clear. In addition, the relation between the election management body and other stakeholders—as well as provisions clarifying access to financial, human, and material resources from the government—should be indicated in the law in order to avoid confusion later in the process. Steps could also be taken to cultivate the HNEC as a resource for future elections, including the regular conduct of voter registration or assumption of responsibilities for other electoral processes such as municipal polls or the election of a constituent assembly.

The tight time frame to which the HNEC was subjected negatively impacted several parts of the electoral process. For instance, although procedures and decisions were widely disseminated on the HNEC website, many were made late in the process, sometimes after activities that would be impacted by the decision already had begun.[34] Timely adoption and dissemination of procedures and decisions are crucial to ensuring transparency and providing stakeholders with sufficient time to become aware of and comply with any new provision.

Voter and civic education programs, which fall under the HNEC's mandate, also were hampered by the compressed timeline. As this was the first time most Libyans participated in an election, it was crucial to explain the importance of the elections, the type of elections and electoral system, and particularly, voting procedures. However, many of the planned voter education activities were introduced very late in the process, shortened, or canceled. Coupled with the compressed timelines established for voter registration, exhibition, and challenges, it was difficult for inexperienced political entities and other stakeholders to respond to potential concerns within the appropriate deadlines. Future electoral calendars should be carefully planned to ensure sufficient time is provided for all steps of the process.

34 The decision no. 93, regarding filing a complaint during the campaign period, came out on June 27, nine days after the official start of the campaign.

Pre-election Developments

The Carter Center core team and medium-term observers arrived in-country several weeks prior to the election in order to observe important electoral processes that took place before polling day. In addition to efforts to develop the legal framework and establish electoral boundaries, the pre-polling period encompassed voter registration, voter education, and issues relating to political entities, candidates, and campaigns.

Voter Registration

Voter registration is recognized as an important means to protect the right to vote and should be made available to the broadest possible pool of citizens to promote universal and equal suffrage. An effective voter registration process upholds these principles while increasing transparency in the electoral process.[35]

In total, the HNEC registered 2,865,937 voters in 1,548 registration centers nationwide May 1–21, 2012.

In total, the HNEC registered 2,865,937 voters in 1,548 registration centers nationwide May 1–21, 2012. Special procedures were established for internally displaced people. Although The Carter Center was not present in Libya to observe voter registration, observers and members of the core team discussed the registration process with HNEC officials, domestic observers, and voters and analyzed all aspects of the legal framework regulating voter registration.

Registration Requirements

In Libya, voter registration for the GNC elections was limited by Article 9 of election law no. 4 for 2012 and Article 5 of HNEC decision no. 19 for 2012. These provisions restricted voter eligibility to registered Libyan nationals above the age of 18 with full legal capacity. Citizens who had been convicted of a criminal penalty or a felony for indecency (unless rehabilitated) and military personnel were not eligible to vote.

According to HNEC regulations, eligible voters were required to present their family booklet or a copy thereof as well as one original photo identification document, including their original family booklet, an official identification card, or a Libyan passport.[36] If the family booklet was not available, potential voters could provide a certificate of family status or their birth certificate issued by the civil registry with a passport or photo ID card.

Eligible voters were not required to present a document proving that they lived in the constituency within which they registered. Although voters were, in theory, required to register only at the constituency of their residence, the lack of strict controls meant that, in practice, eligible voters could register anywhere. This procedure was not sufficient to prevent strategic registration of voters, which could allow political parties to concentrate registration of their supporters in individual constituencies, overwhelming the votes of citizens who reside in that constituency. In the future, voters should be required to provide proof of residency through documents or

35 UNHCR, general comment no. 25 on "The Right to Participate in Public Affairs, Voting Rights, and the Right to Equal Access to Public Service," para. 11; U.N., ICCPR, art. 25(b)

36 A family book, issued by the government, is a consolidated document to record marriages, births, and deaths for the family.

witnesses in order to allocate voters to the appropriate electoral constituency.

Registration Restrictions

During the voter registration period, elections were scheduled to take place on June 19, 2012. However, after the closure of the voter registration period, the elections were delayed to July 7, 2012. Therefore, none of the citizens who reached eligibility between June 19 and July 7 were allowed to register.

Although minimum age limits can be considered reasonable and objective criteria, in this instance the restriction set the age limit relative to the date of the election. When the election was postponed, individuals who met every condition at the time of the election were effectively disenfranchised, as they were not permitted to register during the official voter registration period.[37] In the future, the HNEC should not link the age minimum to a particular electoral activity but rather to a fixed calendar date.

Provisions governing the right of military personnel generated much controversy when the electoral law was promulgated. The law states without elaboration that military personnel do not have the right to vote, leaving ambiguous whether the militia members who had played a central role in the revolution were barred from participating. Later public statements by Libyan authorities clarified the definition, which was then understood to be strictly members of official military bodies, including the army, but excluding members of the Supreme Security Committee and subsidiary bodies.

International good practices suggest that the exclusion of military personnel falls within the control of the state, so long as it has a rational basis, remains proportional, and is not a device to disenfranchise significant sections of the population.[38]

While it is common practice in the MENA region to exclude military from the electoral process, presumably to avoid coercion or intimidation of members of the military who are dependent on the government, Libyan authorities should revisit this issue in future electoral cycles, taking into consideration the importance of integrating former militia members or *thuwar* into the country's official military structures. Members of the militia should be encouraged to participate in Libya's future political development to the fullest extent possible through formal political institutions.

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High Percentage of Registered Voters

The HNEC succeeded in registering 2,865,937 voters, or 82 percent of the estimated 3.5 million eligible citizens. This percentage is considered high, particularly given the limited registration period (three weeks) and the fact that some areas of the country remained insecure. The HNEC and Libyan voters should be commended for these efforts. Out of the total voters registered, approximately 45 percent were female voters.

Exhibition Period

During the exhibition and challenges period May 23–27, registered voters were permitted to inspect the voter list where they registered. In front of the district court, voters were allowed to contest the inclusion of individuals whom they did not believe were eligible to vote. In addition, they had the right to correct their own details or to add their name if erroneously left off of the exhibited voter list.

37 UNHCR, general comment no. 25, para. 10

38 International Parliamentary Union, Free and Fair Elections: International Law and Practice, p. 128

The Carter Center

This voter displayed ink on five fingers.

The exhibition period was insufficient to allow voters to make all necessary corrections, particularly as the period for appeals lasted only 48 hours from the date of the exhibition. The regional district court then had only an additional 48 hours to decide on the appeal, which gave them limited time to investigate appeals properly and to issue sound decisions. In the future, the exhibition period should be extended to allow all concerned citizens to investigate it and for the court to deliberate cases based on sound evidence.

Participation of Internally Displaced People

As defined by the HNEC, for the purpose of the GNC elections, an internally displaced person was any person who, due to the 2011 conflict, was forced to move from his or her home or habitual residence in one of five locations in Libya and was unable to return home due to clear mortal peril. The locations identified by the HNEC as sources of such people were Misrata, Tawerga, Khallesh (Al-Asabi'a), Msheshia (Yefran), and Al-Rumiyah. Displaced people from these locations could cast a vote for their home constituency by registering and voting at one of 14 special registration centers in Tripoli, Benghazi, Khoms, Sabha, Gherian, and Sirte. An additional provision was later made to recognize displaced people from Bani Walid; however, they were limited to registering and voting at a special center in Hay Dimasq, Tripoli.

The Carter Center applauds the HNEC for its efforts to enable internally displaced people to exercise their right to vote. Taking into consideration that most of the regions in Libya were affected by the conflict that took place in 2011, for future elections, measures should be considered to allow internally displaced people from other locations to register and cast a ballot, particularly for the anticipated referendum or national elections.

Voter Education

The fulfillment of universal and equal suffrage is partially dependent on the success of adequate voter education initiatives that develop an informed electorate that understands how, when, and where to exercise their right to vote.[39] Voter education efforts were especially crucial in Libya, where many citizens were exercising this right for the first time and were unaware of the process. Although voter and civic education programs came under the mandate of the HNEC, many activities were abbreviated or canceled due to the compressed time frame.

Following the end of Qadhafi's regime, civil society organizations began to emerge with a focus on a democratic transition. A few of these organizations,

39 UNHRC, general comment no. 25, para. 11

such as *sharek* (participate) and *swatilaha* (my vote for her), attempted to address the need for voter education. *Sharek* worked primarily with youth, conducting train-the-trainer sessions with Libyan scouts and providing them with civic materials to implement grassroots training sessions. *Swatilaha* developed civic education campaigns targeting women and encouraging voters to support female candidates.

Although Carter Center observers were not deployed for the entire duration of voter education efforts, they witnessed some activities and the end result of those initiatives on election day. Overall, observers reported that voters seemed educated on the steps for voting but were not as aware of the processes that preceded or followed polling. For future elections, the electoral management body should devote increased resources and efforts to conduct voter information and voter education campaigns substantially in advance of the elections to deepen voters' understanding of the electoral process and to encourage increased participation. Civil society organizations should be more proactively involved in the design and delivery of civic and voter education campaigns.

Candidates, Parties, and Campaigns

Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to protecting the integrity of the democratic election process.[40]

Candidate registration took place May 1–15, 2012, and resulted in 3,767 candidates registering to run as individuals or as part of the 377 party lists, representing 130 political entities. Despite the use of quotas, the participation of women remained low. Only 15.5 percent of the registered candidates (585 candidates) were female. Five hundred of those women participated on the proportional-representation list, while 85 women ran as individual candidates. Women played an important role in the revolution and were active participants in bringing about democratic change, but they were underrepresented on the ballots.

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The right to be elected is intrinsic to a genuine electoral process.[41] However, this is not an absolute right, and reasonable restrictions—such as a minimum age, residency, or citizenship—are needed. Conversely, restrictions based on political opinion or party affiliation are considered unreasonable.[42] The right-to-stand was granted to all Libyans 21 years or older who were literate and were not a member of the NTC; the interim government; or HNEC, its subcommittees, or polling center committees. All candidates for office were approved by the High Commission for the Implementation of Integrity and Patriotism.

The announcement of the final candidate lists took place on June 18, less than three weeks before election day. This left a very narrow period of time for the candidates to introduce themselves to voters, even though this was a crucial step in the process—especially given the absence of elections under Qadhafi and the rapid proliferation of political entities after the revolution. In general, observers noted a preference for individual candidates over parties or political entities. Potential voters expressed significant distrust of political parties. A longer campaign period would have provided political entities with more opportunities to explain their political stance and possibly also to dispel voters' concerns.

40 African Charter on Human and People's Rights, arts. 2 and 13(1); U.N., ICCPR, art. 25(b)

41 U.N., ICCPR, art. 25

42 UNHCR, general comment no. 25, para. 17

Among the many political entities that emerged, four in particular seemed to gain the most support as the elections proceeded:

Alexander Bick

These campaign posters promote two female candidates.

- The National Forces Alliance, headed by Mahmoud Jibril, a former planning minister under the Qadhafi regime and chair of the NTC's executive council. Jibril was widely perceived as a credible national figure whose political program, while incorporating references to Islam, presented a broad spectrum of ideas that appealed to a large number of Libyans. As a former NTC member, Jibril was not allowed to run as a candidate.
- The Justice and Construction Party, headed by Mohamed Sawan, a former political prisoner under the Qadhafi regime. The party is Libya's branch of the Muslim Brotherhood and was widely expected to perform well in the elections, particularly since Islamists had been favored in several cities during local elections. In Benghazi, for example, they managed to obtain 21 out of 30 seats.
- The National Front, headed by Dr. Mohamed Yusuf al-Mugharief. Mugharief was one of the first defectors from the Qadhafi regime, fleeing the country in 1980 when he was Libyan ambassador to India. In 1981, he became the leader of the National Salvation Front of Libya, the main Libyan opposition movement in exile. He returned to Libya in 2011 after the revolution started.
- The Nation Party, led in part by Abdul Hakim Belhaj. The Nation Party's political manifesto has been influenced largely by the ideas of Ali Al-Salibi, a prominent Islamic thinker in Libya. As a former Islamic *mujahid* (fighter) in Iraq and Afghanistan, Belhaj was reportedly "rendered" to Libya by Western intelligence agencies and remained imprisoned until 2011, shortly before the revolution started. Belhaj was the commander of the Tripoli Brigade, a position from which he resigned to run as a politician on his party's ticket.

Many people who spoke with Carter Center observers expressed excitement at their new ability to speak freely and to discuss politics without fear of intimidation.

The campaign period ran from June 18 to July 5. Carter Center observers met with political entities and individual candidates, attended campaign events, and followed the coverage of campaigns in local media. Campaigns were carried out through posters and billboards, online media such as Facebook, and low visibility grassroots activities such as distributing leaflets and holding private meetings. Observers reported that the last of these was employed by many female candidates. Local civil society groups also organized events

at which candidates presented their platforms and answered questions from the audience. Many people who spoke with Carter Center observers expressed excitement at their new ability to speak freely and to discuss politics without fear of intimidation.

A voluntary code of conduct for political entities was signed by a number of parties in late June. There were no reports of clashes between political entities or individual candidates, but observers reported isolated incidents of posters being defaced or torn down in Benghazi during the last week of June. As the election drew closer, observers noted that posters had been damaged in several other cities, including Zuwarah, Al Bayda, and Derna. Observers reported that political parties and candidates generally respected the period of campaign silence on July 6.

Restrictions on the political participation of citizens should be strictly limited and should be based on clearly defined and communicated criteria that are consistently and objectively applied.

In future elections, the campaign period should be extended so that voters can better make informed choices, and efforts should continue to educate political entities and individual candidates on their rights and responsibilities. It is particularly important that parties and candidates alike focus on the role of candidate and party agents in ensuring the integrity and credibility of the electoral process and provide training to their supporters to conduct these activities.

The High Commission for the Implementation of Integrity and Patriotism (HCIIP)

The NTC passed a lustration that prohibited members of the executive office or chairmen of local councils during the previous regime from running for office.[43] The law provided exceptions for officials of the former regime who participated in the revolution prior to March 20, 2011, and could provide evidence of their support "beyond all doubt." Article 8 of law no. 26 for 2012 indicated various categories of people affiliated with the former regime who could not run as candidates for GNC elections, including for example, members of Qadhafi's Revolutionary Guard or those known for glorifying the former regime or calling for the ideology of the Green Book. Article 9 enumerated the offices covered under the law, from the Office of the Prime Minister and GNC to heads of local administrations and public companies.

The Center recognizes the NTC's motivation to exclude from this election cycle those individuals allegedly involved in supporting human rights violations or corrupt practices associated with the previous regime, particularly given its mandate to form a constitutional council. However, restrictions on the political participation of citizens should be strictly limited and should be based on clearly defined and communicated criteria that are consistently and objectively applied. Such restrictions on electoral rights should be reviewed regularly with a view toward eliminating the restriction as soon as possible, and the state should continue to meet its obligation to protect the individual's right to effective remedy.

The HCIIP was in charge of examining the files of candidates applying for any public post or currently working for the Libyan government as well as candidates for the GNC. HCIIP members were nominated by the NTC through law no. 16 for 2012.[44] Five of the 13 members (including the head of the HCIIP)

43 Law no. 26 of 2012 on the High Commission for the Application of Standards of Integrity and Patriotism

44 NTC decision no. 177 for 2011 and its amendment established the High Commission for the Implementation of Standards of Integrity and Patriotism, while NTC decision no. 192 determined the regulations and standards thereof.

are judges; others include lawyers, university professors, civil society activists, and political prisoners during the Qadhafi era. Members represent different geographic areas and ethnographic components of the Libyan society. The HCIIP is based in Tripoli and has a mandate to establish branches or offices in other cities as needed.[45]

Since its formation in February 2012, the HCIIP assembled a large database containing information on members and collaborators of the Qadhafi regime. This information was gathered from the Qadhafi intelligence and secret services headquarters that fell into the hands of the revolutionaries.

The HCIIP received 4,032 files for GNC candidates; legally, the commission had 12 days to examine the files and issue either a positive or negative decision. The HCIIP managed to examine all files within six days. They refused 306 candidate applications. Rejected candidates had the right to appeal against decisions of the HCIIP in front of a court of first instance within 48 hours of his/her name being published by the HNEC.[46] The court was required to issue a verdict within three days of receiving the appeal. After appealing their rejection, 79 candidates were allowed to return to the GNC race.

Law no. 26 for 2012 also gave the HCIIP the right to re-examine the files of the 200 members of the GNC elected to office in case the file had not been properly examined during the first review period. According to the law, the HCIIP also had the authority to examine the files of the prime minister and ministers appointed by GNC as well as the 60 members of the constitutional council who will draft the constitution and the members of the HNEC after its reformation. The HCIIP will be dissolved in the first session of the Parliament elected after the new constitution is adopted.

Several political parties consider the HCIIP as an important transitional justice tool and view the fact that only a small percentage of the files presented to the HCIIP (approximately 5–6 percent) were rejected as evidence that its decisions are not a form of political revenge against suspected collaborators with the previous regime. The right to appeal against the HCIIP's decisions before a court meets Libya's international obligations concerning access to effective remedy.[47]

Campaign Finance

The prevention of corruption is critical to campaign finance and should foster a balanced and transparent system of political party financing.[48] International good practices include providing additional guidance on what are considered campaign expenditures,[49] establishing a campaign period for the purposes of expenditure,[50] and developing legislation that includes procedures and penalties for preventing corruption.[51]

In Libya, the HNEC is delegated to set the campaign expenditure ceiling by Article 22 of the electoral code.[52] The ceiling is based on activities per each candidate or political entity and requires that funding sources be identified. If it becomes evident that any candidate or party has violated the law, Article 23 gives the HNEC the authority to terminate their candidacy or election results.

On June 16, 2012, only two days before the start date of the electoral campaigns, the HNEC issued decree no. 85 for 2012 concerning the ceiling of electoral campaign expenditures. The ceiling for the proportional-representation constituencies ranged from 90,000 Libyan dinars (LYD) (approximately $70,000 U.S. dollars) in Morzag to 400,000 LYD (approximately $310,000 USD) in Benghazi. For the

45 Law no. 26 for 2012, art. 1

46 Law no. 26 for 2012 on the formation of HCIIP, art. 13

47 ICCPR, art. 2(3); United Nations, "Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections," para. 114, "Anyone alleging a denial of their (...) political rights must have access to independent review and redress."

48 U.N., UNCAC, art. 7

49 Van Biezen, Guidelines, p. 31

50 Id.

51 U.N., Human Rights and Elections, para. 118

52 Law no. 4 for 2012, art. 22

majority constituencies, the ceiling of expenditures ranged from 25,000 LYD (approximately $20,000 USD) in Tazerbou to 150,000 LYD (approximately $116,000 USD) in Benghazi. According to the HNEC, the expenditure ceiling amounts were based on the number of registered voters and the geographic area of each constituency. The ceiling of expenditures in proportional-representation constituencies was more or less equivalent to the sum of the expenditures of the majority constituencies within that proportional-representation constituency.

International good practice suggests that detailed and comprehensive financial reports be available to and understandable by the public prior to election day.[53] However, according to Libya's electoral law, each successful candidate and political party were required to present a detailed report of their campaign income and expenditures to the HNEC within 15 days from the announcement of final results; no earlier report was required.[54] On June 30, 2012, the HNEC issued decree no. 96 for 2012 concerning the establishment of subsidiary units to audit candidates' financial records. These subsidiary bodies were to be established in each of the 13 main districts to verify candidates' financial reports and present a final report to HNEC.[55] Accordingly, the HNEC did not investigate potential violations during the official campaign period. As a result of these provisions and their implementation, voters had no access to financial information or results of investigations into political violations of the law from the electoral authorities before casting their vote. The Carter Center did not observe the establishment of the subsidiary bodies during the postelection period and cannot provide any comment as to their creation and efficacy.

Voters had no access to financial information or results of investigations into political violations of the law from the electoral authorities before casting their vote.

Anis Samaali

Local news outlets await the Carter Center's press conference and release of its preliminary statement on the elections.

The Media

The media plays an indispensable role during democratic elections by educating voters and political parties about major issues, giving them access to

53 Van Biezen, Guidelines, CoE, p. 61

54 Law no. 4 for 2012 on GNC elections, art. 25

55 The United Nations Convention Against Corruption, art. 7 (3) states that "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."

Alexander Bick

At a small press conference, Carter Center field staff announce the Center's election observation mission.

information so they can make a truly informed decision.[56] Although the state must respect the media's right to free expression, it is balanced by obligations to regulate the media so that all candidates have an opportunity to express their views to the electorate. When providing access to public media, best practice suggests that it should be provided on a nondiscriminatory basis and that air time should be fairly distributed.[57] Here, equality refers not only to the amount of space provided but also to the timing and use of such space.[58]

Media had been highly regulated under Qadhafi's regime. There was a noticeable increase in the freedom of the press and number of independent media outlets following the revolution. A variety of local newspapers began production and distribution in Libya, particularly in Benghazi. Social media tools, including Facebook and online resources, were also utilized by the HNEC and others to communicate with a broad and technology-savvy population. Although nascent and not without systemic weaknesses, the increase and diversity of independent media voices in Libya are very positive developments.

During the campaigning period, local media became progressively more involved, not only in reporting campaign activities but also in offering air time and space to candidates to present their proposals to the general public. However, despite the overall increase in freedom to express opinions and access to media, several candidates told Carter Center observers that they were accorded insufficient TV and radio time. Although the Carter Center's core team and observers regularly followed the press, the Center did not conduct formal media monitoring.

56 U.N., ICCPR, art. 19(2)

57 AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 3(a)

58 U.N., Human Rights and Elections, para. 120

Civil Society

The right of citizens to participate in public affairs is a core obligation in public international law.[59] This includes the right to participate in nongovernmental organizations, including domestic observation organizations.[60] Practice has shown that the participation of domestic observers can enhance all aspects of the electoral process.[61]

Sidney Kwiram

Domestic observers and party agents monitor a polling station on election day.

Several civil society groups were created in Libya during the armed conflict to support humanitarian projects. These groups later modified their priorities to reflect political interests, including the GNC elections. As a result, many civil society groups formed networks whose mandate included observation of the elections. According to the HNEC, 11,344 domestic observers were accredited, along with 14,304 political entities and candidates' delegates, many in the extended period of registration. The two largest and most active networks were Shahed, covering all 13 administrative districts, and the Libyan Association for Elections Observation, which covered 10 out of the 13 districts. In addition, many organizations deployed observers at the local level.

The accreditation of both international and domestic observers proceeded without incident, and the HNEC even extended the accreditation deadline from July 1 to July 7 to ensure all interested organizations and observers had sufficient time to apply. The accreditation process for domestic observers was decentralized to allow for easier accreditation at the local level. The commission should be commended for its efforts to facilitate the full participation of domestic observers in the civic and political rights of the country.

Carter Center observers reported the presence of domestic observer organizations in large numbers.

On election day, Carter Center observers reported the presence of domestic observer organizations in large numbers. Their presence was noted in approximately 47 percent of observed polling stations. None of the observers reported substantive concerns to The Carter Center. In 24 percent of the polling stations visited, domestic observers belonged to the Shahed network; approximately 18 percent represented Libyan Association for Elections Observation. Both organizations prepared detailed reports of their findings and presented these reports to the public after election day.

59 U.N., ICCPR, art. 25

60 U.N., CEDAW, art. 7

61 OSCE, Copenhagen, para. 8

Electoral Dispute Resolution

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process, particularly as it is fundamental to ensuring all other human rights may be fulfilled.[62] Voters and other electoral stakeholders must be given—and must perceive that they possess—a voice in the quality of the electoral process if the process is to retain credibility.[63]

The electoral complaints mechanism set forth in the amended GNC elections law gives concerned parties the right to appeal any stage of the election process within 48 hours from the incident.[64] Law no. 28 for 2012, amended Article 32 of law no. 4, gives the judge of the district court with electoral district jurisdiction 48 hours to pass a verdict on complaints concerning the electoral process. Appeals against the court ruling should be filed within five days before the court of first instance. The court then has five days to pass its verdict.

On June 27, 2012, the HNEC issued a decree detailing the mechanisms for filing complaints during the electoral process.[65] A committee was established at the administrative district level to handle complaints. Each committee consisted of the deputy director of the district office, as the head of this committee, and two additional members, one of whom possessed a law degree. If the complaint related to a criminal action, the committee referred it to the concerned authorities. If not, the committee considered the complaint and either issued a warning notification concerning the violation or referred the complaint to the HNEC board to take suitable measures. The HNEC board could either cancel the name of the voter or the candidate or the political entity[66] or cancel the results of any polling station in case of fraud or any violation that may have affected the electoral process.[67]

Many Libyans did not seem aware of their full rights to initiate complaints regarding the electoral process, including the processes for filing a complaint and which actions constitute electoral misconduct. The elections complaint decree was issued 10 days after the start of the campaign period, which was also only 10 days prior to election day. Thus, there was no mechanism in place to handle potential violations committed from the start of the electoral campaign period through June 27. Concerned parties who wished to file complaints during polling and counting operations could request a complaints form from the polling stations, but they had to deliver the complaint in person to one of 13 administrative district offices. In many cases, this would have provided a laborious and ineffective remedy, as polling centers in some cases were located hundreds of kilometers away from the administrative district office.

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62 ICCPR, art. 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

63 UNHRC, general comment no. 32 on the ICCPR, para. 25: "The notion of fair trial includes the guarantee of a fair and public hearing."

64 Art. 31 of law no. 4 for 2012 on GNC elections: "Anyone with interest shall have the right to appeal any of the procedures in any stage of the electoral process within 48 hours of the date on which the appealed incident took place; the appellant shall be exempt from court fees."

65 HNEC decree no. 93 for 2012 concerning regulations for elections dispute resolutions

66 Law no. 4 of 2012, art. 23

67 Law no. 4 of 2012, art. 30

The GNC elections law states that the HNEC shall verify the compliance of political parties and candidates with the provisions regarding electoral campaigning. It may also terminate candidacy or election results of an individual candidate or a political entity if it becomes evident that they violated these provisions.[68] The HNEC did not establish any mechanisms to ensure a proactive verification of the electoral campaigns; instead it depended mainly on complaints from concerned parties as detailed in its decree no. 93 for 2012.

Overall, electoral dispute resolution mechanisms should be strengthened to bring them into alignment with international obligations and to protect the integrity of the elections. Regulations governing election disputes were published late in the process and were not clear to many candidates and political entities. Efforts should be taken to ensure a clear and comprehensive electoral complaints process, starting at the polling-station level and escalating as needed through the court system. It is the responsibility of the electoral management body to explain these mechanisms to voters and political entities and to facilitate the process as much as possible. The period for complaints and appeals should be extended, particularly given the potentially time-consuming nature of submitting a complaint.

Election-Related Violence

The right to security of the person requires that individuals be free from physical and mental violence at all times.[69] The role of security forces leading up to and during election day is critical to the proper functioning of the electoral process. This obligation has been expanded to include a requirement that law enforcement behave in a neutral manner and not interfere in the process.[70]

Due to the large number of weapons present in the country, there were legitimate concerns that there would be an increase in armed clashes or incidents in direct connection to the electoral process. Together with the HNEC and the Ministry of Defense, the Ministry of the Interior developed a security plan for election day that combined various available components, including personnel from local military councils, police, and the Supreme Security Committee. The plan assigned responsibility for the security of urban polling centers to the police and the Supreme Security Committee, while military councils and their militias were responsible for the security of rural polling centers and the establishment of checkpoints.

Localized armed clashes in Kufra, the Nafusa mountains, Ghadamis, and Sebha, although not directly connected to the electoral process, had an impact on voter registration and turnout in those areas. Increased insecurity in the east was primarily a result of opposition to the electoral process, and incidents included destruction of election material on site or en route to polling centers, an attack on a military helicopter used by the HNEC, and incursions to polling centers on the eve of the election that managed to disrupt the election process in the east. Abdullah Al-Barassi, a volunteer with the HNEC, was killed in the attack on the military helicopter near the Benghazi airport. Looting of HNEC offices in Benghazi and Tobruk and destruction of election materials in an Ajdabiya HNEC warehouse also had a significant intimidating impact on the process. In the south, in Awbari and Sabha, one candidate was assassinated, and there was one recorded rocket-propelled grenade attack on an HNEC office.

68 Law no. 4 of 2012, art. 23

69 U.N., ICCPR, art. 9

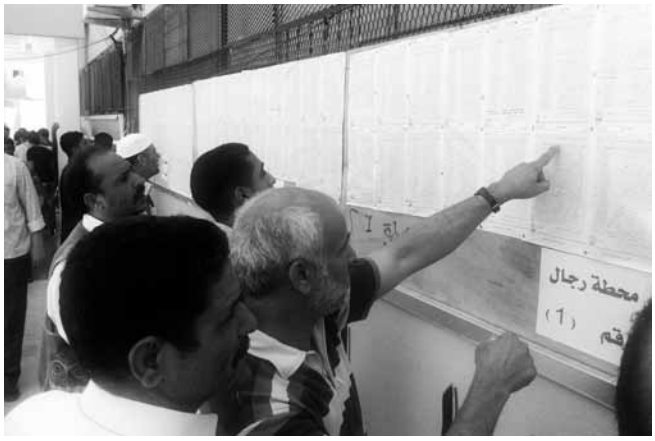
70 EU, Handbook (2nd ed.), p. 52

Election Day

The way in which the election day voting process unfolds is a critical step revealing whether that election accurately reflects the will of the people and remains true to other core democratic obligations.[71] Many specific measures can be implemented on election day to prevent fraud that could undermine equal suffrage,[72] protect the secrecy of the ballot,[73] and ensure that voters who are unable to vote independently receive only impartial assistance.[74]

Unfortunately, because the security environment in Libya remained volatile leading up to the elections and many areas were characterized as extreme or high risk to personnel, the Center limited its deployment. In particular, these conditions impacted the Center's ability to observe in specific regions, including areas in the south and the west, and in several cities where support for the previous regime was strong. However, The Carter Center was able to field 30 short-term observers divided into 15 teams of two observers each. An additional 10 staff were accredited and deployed as observers in and around Tripoli with the leadership delegation on election day, for a total of 40 observers.

Observers were present in 11 out of 13 electoral constituencies on election day, namely Az Zawiyah, Tripoli, Gharyan, Al Aziziyah, Misrata, and Al Khoms in the west; Benghazi, Ajdabiya, Al Bayda, and Tobruk in the east; and Sebha in the south. In total, observers traveled to 67 locations and observed 162 polling stations on election day. Seventy-eight of these were male polling stations, and 66 were female polling stations.



Chris Blanchard

Men locate their names on a voter list in Ajdabiya.

Opening

Opening proceeded smoothly amidst a peaceful atmosphere in most of the country. However, security incidents in cities in the east of Libya had a significant impact on poll openings and the conduct of the elections. Approximately 35 polling centers were closed due to damage to the center or missing ballots.[75] Polling stations in Ajdabiya, Benghazi, Brega, and Gemenes opened late; five polling centers in Sidra opened only on the following day, July 8; and three polling centers in Kufra and Ribiana opened only on July 10. The election law states that "polling shall last for one day, from eight o'clock in the morning until eight o'clock in the evening."[76] It does

71 U.N., ICCPR, art. 25(b)

72 U.N., ICCPR, art. 25(b); See also U.N., Human Rights and Elections, para. 68, noting that polling procedures that are designed to diminish the value of the votes of particular individuals, groups, or geographic areas are unacceptable; EU, Handbook, p. 97 (noting the marking of voters' fingers as a means of preventing duplicate voting)

73 U.N., ICCPR, art. 25(b); See also SADC PF, Norms and Standards, para. 9 (explaining that care should be taken to ensure that the setup and location of the polling station does not undermine the secrecy of the ballot)

74 U.N., ICCPR, art. 25(b); See also U.N., Convention on the Rights of Persons With Disabilities, art. 29 (indicating that the right to vote requires that any assistance that is provided to those who are unable to vote independently be impartial)

75 Ballot papers were stolen in Sidra. In such cases, reprinting ballots with the same design will jeopardize the integrity of the votes. A comprehensive contingency operational plan would have included a different template for the ballot paper.

76 Law no. 4, art. 27

Elizabeth Plachta

Women voters form a long line while waiting to cast their ballots.

not specify that voting can take place only on election day. However, it states that voting may only take place between the specified hours.

In addition to the late openings, insecurity prompted the HNEC to consolidate as many as 100 polling stations in Ajdabiya, Benghazi, and Sirte districts so that multiple stations were conducted within a single location, in some cases with a single ballot box serving multiple stations. This was done without appropriate legal and administrative measures, making reconciliation impossible at some polling stations and delaying the tally process. Electoral officials in Benghazi also decided to allow registered voters from three polling centers to vote in any polling center in the district.[77] Legally, this decision is contrary to electoral regulations that state that voters are only allowed to vote in the center where they have registered and that polling staff should not allow anyone whose name is not on the voter list to vote.[78] The Center acknowledges the extenuating circumstances under which this action was taken.

The HNEC and polling staff should be congratulated for their quick response to these incidents, in particular for their commitment to ensuring that all voters in affected areas were able to participate in the elections. In the future, however, Libya's electoral authorities should consider measures to handle potential disruptions to the polling process and should develop a detailed emergency operational plan. This should be communicated to stakeholders early in the electoral process so that they could prepare themselves for potential changes. This should help avoid the problems encountered in the 2012 elections,

77 These were Tolatala, Eshblya, and El Hadba schools.

78 Art. 7 and art. 14 (3) of decree no. 67

Sidney Kwiram

This girl casting her ballot has drawn a Libyan flag on her face.

Alexander Bick

A cheering female voter shows her inked finger.

when decisions to delay or move voting were made on an ad hoc basis late in the process. The absence of sufficient public information about the opening of polling stations, voting that continued into the night, and delayed voting in some locations hindered the ability of some voters to participate in the elections.

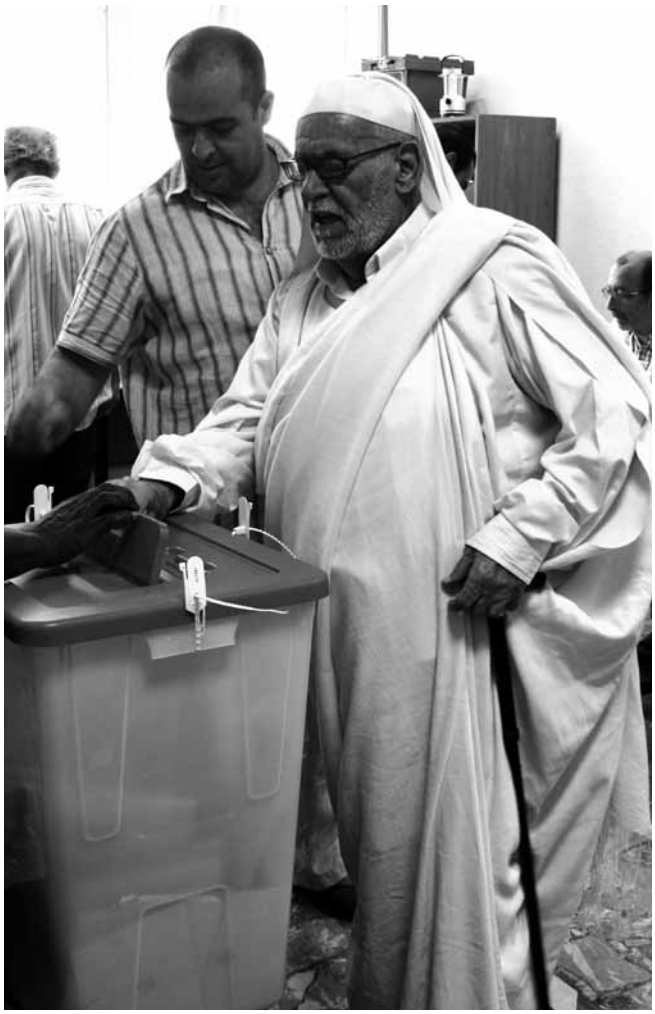
Polling

Despite instances of insecurity in the east of the country, reports from Carter Center observers indicated that the polling process was conducted consistent with official procedures in nearly all areas observed.[79]

Observers' assessment of the performance of the polling-station staff was decidedly positive, with 98 percent of the stations visited rated as good or very good by Carter Center observers. Voting procedures were correctly implemented in 95 percent of the stations visited, and in the remaining cases the only problem was the failure of polling staff to check voters' fingers for ink. In 98 percent of observations, the queue management at the polling-center level was considered good or very good, and the polling centers were considered

Observers' assessment of the performance of the polling-station staff was decidedly positive, with 98 percent of the stations visited rated as good or very good by Carter Center observers.

79 In some instances, voter turnout in stations visited in the east was only 40 percent, which was much lower than in the rest of the country. Turnout also appeared to be much lower in other areas where The Carter Center was unable to observe due to security considerations.



Elizabeth Plachta

A Libyan votes on election day.

Elizabeth Plachta

A man shows his inked finger after casting his ballot.

readily accessible. Queue controllers were present in all centers visited by Carter Center observers, which facilitated a smooth and orderly distribution of voters to polling stations. In 97 percent of the polling stations visited, polling staff reported that the station had run without interruption up to the point of the observers' visit. Where there were interruptions, the main cause was a lack of essential materials.

Carter Center observers did not report any incidents related to intimidation, interference, or threat, nor were there any indications of fraud detected in the polling stations visited. Political entities and individual candidates' representatives were allowed appropriate access to observe the process and were present in 60 percent of all polling stations visited by Carter Center observers. While the presence of Libyan candidate and political entity agents was relatively low, overall their participation was evaluated as good or very good by Carter Center observers in nearly all instances. As the democratic system and political parties in Libya mature, the Center encourages political entity agents and domestic observers to play a more effective role in observing elections to provide an important check on polling operations and increase the transparency and credibility of the vote.

Carter Center observers reported concerns regarding two principal issues: female participation and secrecy of the ballot. Observers noted that female police were present in only 24 percent of the polling

centers visited, and polling staff included at least one female in only 33 percent of the stations. Issues related to the secrecy of the ballot were noted in 8 percent of the polling stations observed. However, they did not appear to be related to intentional efforts to manipulate or coerce voters but rather were a result of inappropriate voter assistance and inadequate polling-station layout. In the future, the HNEC should try to remedy these issues by providing more rigorous voter education programs to ensure voters know how to properly cast a vote and additional training for polling staff on setting up a polling station.

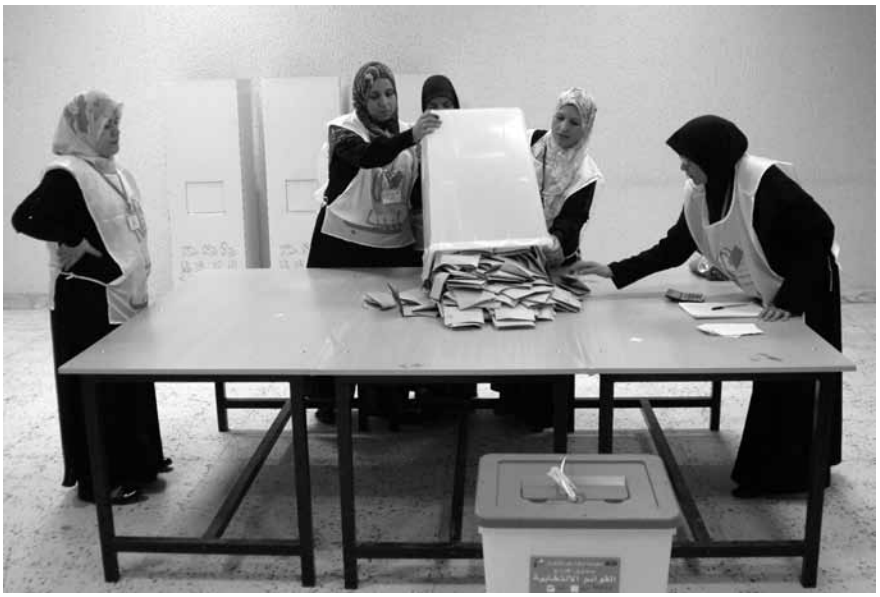
In the limited polling centers observed, closing and counting took place in a peaceful and joyful atmosphere.

Closing

Due to the late opening of some polling stations, the closing time for many of these same stations was extended to ensure voters had sufficient time to cast their ballots. For example, eight polling stations in Brega opened at 7 p.m. and closed at midnight, and two polling centers in Kufra only opened on Tuesday afternoon and then closed the next day. In the limited polling centers observed, closing and counting took place in a peaceful and joyful atmosphere. Procedures were generally followed and respected, although not at the same standard as they were during the opening and the polling.

Postelection Developments

Carter Center medium-term observers and core team members remained in-country following the election to continue observing postelection activities. After their departure, senior national staff members remained to monitor the announcement of final results.



Alexander Bick

Female polling station workers empty a ballot box to begin counting ballots.

Vote Counting and Tabulation

The accurate and fair counting of votes after polling plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters.[80] Safeguards should be in place to ensure the accuracy of the vote, including during counting and tabulation.[81] To ensure public confidence in these processes, the HNEC and staff should ensure that the process is transparent, secure, accurate, and timely.

The HNEC released tabulation procedures on June 30, 2012.[82] The procedures stipulate that copies of the results forms should be posted at the polling-station level and that originals should be transferred in tamper-evident envelopes to the National Tally Center. Tabulation of the results forms was centralized in Tripoli, using a double-blind data entry system to ensure accuracy. An audit committee reviewed results of forms containing clerical or other errors. In cases in which the audit committee could not resolve an error, results forms would be referred to the HNEC board of commissioners to authorize a recount. The regulations do not explain the process for electronic aggregation of the results.

Carter Center observers noted that HNEC officials at the tally center sought to be transparent and were very welcoming to observers and agents of political entities and candidates. However, the computerized aggregation of results and the layout of the tally center did not permit thorough observation of the tally process. In future elections, observation of the aggregation process should be facilitated; for instance, by posting results forms as they are entered in the database or by projecting results forms on a screen that is easily visible to observers, political entities, and candidates' agents.

The need for some recounting arises in most elections and requires clear procedures to ensure accuracy and transparency. Carter Center observers monitored recounts and/or the reopening of ballot boxes to extract results forms that had been mistakenly sealed

80 U.N., ICCPR, art. 25(b)

81 International IDEA, Legal Framework, p. 78

82 HNEC decision no. 95: Regulation on Aggregation, Tabulation, and Announcement

Alexander Bick

Full ballot boxes are secured in a warehouse following the counting process.

in the ballot boxes in five cities: Al Bayda, Benghazi, Misrata, Tobruk, and Tripoli. In all but one case, recounts were triggered by missing or incomplete forms or by auditors being unable to make sense of the figures on the results forms.[83]

In most cases, HNEC officials actively requested the presence of observers in order to ensure the transparency of recounts. In all observed cases, the recounts were conducted in a professional manner with polling staff showing a strong commitment to accuracy. Carter Center observers did not report any cases of intentional manipulation of results.

Several aspects of the process could be improved in future elections to follow international good practice for the smooth conduct of counting and tabulation. First, the tally process should be decentralized. According to the election law and regulations, both counting and recounting should take place in the district where voting took place. This ensures the transparency of the process by allowing polling staff, observers, and political entities and candidates' agents to be present, and thus would increase transparency and public confidence.

Failure to observe this procedure jeopardizes the principle of accountability. On several occasions, auditors at the tally center appeared to correct calculations or typographical mistakes. Means for polling staff, observers, and political entities and candidate agents to be included in the process should be examined, including decentralization of the tabulation process.

Second, triggers for quarantining questionable results were extremely limited. According to HNEC officials, the database was programmed to quarantine results forms in which the data was inconsistent, the number of votes received by candidates exceeded the

83 In Misrata, ballots from one polling center were recounted following a complaint from an independent candidate. This recount found that the candidate had wrongly been assigned zero rather than 97 votes.

number of votes cast, or turnout was greater than 100 percent of registered voters. In the future, the HNEC should consider employing additional and more stringent quarantine triggers, for instance, to detect over 95 percent votes for one candidate; extremely high turnout in a particular polling station; and discrepancies in the reconciliation of used, unused, spoiled, and canceled ballots with final vote totals.

Despite some barriers to transparency and a lack of strong measures to identify anomalous results, the tabulation process for the July 7, 2012, GNC elections was conducted in a credible manner and was adequate to determine the results of the election accurately. The HNEC handled delays in the tabulation process by reassuring candidates and voters, holding frequent press conferences, and announcing partial results. These measures helped to reduce potential distrust of the tabulation process and reassure voters that the process was not subject to undue delays.

Thirty-seven complaints were lodged against the results, and according to HNEC officials, all were either dismissed or rejected except for one complaint in Gharyan.

Election Results

Although no international staff were in-country at the time when results were announced, both national staff and Atlanta-based project staff followed the results closely.

Mahmoud Jibril's National Forces Alliance (a coalition of over 40 smaller parties) emerged as the dominant power, winning 39 of the 80 seats assigned for political entities. The Justice and Construction Party, the party associated with the Muslim Brotherhood, obtained 19 seats. Although prominent in the period leading up to the elections, neither the National Front, led by Mohamed Yusuf al-Mugharief, nor the Nation Party of Abdul Hakim Belhaj managed to win a substantial number of seats. Individual candidates, who made up 120 of the 200 total seats in the GNC, will likely play an important role in national politics.

Carter Center observers reported that 90 complaints relating to election day were filed at the district level. Nearly all of these complaints related to administrative or procedural issues at the polling-station level, and none appeared to undermine the integrity of the process as a whole. Complaints related to the results of the election were to be filed within 48 hours of the announcement of preliminary final results. Then the courts had five days to reach a decision. An appeal could be lodged within 48 hours of the court's decision, and the court then had five days to rule on the appeal. In total, the complaints process lasted less than 14 days.

Thirty-seven complaints were lodged against the results, and according to HNEC officials, all were either dismissed or rejected except for one complaint in Gharyan. According to reports, some of the 36 cases dismissed were not related to the results, while others were filed after the deadline. With regard to the complaint filed with the district court of Gharyan, the candidate was disqualified on the ground that he was a member of the NTC. However, the law and regulations are silent on the issue of handling disqualified candidates following their election. Here, the candidate's appeal was ultimately successful, and he was restored. However, this issue reappeared subsequent to the announcement of final results when four members of the GNC were found by the HCIIP to have connections to the Qadhafi regime and were dismissed. Along with the Center's recommendation for broader reform of the legal framework, any revisions to the electoral law should clarify how to address such irregularities and set the rules to follow when an individual seat becomes vacant.

Al Kufra

Between February and June 2012, Kufra, in Libya's far southeast, was the site of violent clashes between ethnic Tebu and Zwee communities over questions of land, citizenship, and access to profits from smuggling. These clashes have a longer history in Qadhafi's efforts to manipulate ethnic groups in the south to further his political and diplomatic ambitions, including his claim to the Aouzou strip, which the International Court of Justice ruled in 1994 belonged to neighboring Chad. Although the security situation in Kufra prevented The Carter Center from deploying observers to Kufra, members of the core team spoke with representatives of both communities, and Carter Center observers witnessed the counting of votes from Kufra in Tripoli after the election. While the registration process, training of poll workers, delivery of materials, voting, and counting generally proceeded smoothly in the rest of the country, in Kufra each of these showed significant irregularities.

While the registration process, training of poll workers, delivery of materials, voting, and counting generally proceeded smoothly in the rest of the country, in Kufra each of these showed significant irregularities.

In June 2012, a group of local nongovernmental organizations in the south of Libya challenged the registration of more than 1,000 voters in Al Manara and Hettein centers in the Kufra constituency within Ajdabiya district. The district court in Kufra decided to remove 1,085 voters from the voter list under the determination that the removed voters fell into one of several categories, including inhabitants of the Aouzou area, and thus were not Libyan citizens according to decree no. 13 issued by the Libyan authorities in 1998: people registered without identity documents; people registered at more than one registration center; people affiliated with one of the military institutions; or those convicted of a felony without being rehabilitated. The vast majority of those removed were ethnic Tebu.

The legal period for the removed voters to appeal was five days from the date of the court ruling. On June 16, 2012, the district court of Kufra informed the HNEC that none of the removed voters had appealed their removal from the voter list. On June 26, the HNEC issued its decree no. 92 for 2012 ordering the removal of 1,085 voters in Kufra from the voter list. On the same date, HNEC addressed the undersecretary of the Ministry of Education to ask for the replacement of the committees in charge of the electoral process in Al Manara and Hettien centers in Kufra.

Documentation examined by The Carter Center suggests that the legal process in Kufra was not conducted in accordance with international standards for due process. The original complaints were filed on June 2, after the legal time frame. By law, this should have been 48 hours following the publication of voter lists, which took place May 23–27. In addition, the delay in the HNEC's decision effectively deprived those removed from the list from exercising their right of appeal. The HNEC should have taken a more timely decision to ensure effective dispute resolution and to uphold the rights of citizens to appeal.

In the lead-up to the election, The Carter Center was informed by multiple sources that training for polling staff in Kufra had not taken place and that the delivery of polling materials was delayed. Kufra's three polling centers did not open on election day. Instead, voting took place three days later, on July 10. Evidence presented to Carter Center observers

showed that voting took place at night with limited lighting. The election law states that "polling shall last for one day, from eight o'clock in the morning until eight o'clock in the evening." It does not specify that voting can take place only on election day. However, it states that voting may only take place between the specified hours.

At the conclusion of voting, the ballot boxes were not opened but were instead transported directly to Tripoli, where they were counted at an HNEC facility in the presence of national and international observers. Additionally, as previously noted, both the election law and regulations provide for counting and recounting to take place in the district where voting took place, ensuring transparency and accountability. While recognizing serious security concerns in the Kufra constituency as well as the efforts of HNEC staff to ensure that voting took place, the decision to count ballots from Kufra in Tripoli was inconsistent with the law and undermined transparency.

In future elections, Libya's electoral authorities should endeavor to take robust measures to ensure the protection of minority rights and the transparency and credibility of the electoral process, particularly in contentious locations including Kufra.

Out-of-Country Voting

In accordance with Libyan law, Libyans living abroad have the opportunity to register and vote in the GNC elections. Libyan citizens living abroad were able to register and cast ballots on the same day via out-of-country voting, so as to reduce the cost and the distance of traveling to register.

The HNEC identified six countries in which to hold voting: Canada, Germany, Jordan, the United Arab Emirates (UAE), United Kingdom, and the United States. Voting took place in the capital cities of these countries except the UAE, where polling was conducted in Dubai. According to HNEC officials, these countries were selected based on their geographical locations: the United States and Canada covered North America, UAE covered the Gulf region, Germany and the U.K. covered the European countries, while Jordan covered the Middle East. This selection was not based on which countries had the largest Libyan populations. No voting was provided in neighboring Egypt or Tunisia, where many of the Libyans who fled during and after the 2011 conflict are presumably based. Out-of-country voting operations were implemented by the International Organization for Migration on behalf of the HNEC.

As in Libya, citizens living abroad were required to present documents to establish Libyan nationality to meet voter eligibility and registration requirements. For out-of-country voters, this document was most often a passport. As Libyan passports do not detail the constituency from which the voter originated, voters had the right to choose the region in which they would cast their votes. This decision may have inflated the number of voters in the main cities of Libya, as most out-of-country votes were cast for either Tripoli or Benghazi candidates.

The process required to cast a ballot may have caused some confusion in these countries. The design of the ballot papers required voters to identify their preferred candidates by the number listed in a booklet at the polling station and then choose the corresponding number for their candidates on the ballot. To accommodate all the various constituencies, potential candidates, and party entities, the ballot papers resembled a checkerboard. These procedures should be reviewed before conducting out-of-country voting in future elections.

Conclusions and Recommendations

Although The Carter Center was unable to conduct a comprehensive election observation mission and is, therefore, unable to comment on the elections as a whole, the Center was encouraged by many aspects of these first elections. Despite an extremely condensed time frame, the Center observed that the HNEC was largely able to conduct elections in a peaceful and effective manner that upheld fundamental international and domestic obligations for democratic elections. A longer timeline and improved legal framework will contribute greatly to improving many of the areas of the electoral process where the Center has noted that international obligations were not fully met.

Ongoing security concerns, issues of reconciliation from the civil war, and tensions with extremist factions will continue to be factors in the foreseeable future and must also be addressed in order to ensure that the basic rights of all citizens are protected during the electoral process. The recommendations in this report provide a number of measures that can be implemented to ensure future elections more fully comply with international standards for democratic elections.

Libya has taken a major step forward, and Libyans have many reasons to be proud. The elections were symbolically important in bringing the country out from the shadows of the Qadhafi regime. They represented a critical confidence-building measure that provides a level of legitimacy to the country's political institutions that had been missing during the transitional period. While Libya's lack of institutional

Sidney Kwiram

A man with a Libyan flag leans out of a car window on election day.

development under Qadhafi has been thought to augur badly for its future social and political development, Libya appears to have been aided by the fact that it did not have to dismantle a deeply entrenched state resilience to reform, as in neighboring Tunisia and Egypt.

Libya still represents an emerging political system. Political platforms during the electoral campaign were weak, political entities' public messaging often revolved around individuals rather than distinct political views, and in many cases, local understanding of exactly what the country's political process and procedures entailed appeared rudimentary.

The elections were only the beginning of a long transition process, starting with writing a constitution and creating a new government, other political institutions, and processes of democracy. Low levels of voter registration and turnout in areas such as Sirte and Bani Walid underscore the need to reach out to populations marginalized since the revolution. Recent clashes in Bani Walid in particular demonstrate the urgent need for national reconciliation. Libya's relatively inexperienced new rulers will have to create the political structures and processes necessary for the democratic process to gain traction in the country.

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To the Government of Libya

1. ***Reform the legal framework.***
   Electoral legislation should be adopted in a timely manner in order to provide all stakeholders, candidates, voters, and the elections management body sufficient time to become familiar with the regulations governing the electoral process. The legal framework should address all components of the electoral system necessary to guarantee democratic elections. All laws regulating the elections should be consolidated into a structured, understandable, and comprehensive election law. This would encourage conformity in elections management and promotes consistent implementation. In addition, the electoral law should clarify how to address irregularities, set the rules to follow when an individual seat becomes vacant, and set rules and regulations for recounts. While three different electoral systems were used for the GNC elections, fewer systems would facilitate voters' understanding of the process.

2. ***Promote greater women's participation and more equitable gender representation.***
   Women played an important role in the revolution and were active participants in bringing about democratic change, but they were underrepresented on the ballots. Only 15.5 percent of the registered candidates (585 candidates) were female. Five hundred of those women participated on the proportional-representation list, while 85 women ran as individual candidates. Although the quota was well-intentioned, it failed to ensure adequate female participation and, ultimately, representation. In this context, and in light of Libya's international commitments to equal participation of women and men in public affairs, officials should consider the continued use of a quota, increased civic education, and additional measures to promote women's active participation and help ensure a more representative gender balance in future elected bodies.

3. ***Pass legislation on the formation of the electoral management body.***
   The electoral management body plays a critical role in the conduct of elections. Libya should

pass a comprehensive law that explicitly defines the composition and the means of appointment, removal, and replacement for the election management body. The roles and responsibilities of the electoral management body should be clear. In addition, its relations to other stakeholders should be explicit in order to avoid confusion later in the process and to ensure its functional and financial independence.

4. ***Ensure some continuity with the HNEC.*** While the GNC will need to determine the character and composition of the future electoral management body, it should endeavour to retain the HNEC's core administrative staff to ensure operational continuity and enhance institutional memory.

To the New Election Management Body

5. ***Renew and strengthen the voter registry.*** Voter registration is essential to legitimacy of an election. The voter registry should be renewed in advance of future electoral processes, including an anticipated constitutional referendum, to incorporate all Libyan citizens, including those who may not have participated in the process to date. It is advisable to add the mother's name on the voter registry as an additional safeguard and to eliminate confusion. Voters should offer proof of residency in their constituency, and efforts should be made to allow voters to use only one form of identification on election day.

6. ***Expand voter and civic education programs.*** Voter and civic education are critical to democracy. The new electoral management body should devote increased resources and efforts to conduct voter information and voter education campaigns substantially in advance of the elections to deepen voters' understanding of the electoral process and to encourage increased participation by all eligible voters, including illiterate voters and members of the military and other armed forces. Additionally, the role of the new electoral management body should not be limited to providing basic voter information, but should extend to other fundamental issues in a democratic society. Materials to promote understanding of the role of political parties, the importance of genuine elections, and the responsibilities of elected officials should be created and widely distributed. In future elections, political entities and civil society organizations should be encouraged to take a greater role in civic and voter education.

7. ***Expand out-of-country voting.*** Efforts should be put in place to ensure that as much of the electorate as possible is able to vote in their place of residency. Future operations should explore options to include a higher proportion of expatriate Libyans by increasing the number of countries and locations where voting can take place, including Libya's neighbors, and by devoting additional resources to voter information for Libyans living abroad.

8. ***Strengthen the tabulation process.*** Libyan authorities should consider several measures to strengthen the tally process. The first is to decentralize the tally system so that tallying takes place at regional hubs. This would allow a greater number of candidates and representatives of political entities to be present during the tally process and thus would increase transparency and public confidence. Second, it is international good practice to apply quarantine thresholds that flag a variety of anomalous results during tallying. The presence of these triggers alerts election officials to potential errors or fraud. In future elections, quarantine thresholds should be more stringent.

9. ***Strengthen mechanisms for election dispute resolution.*** Regulations governing election disputes were published late, and the process was not clear to many candidates and political entities. Efforts

should be taken to ensure a clear and comprehensive electoral complaints process, starting at the polling-station level and escalating as needed through the court system. It is the responsibility of the electoral management body to explain these mechanisms to voters and political entities and to facilitate the process as much as possible. Additionally, the period for complaints and appeals should be extended.

10. ***Take an active role in campaign monitoring.*** While the HNEC developed a strong regulatory framework for monitoring campaign finance and the media, in practice election officials acted only on complaints from election stakeholders. The future electoral management body should take an active role to verify compliance with the electoral law.

11. ***Empower subdistrict offices.*** One of the most important aspects of election management is reliable communication between the central administration and district offices. A clear, two-way system to regulate the flow of information should be put in place. Training and empowerment of district-level staff are equally important, since local officials are directly responsible for implementing the elections. Empowered staff will ease the work of the central administration and ensure better delivery of the operational plan.

12. ***Develop an emergency operations plan.*** In consultation with the ministries of Defense and Interior, the future electoral management body should adopt and disseminate a clear emergency operational plan well in advance of the elections. Emergency plans are an important part of voting operations and enable quick reaction in case of operational failures or changes due to security incidents, natural disasters, or other unforeseen events. Key elements of these plans should be disseminated to the public so that voters and other stakeholders are aware of changes to the schedule or location of polling.

To the International Community

13. ***Provide the new congress and the constitutional council with technical assistance on electoral issues.*** During the elections, Libyans welcomed international assistance. While acknowledging that the constitution drafting process can only be led by Libyans, the international community should stand ready to provide additional technical assistance if requested. This could include assistance on the formation of a new electoral management body, electoral law reform, a law on referenda, and appropriate timelines for preparing elections for the anticipated constitutional referendum and the new Parliament.

14. ***Assist the government and the electoral management body to develop a common framework and regulations for local elections.*** Municipal polls in Benghazi, Misrata, Derna, and Zawiyah laid the foundations for democratic local government and improved citizen and polling staff awareness of the democratic process. Now that national elections have taken place, the international community should support efforts to develop a common framework and regulations for local elections. Steps should also be taken to cultivate the HNEC as a resource for local elections. For example, a renewed voter registration would facilitate a comprehensive voter registry that could be used in municipal elections, eliminating the need for multiple registration lists.

15. ***Support reconciliation efforts to ensure broad participation in elections.*** As evidenced by the difficulties in forming the current government and moving the political process forward, the months and years ahead will prove challenging for the Libyan people. The GNC elections represent the first step in the country's broader democratic transition. Efforts should be undertaken to support national reconciliation efforts and to promote an inclusive process including all communities, so as to confront these challenges as a nation.

Appendix A
Acknowledgments

The Carter Center is grateful for the support of a number of individuals and organizations that helped make its international election observation mission in Libya possible. Above all, the Center thanks the NTC and the HNEC for inviting the Center to observe the elections and for welcoming its staff and observers in Libya.

The Center acknowledges the generous support of Canada and the Canadian International Development Agency; the Swedish International Development Cooperation Agency; the U.S. Department of State, Office of the Middle East Partnership Initiative; and the governments of Denmark, Germany, the Netherlands, and Norway.

The Carter Center would like to recognize the invaluable contributions made by medium-term observers, including Anis Samaali, Christopher Blanchard, Daniel Serwer, Jacques Paquette, Lori Shortreed, Muzaffar Hussain, Perin Arkun, Nicholas Jahr, Osama Moftah, Rosemary Cairns, Sandra Hadjisavva, Sarra El Idrissi, and Slah Eddine Ben Rjab. The Center also acknowledges all the short-term observers who volunteered their time and expertise to travel to Libya and evaluate election day procedures.

The Center commends Libya's domestic election observer groups for their hard work, many of them newly formed and dedicated to ensuring the democratic process. The Center thanks domestic and other international observers, including the European Commission's Election Assessment Team, for sharing information throughout the electoral process. The Center equally appreciates efforts of the United Nations Integrated Elections Team and International Foundation for Electoral Systems for their support of the elections and contributions to the Center's observation mission.

The Center's observation mission in Libya was successful on a tight timeline due in large part to the dedication and hard work of a core team in Tripoli. Special thanks go to Alexander Bick, Bentley Brown, Caroline Kolta, Davor Corluka, Diederik Vandewalle, Hussein Mohieldeen, Mario Orrú, Mohammed Abu Asaker, Ossama Kamel, Pawel Jurczak, Phil McInerney, and Said Sanadiki.

The Center's work in Libya would not have been possible without the commitment and support of its national staff, including Abdul Raof Shatti, Abdul Razzaq Youssef, Abdul Wahab, Ahmed Own, Iman Shaker, Kevork Dudumian, Mohamed Saadawi, Mohamed Elmeshri, Samira Mahdi, and Wesam Tumi.

The Center's Democracy Program staff in Atlanta had overall responsibility for the mission. The Libya project was managed by Sarah Johnson with assistance from Elizabeth Plachta. Essential support was provided by Aliya Naim, David Carroll, Deborah Hakes, Larry Frankel, Nour El-Kebbi, Ramiro Martinez, Traci Boyd, Tynesha Green, and William Hassall.

The primary drafters of this report were Alexander Bick, Elizabeth Plachta, and Sarah Johnson. David Carroll, Davor Corluka, Diederik Vandewalle, Mario Orrú, Ossama Kamel, and Said Sanadiki made significant contributions and edits to the text. Additional fact-checking and editing were completed by interns Ashagrie Abdi and Elizabeth Allan.

Appendix B
Delegation and Program Staff

Carter Center Delegation Leader

Dr. John Stremlau, Vice President of Peace Programs, The Carter Center, United States

Delegation for General National Congress Elections on July 7, 2012

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** Replaced an observer who departed the mission early*

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Appendix C
Terms and Abbreviations

AU	African Union
GNC	General National Congress
HCIIP	High Commission for the Implementation of Integrity and Patriotism
HNEC	High National Election Commission
JCP	Justice and Construction Party
LYD	Libyan dinar
MTO	Medium-term observer
NFA	National Forces Alliance
NTC	National Transitional Council
PR	Proportional representation
STO	Short-term observer
USD	United States dollar

Appendix D
Statements

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

June 27, 2012
FOR IMMEDIATE RELEASE

Carter Center Launches Limited Election Observation Mission to Libya

Following an invitation from the High National Elections Commission (HNEC), The Carter Center launched a limited international election observation mission to Libya on Monday, deploying several teams of observers to monitor and report on the upcoming National General Congress elections.
"The Carter Center welcomes the opportunity to observe these historic elections, the first in Libya in almost 50 years," said former U.S. President Jimmy Carter. "We hope that our presence will contribute to a peaceful, transparent, and credible electoral process, and will support Libyans' aspirations to build a strong democracy."

Carter Center observers will monitor the remainder of the electoral process leading up to elections scheduled to take place on July 7, 2012. Their assessment will focus on election preparations, campaigning by political entities and candidates, polling and counting, the tabulation of results, and the resolution of any electoral disputes. They will be joined during the immediate election period by additional teams of short-term observers who will visit polling stations in many parts of the country.

In light of security considerations, which prevent deployment of observers in some areas of the country and which restrict their movements in others, the Center's mission will be limited in nature and will not offer a comprehensive assessment of the electoral process. However, observers' findings and analysis will be shared with HNEC and the public in a spirit of cooperation to enhance the quality of future elections.

The Center's assessment of the electoral process will be made against the interim constitutional declaration, Libya's election laws and regulations, and the country's international commitments regarding democratic elections and political participation.

Carter Center observers come from eight countries including Canada, Cyprus, Egypt, Germany, Iraq, Sudan, the United States, and Yemen, and are supported by a Carter Center office in Tripoli that was established in early June. The office includes a core team of experts in election observation, administration, and law. The Carter Center received accreditation from the HNEC and has been welcomed by representatives of the National Transitional Council, political entities, and civil society.

Carter Center core team and observers will meet with representatives of HNEC; political entities and

candidates; representatives of civil society, including domestic observation groups; members of the international community; and voters. The Center is nonpartisan and conducts its activities in accordance with the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005. The Center received formal accreditation from the HNEC in May 2012.

The Center will release periodic public statements on its findings, available on its website, www.cartercenter.org.

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

July 9, 2012
FOR IMMEDIATE RELEASE

Carter Center Congratulates Libyans for Holding Historic Elections

The July 7 elections provided Libyans an historic opportunity to vote in meaningful national polls for the first time in almost six decades. The Carter Center was honored to be invited to observe the elections, and congratulates the Libyan people, the High National Elections Commission (HNEC), and the National Transitional Council (NTC) for their dedication and efforts to support Libya's democratic transition.

The holding of the elections represents a remarkable achievement of which Libyans are rightly proud. Despite the country's inexperience with elections, and the creation of the HNEC only in January 2012, the election commission effectively conducted the polls in a politically sensitive and potentially volatile environment. Libyan voters and polling staff on election day demonstrated dedication and enthusiasm to a successful democratic transition.

"On behalf of The Carter Center," said former U.S. President Jimmy Carter, "I thank the Libyan people and the transitional authorities for the warm welcome and cooperation extended to our observers during Saturday's national elections. We are deeply moved and inspired by the demonstration of national determination to build a new Libya, free of tyranny and able to join at last the family of democratic nations in the quest for freedom, dignity, and justice for all people."

The tabulation process is complex and will take time to complete. While tabulation continues, The Carter Center encourages Libyans to be patient for the HNEC to release preliminary results.

Following an invitation from the HNEC, The Carter Center conducted a limited election observation mission, accrediting 45 observers from 21 countries and deploying 16 teams of observers on election day. A core team arrived in May, and was followed by medium- and short-term observers in June and July to assess electoral preparations and polling and counting.

Security considerations prevented the deployment of observers in some areas of the country and restricted their movements in others. The Center's assessment is therefore limited in nature and does not offer a comprehensive assessment of the credibility of Libya's electoral process as a whole. The Center shares its findings and analysis with the HNEC and the public in a spirit of cooperation to enhance the quality of future elections and in support of a successful democratic transition. The Center will release a comprehensive report on its electoral observations and assessments later this year, and looks forward to a constructive and open dialogue with the Libyan people and the authorities.

On election day, Carter Center observers visited more than 160 polling stations in 11 of 13 electoral districts, including teams in Ajdabiya, Al Bayda, Az Zuwiya, Guriyan, Khoms, Benghazi, Sebha, Subrata, Tobruk, Tripoli, and Zuwara.

The NTC established an ambitious schedule for the elections, which the HNEC strived to meet. Training and the promulgation of regulations were affected by the compressed time frame; some training of polling staff was incomplete and important aspects of the legal framework were only finalized in the days before the elections.

Despite these challenges, materials were delivered in a timely manner to nearly all locations. In areas visited by Carter Center observers, voting was orderly and polling stations were well managed and efficient. Polling staff appeared well trained and enthusiastically conducted the elections in a neutral and professional manner.

The commission made extraordinary efforts to conduct polling in all locations despite security incidents in the immediate election period and on election day. Attacks on HNEC district headquarters in Benghazi, Tobruk, Ajdabiya, and on a military helicopter used by HNEC to deliver election materials, resulted in one death. These incidents, coupled with attacks against polling stations in Benghazi, Ghemenis, and Ajdabiya on election day, marred the process in these areas. Nevertheless, the commission was able to replace damaged materials, and more than 94 percent of polling centers opened the morning of the elections. Additional centers were opened later and on the following day.

Voters appeared determined to defy these efforts to derail the elections and to participate by casting their ballots. At polling centers elsewhere in the country that were visited by Carter Center observers the atmosphere was calm, with voters patiently queuing and in many cases celebrating their right to cast ballots.

The rapid growth of domestic observer organizations was encouraging. Libyan observers monitored the process in 75 percent of the polling sites visited by Carter Center observers. More than 10,000 political entity and individual candidate representatives registered to observe the elections. As the democratic system and political parties mature, the Center encourages party agents and domestic observers to play a more effective role in observing elections in order to provide an important check on polling operations and increase the transparency and credibility of the vote.

The Center offers the following recommendations to be considered for future elections:

- Consolidate the electoral law to include polling, counting, and tabulation procedures, as well as all other important aspects of the legal framework.
- Encourage consensus building of Libya's diverse population to ensure an inclusive electoral system and fair representation for all its citizens.
- Enhance the work of the HNEC and Ministries of Interior and Defense to coordinate formal election security and develop robust security plans.
- Develop electoral dispute resolution procedures and judicial bodies to provide for a timely and effective remedy to challenges and appeals by voters and candidates.
- In drafting a new constitution and in future elections, allow adequate time for preparations, deliberation, and public consultation.
- Apply important lessons learned during the General National Congress elections to future electoral activities and in support of Libya's continued democratic development.

These recommendations are elaborated in the Carter Center's full preliminary statement, available at www.cartercenter.org.

The Carter Center assessment of the electoral process is made against the interim constitutional declaration, Libya's election laws and regulations, and the country's international commitments regarding democratic elections and political participation. The Carter Center received formal accreditation from the HNEC in May 2012 and has been welcomed by representatives of the NTC, political entities, and civil society. The Center is nonpartisan and conducts its activities in accordance with the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005.

THE
CARTER CENTER

Statement of Preliminary Findings and Conclusions

POLITICAL BACKGROUND

The elections of July 7, 2012, provided Libyans the ability to vote in meaningful national elections for the first time in almost six decades. Under Colonel Mu'ammar al-Qadhafi, the political system relied in principle on popular consultation but, in reality, never allowed for elections or political choice.

The popular revolution against the Qadhafi regime that started on Feb. 17, 2011, came after 42 years of highly authoritarian rule. The revolution started as a spontaneous demonstration against the arrest of one of the country's human rights lawyers in Benghazi, but very quickly spread throughout the country. Demonstrations led to armed conflict and NATO military action that only ended with the death of Qadhafi on Oct. 20, 2011.

Aware of the political and economic challenges the country would face in the aftermath of the conflict, the Libyan opposition arranged temporary institutions that would provide guidance and some political continuity. The most important was the National Transitional Council (NTC), initially based in Benghazi but which later moved to Tripoli. During the conflict, the NTC produced a roadmap for the country's political future that envisioned national elections to create a constituent assembly and, eventually, a new constitution. The rapid termination of the conflict, the enormous challenges of creating a new state out of the unpromising ruins of the Qadhafi regime, and inexperience in organizing elections meant that Libya early on solicited international advice and expertise to help organize national elections.

As a self-appointed body, the NTC enjoyed only limited legitimacy. Its coercive power has been overshadowed by a number of competing militias that formed during the armed conflict and continue to exercise considerable authority throughout the country. Political fault lines within the country have been further exacerbated by a traditional antagonism and suspicions between the three provinces, Tripolitania, Cyrenaica, and Fezzan.

Libya nevertheless implemented the first part of the NTC's original roadmap and, in a very rapid fashion, announced elections within 240 days of the liberation date for a national legislative body that would also select a 60-member constitution drafting body. A plethora of political parties and groupings emerged to encompass interest groups throughout the country, including a large representation of civil society groups.

In the lead up to the elections, Libya experienced instability in certain areas of the country. Longstanding historical cleavages between Tripolitania and Cyrenaica, the marginalization of Tubu and Tuareg minorities, as well the persistence of the power of local militias led to a number of armed incidents in Kufra, the Nafusa mountains, and occasionally throughout the

country's major cities. These incidents once more highlighted the lingering incapacity of the government's to effectively control the fighting between different groups within the country.

Of these conflicts, the persistence of attempts to diminish the power of the central government in Libya is historically the most important. The creation of the Kingdom of Libya in 1951 created a federal system that left considerable power to the different provinces. While this federal formula was abandoned in favor of a unitary form of government in 1963, some groups within Cyrenaica revived the idea of federalism at the end of the country's conflict in October 2011. While being sensitive to greater demands for some form of autonomy for Cyrenaica, the NTC has insisted that federalism is not appropriate for Libya as it moves forward as a political community.

The election of the General National Congress (GNC) provides a first but critical step in Libya's emergence from a bloody armed conflict to democratic government. The country still faces enormous political challenges as it seeks to draft a new constitution and to shape itself into an inclusive and democratic political community where its citizens have a credible voice in the country's decision-making process.

LEGAL FRAMEWORK

A comprehensive legal framework is essential to protect genuine democratic elections and provide for their effective administration. This framework ensures that the state takes all necessary steps to safeguard voters' rights to equality, freedom of expression, and access to an effective remedy. A sound legal framework also reduces corruption by encouraging transparency and providing mechanisms for handling complaints.

The NTC established an ambitious schedule for the elections. Given the time constraints under which the elections were conducted, the legal framework was appropriate and adequately allowed for elections to take place. As a signatory to a number of international treaties, Libya has committed itself to upholding several important civil and political rights.[1] Additionally, following the Feb. 17, 2011, revolution and the formation of the NTC, legislation comprising the legal framework was introduced.

The constitutional declaration set a period of 240 days (later changed to 270 days) to carry out the GNC elections.[2] The GNC elections law was issued on Jan. 28, 2012.[3] Due to its delayed formation in January 2012, the HNEC was challenged to implement the elections in an extremely condensed period.[4] This extremely tight timeframe affected almost all phases of the electoral process, including the introduction of the election law, regulatory measures and operational aspects of the elections.

[1] Libya is signatory to the following international conventions or treaties, among others: the International Covenant on Civil and Political Rights (ICCPR)(ratified 5/15/70); the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)(ratified 7/3/68); the Convention on the Elimination of Discrimination against Women (CEDAW)(ratified 5/16/89); the Convention on the Rights of Persons with Disabilities (CPRD)(signed 5/1/08); International Covenant on Economic, Social and Cultural Rights (ICESCR)(5/15/70)); Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT))(5/16/89) and the Universal Declaration of Human Rights.
[2] Constitutional declaration, article 30
[3] Law 4 for 2012
[4] The body was formed on Jan. 18, 2012,[4] and functional in February 2012.

The Interim Constitution

In August 2011, the NTC issued a constitutional declaration outlining the guidelines for the interim period.[5] Article 30 of the declaration provides for the promulgation of a law to elect a General National Congress (GNC), appoint the High National Elections Commission (HNEC), and to issue an invitation for the election of the GNC.[6] Several points of Art. 30 were later modified, including measures that members of the GNC shall select (outside of its members) a body composed of 60 persons to draft the constitution.[7] A second amendment to the interim constitution stipulated that the Statutory Body for Constitutional Drafting shall be composed of 20 members from each of Libya's three provinces.

On July 5, 2012, just two days before election day, the NTC issued a third amendment to the interim constitution, this time stating that the election of the constitution drafting body would be carried out through free and direct suffrage, "taking into consideration Libya's cultural and linguistic diversity." This change is inconsistent with best practice, which calls for no changes to the legal framework within three months of an election.[8] In this case, the decision may have impaired voters' ability to understand what they were voting for and thus to make an informed choice.

The elections law does not include all the provisions governing the electoral process. Many important provisions were left to the executive regulations issued by HNEC over a period of four months and up to seven days before election day.[9] A comprehensive elections law, which takes into consideration these regulations, would help to clarify and improve consistency among the laws governing elections.

The Electoral System

While elections in general aim to determine the will of the people and to promote their right to select their own government, the specific type of electoral system that is chosen promotes different types of representation and political behavior. For example, a closed list proportional representation (PR) system promotes the development of strong political parties and allows for coalition building, but does so at the expense of a direct link between voters and their elected representatives. In contrast, a majoritarian system promotes a strong connection between the voter and his or her representative, but does not encourage coalition building.

Largely due to political considerations, the NTC chose to implement a mixed parallel system to elect the 200 members of the GNC. One hundred twenty members were elected through two majoritarian systems: First Past the Post (FPTP) and Single Non Transferable Vote (SNTV).[10] The remaining 80 members were elected from political entities elected through a closed list PR system.

Using three electoral systems for the GNC elections made it more difficult for political

[5] Article 17 of the Constitutional Declaration states that: "The Interim National Transitional Council is the supreme power in the State of Libya and shall undertake the works of the supreme sovereignty including legislation and laying down the general policy of the State".
[6] Article 30.
[7] The constitutional amendment was issued on March 13.
[8] Merloe, Promoting Legal Frameworks, p. 38.
[9] A clear demonstration of that is Article 26 of Law 4 that states: "The Commission shall develop procedures for the voting, sorting and counting process in the polling stations and centers."
[10] Law 4 for 2012 on PNC elections; articles 2, 5, 6, and7. Law 14 for 2012 on Electoral Constituencies amended by law 34 for 2012.

entities, candidates, and voters to understand the process. It also had implications for counting and tabulation, since different procedures are used for each system. While recognizing the competing political considerations that underlay the choice of electoral system, The Carter Center recommends the use of no more than two electoral systems in future elections.

Quota for Women

A quota for female candidates was applied to the 80 seats to be elected through PR. Male and female candidates alternated on the parties' lists both vertically and horizontally.[11] The horizontal alternation was introduced to ensure balance between male and female candidates on the top of the political entities' lists, if those entities were running in more than one constituency. This system was intended to provide a maximum of 50 percent representation for women within the 80 PR seats, i.e. 20 percent of the total GNC seats. However, the design of the electoral system and the quota structure does not guarantee gender equity in the congress. The Carter Center strongly urges that measures be implemented to ensure the effective representation of women in any elected assembly in the future.[12]

ELECTION ADMINISTRATION

An independent and impartial electoral authority is critical to ensuring the rights of voters are protected and genuine elections are held in a transparent and professional manner.[13] The HNEC was established as an independent election body under Law 3 of 2012 and was responsible for conducting the GNC election. The commission is governed by an 11-member board of commissioners who were appointed by the NTC Feb. 7.[14] The commission supervises a Tripoli-based secretariat that oversees the work of thirteen sub-administration offices (district offices). Each is composed of five members that were appointed by the board and responsible for implementing the decisions of the HNEC at the polling station level. On election day approximately 38,000 polling staff implemented the elections in 6,629 polling stations.

The commission has extensive powers, duties, and responsibilities for all aspects of the electoral processes; it is the only body that undertakes preparation, implementation, supervision, monitoring, and announcement of the results of the GNC election.[15]
The chairperson and the members performed a necessary oath before the NTC prior to the assumption of their duties on Feb. 12, 2012, leaving them with 128 days to recruit staff, set up the offices, draft and adopt all internal regulations, train staff, and prepare for voter registration, candidate registration, and election day.[16] Despite having little or no previous

[11] Law 4 for 2012 on PNC elections; article 15.
[12] CEDAW Committee, General Recommendation No. 5, para 15: "Where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies."
[13] UN Human Rights Committee, General Comment 25, para. 20
[14] According to Electoral Law 3/2012, the HNEC was originally to be comprised of 17 members. Only 15 of 17 members were appointed on Feb. 7, 2012, and then on April 25, 2012, the board of commissioners was restructured by the NTC and the total number of commissioners reduced to 11. In May 2012, one commissioner resigned. Mr. Wesam Al-Saghir was appointed as commissioner on June 16, 2012.
[15] Law Number (3) of 2012 on the Establishment of the High National Election Commission, article 3.
[16] Constitutional declaration, Article 30, Paragraph 3, originally stated that the elections should take place within 240 days after the Announcement of the Liberation Day on Oct. 23, 2011.

electoral experience, HNEC staff should be commended for carrying out their responsibilities with a high level of dedication and professionalism. The election administration nevertheless was negatively impacted by the compressed timeframe, with decisions in some cases being issued after the affected activities had already started.[17]

Boundary Delimitation

In determining boundary delimitation, constituencies should be drawn so that voters are represented in the legislature on an equal basis.[18] Boundary delimitations were established in May 2012, approximately three months after the electoral law.[19] The electoral law determined the electoral system and the number of seats that were subsequently allocated to electoral districts. It is unusual to decide on the electoral system and the number of seats, and then to try to allocate districts to the system; both the electoral system and the boundary delimitation should go hand in hand, as the delimitation is considered the most important variable in any electoral system.

When the HNEC divided the country into districts, they considered population size, geographical area, and social and historical conditions. The resulting boundary delimitations formed 13 administrative districts housing 73 constituencies. Voters in 69 constituencies cast ballots for one or more individual candidates to represent them in the GNC. For the election of political entities, the 73 constituencies are grouped into 20 electoral districts, which will elect a total of 80 members. While noting concerns to provide adequate representation for all regions, this method of districting does not respect the international obligation of equal suffrage.[20]

VOTER EDUCATION

Voter education efforts are necessary to ensure an informed electorate is able to effectively exercise their right to vote.[21] As the first election in almost 50 years, efforts to educate voters on the importance of the elections, the type of elections taking place, and the impact of their vote is even more crucial. These types of voter and civic education programs came under the mandate of the HNEC, but many of their planned activities were severely restricted or cancelled due to the tight timeframe.

Civil society organizations, such as "Sharek" (Participate), began to emerge with a focus on encouraging Libyans to vote. Libyan scouts, who were trained how to vote and supplied with civic education materials, provided grassroots training, particularly targeting the youth. Special educational campaigns were also developed to target women, and the "Sawti laha" (My vote for her) campaign encouraged all voters to support female candidates.

Future electoral management bodies should devote increased resources and efforts to conduct voter information and education campaigns to deepen the voters' understanding of the process and encourage increased participation in the political process.

[17] The decision no. 93, regarding filling a complaint during the campaign period came out on June 27, after 9 days after the official start of the campaign.
[18] UNHRC, General Comment 25, para. 21.
[19] Law no. 14.
[20] UN ICCPR, art. 25.
[21] ICCPR, art. 25

VOTER REGISTRATION

Voter registration is an important means of ensuring that the right to vote in a genuine election is protected. An effective voter registration enforces universal and equal suffrage while increasing transparency in the electoral process.[22] Registration should be made available to the largest pool of citizens possible but may be subject to reasonable restrictions.[23] Although The Carter Center did not observe voter registration in Libya, observers and members of the core team have discussed the registration process with HNEC officials, domestic observers, and voters both in Tripoli and at the district level.

Eligibility
According to the electoral law, citizens are eligible to register if they are a Libyan national, have completed 18 years of age on election day, have not been convicted of a felony or misdemeanor (unless they are being rehabilitated), and they are not members of the military.[24] In the future, the HNEC should set a clear calendar date by which a citizen must reach majority, so as not to tie eligibility to the date of an electoral event that may change. Several young voters were potentially excluded from the process due to an early cutoff of the registration deadline.[25]

Exhibition and Appeals
During the exhibition and challenges period from May 23-27, registered voters were permitted to inspect the voter list where they registered and were allowed to contest in the district court the inclusion of any individual whom they did not believe was eligible to vote. In addition, they had the right to correct their details or to add their name if it was erroneously left out of the exhibited voters list. However, the brief exhibition period did not adequately allow voters to review the registry and make the necessary corrections. In the future, the exhibition period should be extended to allow all concerned citizens to investigate the voter registry and courts should be given more time to consider challenges and appeals based on sound evidence.

Registration figures
Voter registration was conducted from May 1-21, 2012. Despite the short timeframe, a total of 2,865,937 voters registered, representing approximately 82 percent of the estimated 3.5 million eligible voters, based on the 2006 census. Registration was conducted in 1,540 centers nationwide, which were later used as polling centers. Approximately 46 percent of all registered voters were women.

CANDIDATES, PARTIES, AND THE CAMPAIGN ENVIRONMENT

While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited on the basis of objective and reasonable criteria established by law.[26] Unreasonable restrictions to the right to be

[22] United National Human Rights Committee (UNHCR), General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para 11; UN, ICCPR, art. 25(b).
[23] UN, ICCPR, art. 25; UNHRC, General Comment 25, para. 11.
[24] Article 9 of Law 4 of 2012 and Article 5 of the decision no. 19 of 2012.
[25] During the voter registration period, elections were anticipated June 19, 2012 and registration was limited to those citizens who would be eligible to vote on that date. After the closure of the voter registration period, the elections were scheduled for July 7. Therefore, citizens born between the June 19 and July 7, 1994, were excluded from participation.
[26] ICCPR, art. 25; AU, AfCHPR, art. 13; Arab Charter on Human Rights, art. 24

elected include those based on political affiliation, be it past or present.[27] In addition, good practice sources suggest that the loss of this right should only be imposed after adjudication by a court of law.[28]

The right to stand for public office was granted to every Libyan at least 21 years of age who is literate and not a member of the NTC, Interim Government, or the HNEC. Furthermore, a candidate should not be a former member of the executive office or chairpersons of local councils during the previous regime. Candidate registration took place over the period May 1-15, during which time 3,767 candidates registered, running either as individuals or as part of the 377 lists representing 130 political entities.

Although women played a notable role during the uprising, only 585 women registered as candidates. The vast majority of female candidates registered on the PR list. Only 85 women registered as individual candidates.

High Commission for Implementing Integrity and Patriotism (HCIIP)
The HCIIP is in charge of examining the files of candidates applying for any public post or currently working for the Libyan government as well as candidates for the GNC. HCIIP members were nominated by the NTC.[29] Five members (including the head of the HCIIP) are judges; others include lawyers, university professors, civil society activists, and political prisoners during the Qadhafi era. Members represent different geographic areas and ethnographic components of Libyan society.

The HCIIP approved or disqualified candidates for GNC elections according to several candidacy requirements spelled out by law.[30] Rejected candidates have the right to appeal decisions of HCIIP in the court of first instance within 48 hours from the HNEC's publication of candidates' names.[31] The court has to issue a verdict within three days from receiving the appeal.

The HCIIP received almost 4,000 files for GNC candidates, with the legal period to examine the files and issue either a decision within 12 days. The HCIIP informed The Carter Center that they examined all files in only six days. Since its formation in February 2012, the HCIIP assembled a database containing information on members and collaborators of the Qadhafi regime. According to commission members, this information was gathered primarily from the intelligence and secret services headquarters that fell into the hands of the revolutionists.

After examining GNC candidates' files, the HCIIP refused 306 candidates. Some of these appealed against the HCIIP decision and the court restored 79 candidates. The HCIIP has the right to re-examine the files of the 200 members of the GNC after their election in order to double check their eligibility.[32] HCIIP is also required to examine the files of the prime minister and other officials appointed by the GNC, as well as the 60 members of the statutory body that will draft the constitution and new members of the HNEC after its reformation. HCIIP will be dissolved in the first session of the parliament that will be elected after approval of the constitution.

[27] ICCPR, art. 2
[28] OSCE/ODIHR, Existing Commitments, p. 59.
[29] Decree number 16 for 2012
[30] Law 26 for 2012 on the formation of HCIIP, articles 8 and 9.
[31] Law 26 for 2012 on the formation of HCIIP, article 13.
[32] Law 26 for 2012

The fact that only a small percentage of the files presented to HCIIP were refused demonstrates relative restraint. The right to appeal against HCIIP's decisions in front of the court meets Libya's international obligations concerning effective remedy.[33]

Campaign Period

The HNEC announced the final lists of candidates on June 18, 2012, less than three weeks before election day, leaving a very narrow window for the candidates to campaign. The campaign period ran from June 18- July 5. Carter Center medium-term observers met with political entities and individual candidates, attended campaign events, and followed the coverage of campaigns in local media. Campaigns were carried out through posters and billboards, online media such as Facebook, and low visibility activities such as distributing leaflets and private meetings. Observers reported that the last of these was employed by many female candidates. Local civil society groups also organized events at which candidates presented their platforms and answered questions from audiences.

Many people who spoke with Carter Center observers expressed excitement at their new ability to speak freely and to discuss politics without fear of intimidation. A Voluntary Code of Conduct for political entities was signed by a number of parties in late June. There were no reports of clashes between political entities or individual candidates, but there were isolated incidents of posters being defaced or torn down in Benghazi during the last week of June. As the election drew closer, observers noted that posters had been damaged in several other cities, including Zuwarah, Al Bayda, and Derna. Especially affected were the posters of female candidates, though the posters of male candidates were also defaced. Observers reported that the campaign silence on July 6 was largely respected.

In general, observers noted a preference for individual candidates over parties or political entities; potential voters expressed significant distrust of political parties.

In future elections the campaign period should be extended, so that voters can better make an informed choice, and efforts should continue to educate political entities and individual candidates on their rights and responsibilities. Particularly important will be additional training on the role of candidate and party agents in ensuring the integrity and credibility of the electoral process.

Campaign Finance

Balanced and transparent systems for political parties and individual candidates are important in the context of preventing corruption.[34] The electoral law delegates this responsibility to the HNEC and allows this body to set the expenditure ceiling for the campaign activities per each candidate or political entity, provided that they identify the funding sources for their electoral campaign.[35] The HNEC also has the right to terminate the candidacy or election results of an individual candidate or political entity if it becomes evident that they violated the provisions of the law.[36]

[33] ICCPR, Article 2(3); United Nations, "Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections," para. 114, "Anyone alleging a denial of their (...) political rights must have access to independent review and redress."

[34] UNCAC, art. 7

[35] Law 4 for 2012 on GNC elections, article 22

[36] id, article 23

On June 16, 2012, only two days before the start date of the electoral campaigns, HNEC issued regulations concerning the ceiling of electoral campaigns expenditure.[37] The ceiling of campaign expenditure for the proportional representation constituencies ranged from 90,000 LYD in Morzag to 400,000 LYD in Benghazi. For the majority constituencies, the ceiling ranged from 25,000 LYD in Tazerbou to 150,000 in Benghazi. According to the HNEC, the expenditure ceiling amounts were based on the number of registered voters and the geographic area of each constituency.

According to the electoral law, winning candidates are required to present a detailed report of their campaign income and expenditures to the HNEC within 15 days of the announcement of the final results.[38] On June 30, the HNEC issued a decree concerning the establishment of subsidiary units to audit candidates' financial records. Units will be established in each of the 13 sub-districts to verify candidates' financial reports and present a final report to the HNEC.[39] The election commission did not monitor probable violations of campaign finance regulations during the campaign period; instead, its actions depend only on post-election assessments completed by the audit units. This measure does not fulfill the HNEC's obligation to verify the compliance with the provisions of the electoral law regarding electoral campaign finance and expenditures.[40]

Carter Center observers reported that a significant number of candidates and political entities with whom they spoke were confused about campaign finance reporting requirements.

PARTICIPATION OF MINORITIES

Freedom from discrimination on the basis of race, color, sex, language, religion, political, or other opinion is widely recognized as a fundamental human right.[41]

Internally Displaced Persons (IDP)
The conflict in 2011 displaced many Libyans from their homes or habitual residences. The HNEC identified five locations—Misrata, Tawerga, Khallesh, Msheshia, Bani Walid, and Al-Rumiya—as the main sources of IDPs. Fourteen special centers were established in Tripoli, Benghazi, Khoms, Sebha, Guriyan, and Sirte to facilitate IDP registration and voting. Carter Center observers visited IDP camps in Benghazi and Sebha.

Kufra
A group of local NGOs in the south of Libya challenged the registration of more than one thousand voters in Al Manara and Hettein centers in the Kufra constituency within Ajdabiya district. The district court in Kufra decided to remove 1085 voters from the voters' list under the determination that the removed voters were: inhabitants of the Aouzou area, and thus not Libyan citizens according to decree number 13 issued by the Libyan authorities in 1998; registered without identity documents; registered at more than one registration center;

[37] Decree 85 for 2012
[38] Law 4, article 25
[39] The United Nations Convention Against Corruption, art. 7 (3) states that "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."
[40] Law 4 for 2012 on GNC elections, articles 20, 21, 22, and 23
[41] ICCPR, Article 25.

affiliated with one of the military institutions; or convicted of a felony without being rehabilitated.

The legal period for the removed voters to appeal against their removal was five days from the date of the court ruling. On June 16, 2012, the district court of Kufra informed the HNEC that none of the removed voters had appealed against their removal from the voters' list. On June 26, the HNEC issued its decree number 92 for 2012 ordering the removal of 1085 voters in Kufra from the voters' list. On the same date, the HNEC addressed the Ministry of Education asking for the replacement of the committees in charge of the electoral process in Al Manara and Hettien Centers in Kufra.

The Carter Center notes that the original complaints were filed after the legal time frame. By law this should have been 48 hours following the publication of voters' lists, which took place between May 23- 27.[42] Most of the complaints were filed starting on June 2. In addition, the delay in the HNEC's decision effectively deprived those removed from the list from exercising their right of appeal. The HNEC should take more timely decisions to ensure effective dispute resolution and to uphold the rights of citizens to appeal. In future, the election management body should give careful consideration to the protection of minority rights in the voter registration process.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

The right to participate in public affairs is a widely recognized obligation in public international law.[43] Impartial domestic election monitoring is a means for citizens to participate and promote the integrity of democratic processes.

Several civil society groups were created during the armed conflict to support humanitarian projects. These groups later altered their priorities to reflect political interests, including the GNC elections. As a result, many civil society groups formed networks that included a mandate to observe the elections. According to the HNEC, 11,344 domestic observers were accredited, along with 14,304 political entities and candidates' delegates, many in the extended period of registration. The two largest and most active networks are Shahed, covering all 13 administrative districts, and the Libyan Association for Elections Observation (LAEO), covering 10 out of the 13 districts. In addition, many organizations deployed observers at the local level.

The accreditation of both international and domestic observers went smoothly. The commission should be commended for its efforts to facilitate the full participation of domestic observers in the civic and political rights of the country. The HNEC extended the accreditation deadline from July 1-7. The accreditation process for domestic observers was decentralized to allow for easier accreditation at the local level.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process.[44] Voters and other electoral stakeholders must be given,

[42] HNEC decree number 72 for 2012 issued on May 21, 2012
[43] UN, ICCPR, art. 25
[44] ICCPR, Art. 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose

and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility.[45] Election dispute resolution is one of the main responsibilities of an election commission. HNEC officials avoided assuming a strong role in the consideration and adjudication of electoral complaints for several months, preferring that aggrieved parties seek remedy through the judicial system.

The electoral complaints mechanism set forth in the electoral law gives concerned parties the right to appeal any stage of the election process to the courts.[46] While the courts could adjudicate complaints, the appeals process could take up to 12 days to pass its final verdict. The process could deny aggrieved parties a timely remedy, particularly given compressed electoral periods and strict electoral deadlines.[47]

With reluctance, the HNEC issued a decree on June 27, 2012, to establish 13 sub-district committees to address electoral complaints.[48] Each committee has a range of options from taking immediate action to respond to the complaint; referring it to a specialized criminal court; or referring it to the HNEC for further consideration. The HNEC has the authority to disqualify candidates, political entities, or voters from participation or cancelling the results of any polling station in case of fraud or other violation.[49]

Many Libyans do not seem to be aware of their full rights to initiate complaints regarding the electoral process, including the processes for filing a complaint and what constitutes electoral misconduct. Concerned parties who wished to file complaints during polling and counting could receive a complaints form from the polling stations for delivery to the district level. In many cases, this could be laborious since polling centers could be located hundreds of kilometers away. While the procedures instruct polling staff to note any complaints in the polling station journal, and address complaints of an administrative nature, they are not required by law to do so.

The election law states that the HNEC shall verify compliance with the provisions regarding the electoral campaigning.[50] The HNEC did not establish any mechanism to ensure a proactive verification of the electoral campaigns; instead it depends mainly on the complaints

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rights or freedoms are herein recognized as violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

[45] United Nation Human Rights Committee, General Comment No. 32 on the ICCPR, para. 25: "The notion of fair trial includes the guarantee of a fair and public hearing."

[46] Article 31 of law 4 for 2012 on GNC elections: "Anyone with interest shall have the right to appeal any of the procedures in any stage of the electoral process within 48 hours of the date on which the appealed incident took place; the appellant shall be exempt from court fees."

[47] Law 28 for 2012, amended article 32 of Law no 4. District court judges with electoral district jurisdiction have 48 hours to pass a verdict in the complaints. Appeals against the court ruling must be filed within five days with the Court of First Instance, which has five days to pass its verdict.

[48] HNEC decree number 93 for 2012 concerning regulations for elections dispute resolutions. The elections complaint decree was issued 10 days after the start of the campaign period, so there is no mechanism in place to handle the violations committed from the start of the electoral campaign period until its introduction.

[49] Law no. 4 of 2012, articles 23 and 30.

[50] Law no. 4 of 2012, article 23

from concerned parties.[51] Future electoral management bodies should assume a greater and more effective role in adjudicating electoral disputes.

POLLING

The Carter Center conducted a limited election observation mission, accrediting 45 observers from 21 countries and deploying 16 teams of observers. On election day, observers visited more than 160 polling stations in 11 of 13 electoral districts, including teams in Ajdabiya, Al Bayda, Zuwiya, Gharyan, Khoms, Benghazi, Sebha, Sabrata, Tobruk, Tripoli, and Zuwara.

Despite logistical challenges, materials were delivered in a timely manner to nearly all locations. In areas visited by Carter Center observers, voting was orderly and polling stations were well managed and efficient. Polling staff appeared well trained and enthusiastically conducted the elections in a neutral and professional manner.

The commission made extraordinary efforts to conduct polling in all locations despite security incidents in the immediate election period and on election day. Attacks on HNEC district headquarters in Benghazi, Tobruk, Ajdabiya, and on a military helicopter used by HNEC to deliver election materials, resulted in one death. These incidents, coupled with attacks against polling stations in Benghazi, Ghemenis, and Ajdabiya on election day, marred the process in these areas. Nevertheless, the commission was able to replace damaged materials, and more than 94 percent of polling centers opened the morning of the elections. Additional centers were opened later and on the following day.

Voters in Benghazi and Ajdabiya appeared determined to defy these efforts to derail the elections and to participate by casting their ballots. At polling centers visited by Carter Center observers elsewhere in the country, the atmosphere was calm with voters patiently queuing and in many cases celebrating their right to cast ballots freely.

The overall performance of the polling station staff was good, with observers reporting that 98 percent were either “good” or “very good.” Voting procedures were correctly implemented in 95 percent of the polling stations visited. In the remaining cases, irregularities were limited to failing to check for ink. Queue controllers were present in all centers visited and facilitated the smooth and orderly distribution of voters to polling stations.

Libyan observers from the newly created domestic observer networks monitored the process in 76 percent of the polling sites visited by Carter Center observers. Political entity or individual candidate agents were present in 60 percent. As the democratic system and political parties mature, the Center encourages party agents and domestic observers to play a more effective role in observing elections in order to provide an important check on polling operations and increase the transparency and credibility of the vote.

With the exception of teams in Benghazi and Ajdabiya, Carter Center observers did not report any incidents of intimidation or interference in the electoral process. Observers did not report any evidence of fraud at the polling stations they visited on election day.

[51] Decree 93 for 2012

However, Carter Center observers did report that secrecy of the ballot was not adequately ensured in 8 percent of polling stations observed, mostly due to inappropriate voter assistance or to inadequate polling station layout.

While many Libyans appeared to understand how to vote, seven different teams of Carter Center observers reported that voters' understanding of procedures was "poor" or "very poor." These reports accounted for 17 percent of all polling stations visited.

Overall, polling at the polling places visited by observers was conducted in accordance with international standards.

OUT OF COUNTRY VOTING (OCV)

In accordance with Libyan law, Libyans living abroad were afforded an opportunity to register and vote in the GNC elections. Libyan citizens across the world could register and vote on the same day in any one of six countries selected by the HNEC for expatriate voting: Canada, Germany, Jordan, United Arab Emirates, United Kingdom, and the United States. The Center regrets that only 8,043 overseas voters cast a ballot in these historic elections. Greater public outreach efforts should be made in future elections to encourage Libyan citizens to participate and exercise their full rights of citizenship.

While geographic considerations were taken into account, there are questions about the choice not to extend OCV to certain countries where large numbers of Libyan nationals reside, such as in Egypt and Tunisia. Efforts should be made to review the procedures for future OCV processes to ensure as inclusive participation as possible.

COUNTING AND TABULATION

The accurate and fair counting of votes after polling plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. Carter Center observers were present for the full count at only eight polling stations. This sample is too small to offer a reliable assessment of the counting process.

Tabulation began the day after the election at the HNEC headquarters in Tripoli. The Carter Center will issue a separate statement that addresses the tabulation process and the resolution of any electoral disputes.

SECURITY

Together with the HNEC and the Ministry of Defense, the Ministry of the Interior developed a security plan for election day that combined various available components, including personnel from local military councils, police, and the Supreme Security Committee (SSC). The plan assigned responsibility for the security of urban polling centers to police and the SSC, while military councils and their militias were responsible for the security of rural polling centers and the establishment of checkpoints.

Localized armed clashes in Kufra, the Nafusa mountains, Ghadamis, and Sebha, as well as opposition to the electoral process, mostly in the east of the country, were the greatest challenges faced by the Election Security Committee in providing a safe and secure environment for voters to cast their vote. Opposition to the election process by several groups

and their actions in the east was the main reason for delayed openings or permanently closed polling centers in certain areas. Related incidents such as the destruction of election material on site or en route to polling centers, an attack on a military helicopter used by the HNEC, and incursions to polling centers on election day marred the process in these areas, and may have intimidated voters and reduced overall turnout.

Background on the Carter Center's Election Observation Mission

The Carter Center conducted an assessment mission to Libya in late March 2012. The Center commenced its limited election observation mission in May 2012 with the arrival of a core team, followed by the deployment of 10 medium-term observers. Prior to election day, The Carter Center welcomed the arrival of several short-term observers who increased the presence of The Carter Center in Libya and supported observation of the election day, although still limited by security concerns in geographical and population coverage.

The objectives of the Carter Center's election observation activities in Libya are: a) share findings and analysis to enhance the quality of future elections, b) to promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the elections.

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

The Carter Center Finds Libya's Tabulation Process Credible

July 18, 2012
FOR IMMEDIATE RELEASE
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Executive Summary
The Carter Center welcomes the announcement of preliminary election results by Libya's High National Elections Commission (HNEC) on July 17, 2012, and congratulates HNEC staff for their diligence in completing the tabulation process in a timely manner and for their efforts to ensure that all voters had an opportunity to participate in the elections. While improvements could be made, the tabulation process for the July 7 General National Congress elections was conducted in a credible manner and was adequate to determine the results of the election accurately.

Disruptions to the electoral process negatively affected polling in a number of locations. In response to attacks on polling materials and centers in the east, the HNEC made a number of decisions on and after election day that impacted opening times, polling dates, and polling center locations. Although these measures were devised to increase participation and ensure voter security, they were contrary to the election law and may have caused confusion among voters due to their late implementation. In future elections, the Center encourages the HNEC to develop a detailed emergency operations plan in advance and to inform polling staff and voters in a timely manner.

It was apparent to Carter Center observers that HNEC staff sought to conduct counting, recounting, and tabulation transparently and in accordance with the election law. Their efforts should be commended. Several aspects of the process could be improved though to ensure compliance with international and national standards and allow for the smooth conduct of tabulation in future elections:

- To increase transparency, counting and recounting should always be done in the district where voting took place so that polling staff, observers, and political entity and candidates' agents can be present.

- To ensure accountability, polling staff should be required to sign results forms to indicate their agreement to any corrections made by auditors. Means to make this feasible should be examined.

- To ensure accuracy, more robust quarantine triggers should be included to detect inconsistencies or anomalies in results and reconciliation forms.

The Carter Center conducted a limited election observation mission in Libya at the invitation of the HNEC and has been welcomed by the National Transitional Council and representatives of political entities and civil society. Following election day, Carter Center observers met with elections officials, political entities, candidates, and other stakeholders in 12 cities: Ajdabiya, Awbari, Al Aziziya, Al Bayda, Benghazi, Khoms, Misrata, Sebha, Tripoli, Tobruk, Az Zawiya, and Zuwara. Observers also monitored the tabulation process at the National Tally Center at the HNEC headquarters and the HNEC warehouse at Mitiga airport, both in Tripoli. Their observation was supported by a core team of elections and legal experts based in Tripoli.

The Center is impartial and conducts its activities in accordance with the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005.

Delayed Openings and Voting after Election Day

Despite a peaceful atmosphere in much of the country, cities in the east of Libya suffered a series of violent attacks against polling centers and election materials during the immediate elections period that had a significant impact on polling. While the HNEC and polling staff should be congratulated for their quick response to these incidents, and in particular for their commitment to ensuring that all voters in affected areas were able to participate in the elections, the future electoral management body should consider the introduction of measures to handle potential disruptions to the polling process and should develop a detailed emergency operational plan.

Polling stations in Ajdabiya, Benghazi, Brega, and Gemenes opened late on election day. Five polling centers in Sidra opened only on the following day, July 8, and three polling centers in Kufra and Ribiana opened only on July 10. The election law states that "polling shall last for one day, from eight o'clock in the morning until eight o'clock in the evening."[1] It does not specify that voting can take place only on election day; however, it states that voting may only take place between the specified hours.

Decisions to delay voting in some locations was made on an ad hoc basis late in the process. Measures to address potential disruptions to the polling process should have been established earlier and communicated clearly so that all stakeholders could prepare themselves. The absence of sufficient public information about the opening of polling stations, voting that continued into the night, and delayed voting in some locations may have interfered with voters' ability to participate in the elections.

In addition, for security reasons as many as 100 polling stations in Ajdabiya, Benghazi, and Sirte districts were consolidated so that polling for multiple stations was conducted within a single location, in some cases with a single ballot box serving multiple stations. This was done without appropriate legal and administrative measures, making reconciliation impossible at some polling stations and delaying the tally process.

Finally, on the afternoon of election day, a decision was made by electoral officials in Benghazi to allow registered voters from three polling centers to vote in any polling center in the district.[2] Legally, this decision is contrary to electoral regulations that state that voters are only allowed to vote in the center where they have registered, and that polling staff should not

[1] Law no. 4, article 27.
[2] These were Tolatala, Eshblya, and El Hadba Schools.

allow anyone whose name is not on the voters' list to vote.[3] The Center acknowledges the extenuating circumstances under which this action was taken.

While exceptional, these decisions could have been avoided if the HNEC had adopted an emergency operational plan in advance, rather than taking decisions on a case-by-case basis. In future elections, an emergency operational plan should be developed and widely disseminated to HNEC district offices and polling staff prior to election day.

The Tabulation Process

Tabulating results represents a critical part of the electoral process, requiring extensive efforts to ensure accuracy, minimize any opportunities for fraud, and guarantee that election results represent the free expression of the will of the voters.[4] To ensure public confidence, tabulation procedures should follow five fundamental principles: transparency, security, accuracy, timeliness, and accountability.

The Carter Center congratulates HNEC staff for their diligence in completing the tabulation process in a timely manner. Despite some barriers to transparency and a lack of strong measures to identify anomalous results, the tabulation process for the July 7, 2012, General National Congress elections was conducted in a credible manner and was adequate to determine the results of the election accurately.

The tabulation procedures were released by the HNEC on June 30, 2012. The procedures outline the manner in which copies of the results forms should be posted at the polling station and the originals transferred in tamper-evident envelopes to the National Tally Center. They include provisions for a double-blind data entry system to ensure accuracy and an audit committee to review results forms containing clerical or other errors. In the case that the audit committee cannot resolve an error, results forms are referred to the HNEC board of commissioners to authorize a recount. The regulations do not reveal the process for electronic aggregation of the results.

Carter Center observers noted that HNEC officials at the tally center sought to be transparent and were very welcoming to observers and agents of political entities and candidates. However, the computerized aggregation of results and the layout of the tally center did not permit comprehensive observation of the tally process. In future elections, observation of the aggregation process should be facilitated, for instance by posting results forms as they are entered in the database or by projecting results forms on a screen that is easily visible to observers and political entities and candidates' agents.

Recounting is an inevitable process in most elections and requires clear procedures to ensure accuracy and transparency. Carter Center observers monitored recounts, or the re-opening of ballot boxes to extract results forms that had been mistakenly sealed in the ballot boxes, in five cities: Al Bayda, Benghazi, Misrata, Tobruk, and Tripoli. In all but one case, recounts were triggered by missing or incomplete forms or auditors being unable to make sense of the figures on the results forms.[5]

In most cases, HNEC officials actively requested the presence of observers in order to ensure the transparency of recounts. In all observed cases the recounts were conducted in a

[3] Article 7 and article 14 (3) of Decree no. 67.
[4] U.N., ICCPR, Article 25(b).
[5] In Misrata, ballots from one polling center were recounted following a complaint from an independent candidate. This recount found that the candidate had wrongly been assigned zero, rather than 97 votes.

professional manner with training or polling staff showing a strong commitment to accuracy. Carter Center observers did not report any cases of intentional manipulation of results.

The Carter Center notes three issues that could be addressed in future elections:

First, according to the election law and regulations, both counting and recounting should take place in the district where voting took place. This ensures the transparency of the process by allowing polling staff, observers, and political entity and candidates' agents to be present. While recognizing serious security concerns, the decision to count and recount ballots from Kufra in Tripoli is inconsistent with the law and violates the principle of transparency.

Second, if a mistake is made by a member of the polling staff, he or she should be present to append their signature in agreement with the correction. Failure to observe this procedure jeopardizes the principle of accountability. Nevertheless, on several occasions auditors at the tally center appeared to correct calculations or typographical mistakes without the knowledge of polling staff. Means for polling staff to be included in the process should be examined, including decentralization of the tabulation process.

Third, triggers for quarantining questionable results were extremely limited. According to HNEC officials, the database was programmed to quarantine results forms in which the data was inconsistent, the number of votes received by candidates exceeded the number of votes cast, or turnout was greater than 100 percent of registered voters. In the future, the HNEC should consider employing additional and more stringent quarantine triggers, for instance, to detect over 95 percent votes for a one candidate; extremely high turnout in a particular polling station; or discrepancies in the reconciliation of used, unused, spoiled, and cancelled ballots with final vote totals.

The HNEC should be praised for the way it handled delays in the tabulation process by reassuring candidates and voters, holding frequent press conferences, and announcing partial results. These measures helped to increase transparency, reduce potential distrust of the tabulation process, and reassure voters that the process was not subject to undue delays.

Complaints and Appeals

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well functioning electoral process.[6] Voters and other electoral stakeholders must be given, and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility. The HNEC detailed the mechanism for filing complaints during the electoral process in a decree issued on June 27, 2012.[7]

Carter Center observers report that several dozen complaints relating to election day were filed at the district level. Nearly all of these complaints relate to administrative or procedural issues at the polling station level. While awaiting timely resolution of each complaint, the Center notes than none appear to undermine the integrity of the process as a whole.

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[6] ICCPR, Art. 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

[7] HNEC decree number 93 for 2012 concerning regulations for elections dispute resolutions.

Complaints related to the results of the election must be filed within 48 hours of the announcement of preliminary final results. The courts then have five days to reach a decision. An appeal can be submitted within 48 hours of the court's decision, and the court then has five days to rule on the appeal. In total, the complaints process should last no longer than 14 days. The Carter Center will continue to monitor the electoral complaints process and will include its findings in its final report.

About the Carter Center's Limited Election Observation Mission in Libya
Following an invitation from the HNEC, The Carter Center deployed a limited international election observation mission to Libya to monitor and report on the July 7, 2012, General National Congress elections. The mission accredited 45 observers, including five teams of medium-term observers and 16 teams of short-term observers, supported by a core team of elections and legal experts based in Tripoli. Observers came from 21 countries and visited 12 of Libya's 13 electoral districts over the course of their observations.

In light of security considerations, which prevents deployment of observers in some areas of the country and which restricts their movements in others, the Center's mission is limited in nature and does not offer a comprehensive assessment of the electoral process. However, the Center shares its observers' findings and analysis with the HNEC and the public in a spirit of cooperation to enhance the quality of future elections.

The Center's assessment of the electoral process is made against the interim constitutional declaration, Libya's election laws and regulations, and the country's international commitments regarding democratic elections and political participation. The Center is nonpartisan and conducts its activities in accordance with the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005.

The Carter Center released a preliminary statement of its findings on July 9 and plans to release a comprehensive final report on the 2012 General National Congress elections within the next several months. The Center's public statements are all available on its website, www.cartercenter.org.

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"Waging Peace. Fighting Disease. Building Hope."

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Center has observed more than 90 elections in 36 countries. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.

Appendix E
Deployment Plan

Team Number	Members	Location
1: Tripoli	John Stremlau	Tripoli
	Dirk Vandewalle	
2: Tripoli	Alexander Bick	Tripoli
	Sarah Johnson	
3: Tripoli	Rotating Core team/ATL	Tripoli
	Rotating Core team/ATL	
4: Tripoli	Salma Sharif	Tripoli
	Slah Eddine Ben Rjab	
5: Az Ziziyah	Sarra El Idrissi	Tripoli
	Jacques Paquette	
6: Az Zawaiyah	Laura Dean	Sabratha
	Salem Ben Slama	
7: Zuwarah	Perin Arkun	Sabratha
	Anis Samaali	
8: Misratah	Ayad KhilKhal	Misratah
	Solvej Krause	
9: Khoms	Said Al-Marjibi	Misratah
	Christa Mueller	
10: Benghazi	Rosemary Cairns	Benghazi
	Walid M.M. Salhi	
11: Benghazi	Daniel Serwer	Benghazi
	Sidney Kwiram	
12: Ajdabiyah	Chris Blanchard	Ajdabiyah
	Faterraham Youssif	
13: Albayda	Sandra Hadjisavva	AlBayda
	Muzaffar Hussein	
14: Tubruk	Sonia Najjar	Tubruk
	Max Von Durckheim	
15: Sabha	Osama Moftah	Sabah
	Nicolas Jahr	
16: Gharyan	Lori Shortreed	Gharyan
	John Landry	

Additional core team and Atlanta staff members observed in neighboring Tripoli areas as time permitted.

APPENDIX F
CHECKLISTS

POLL OPENING

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
2. Team Number: *	
3. Constituency: *	
4. Town: *	
5. Polling Station Code: *	
6. Number of Registered Voters: *	
7. Polling Station Type: *	☐ Male ☐ Female ☐ Male IDP ☐ Female IDP
8. Arrival Time: *	
9. Departure Time: *	
10. Was the polling center (PC) readily accessible for all participants? *	☐ Yes ☐ No ☐ D/K ☐ N/A
11. Were participants free from adverse influence outside the PC: *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #11 is equal to "No" 12. Select the type of adverse influence that occurred.	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Violence ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #11 is equal to "No" 13. Briefly explain the details of the adverse influence that occured: *	
14. Were female police present at the PC? *	☐ Yes ☐ No ☐ D/K ☐ N/A
15. Were the exhibition lists made available to voters? *	☐ Yes ☐ No ☐ D/K ☐ N/A
16. Were queue controllers present to assist voters? *	☐ Yes ☐ No ☐ D/K ☐ N/A
17. How would you characterize queue management: *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
18. Did the polling station (PS) open on time? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #18 is equal to "No" 19. Mark time of opening. *	☐ Within 30 min ☐ Within 31 min - 1 hr ☐ More than 1 hour ☐ Did not open
ANSWER ONLY IF Question #18 is equal to "No" 20. Why did the polling station open late?	☐ Lack of materials ☐ Lack of polling workers ☐ Presiding PSM not present ☐ Other
ANSWER ONLY IF Question #20 includes "Other" 21. If "Other" reason, please explain. *	
22. Were ALL sensitive/essential electoral material available in sufficient quantities?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #22 is equal to "No" 23. Specify which materials are missing.	☐ Ballot Papers ☐ Voters' Lists ☐ Official HNEC Stamp ☐ Forms ☐ Indelible Ink ☐ Ballot Box Seals ☐ Ballot Boxes ☐ Voting Screens
24. Were ALL procedures implemented correctly? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #24 is equal to "No" 25. Please select the procedures that were NOT correctly followed by polling staff.	☐ Removal of campaign material ☐ Complete forms ☐ Show empty ballot box ☐ Read aloud serial numbers ☐ Seal ballot box ☐ Other
ANSWER ONLY IF Question #25 includes "Other" 26. If "Other", please explain. *	
27. Was the opening of the PS free from interference? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #27 is equal to "No" 28. Who was involved in this interference?	☐ Election Officials ☐ Voter ☐ Security Officials ☐ International Observers ☐ National Observers ☐ Candidate Agents ☐ Other
ANSWER ONLY IF Question #28 includes "Other" 29. Who was the "other" actor involved in the interference? *	
ANSWER ONLY IF Question #27 is equal to "No" 30. What type(s) of interference occurred:	☐ Active Campaigning ☐ Violence ☐ Intimidation ☐ Created Disturbance ☐ Taking over poll work ☐ Other
ANSWER ONLY IF Question #30 includes "Other" 31. What was the "Other" type of interference? *	

(continues)

POLL OPENING (Continued)

ANSWER ONLY IF Question #27 is equal to "No" 32. Did the PSM take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ D/K ☐ N/A
33. How many total poll workers are present?	
34. How many poll workers in the PS are women? *	
35. How many political entity/candidate agents are present inside the PS? *	
36. Which parties do they represent?	☐ Coalition of National Forces ☐ Libyan National Front ☐ Al Watan ☐ Justice and Construction ☐ Other ☐ N/A
ANSWER ONLY IF Question #36 includes "Other" 37. What other political party/parties are present? *	
38. How many political entity/candidate agents are women? *	
39. How many national observers are present in the PS? *	
40. Which organization(s) do they represent?	☐ LAEO ☐ Shahed ☐ Other ☐ N/A
ANSWER ONLY IF Question #40 includes "Other" 41. What is the "Other" organization represented? *	
42. How many national observers are women? *	
43. Were all authorized groups free from unreasonable restrictions on their work? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #43 is equal to "No" 44. Which actor(s) had their work restricted?	☐ Candidate Agents ☐ National Observers ☐ International Observers ☐ Members of the Media
45. Was the process free from any official complaints lodged at the PS up to your departure? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #45 is equal to "No" 46. Who was the complainant?	☐ Candidate Agents ☐ Voter ☐ Other
ANSWER ONLY IF Question #46 includes "Other" 47. Who was the "Other" complainant? *	
ANSWER ONLY IF Question #45 is equal to "No" 48. Was the complaint form available at the PS? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #45 is equal to "No" 49. Was the complaint addressed by the polling station staff? *	☐ Yes ☐ No ☐ D/K ☐ N/A
50. How would you evaluate candidate agents performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
51. How would you evaluate the domestic observers' performance of their role?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
52. How would you evaluate the Polling Station Staff performance? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
53. How would you evaluate the Polling Station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
54. Other Comments. *	
55. Form Start Time	
56. Old Locality	
57. Old State	
58. Old Country	
59. Old Full Address	

POLLING

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
2. Team Number:	
3. Constituency:	
4. Town:	
5. Polling Station Code:	
6. Number of Registered Voters:	
7. Polling Station Type:	☐ Male ☐ Female ☐ Male IDP ☐ Female IDP
8. Arrival Time:	
9. Departure Time:	
10. Was the polling center (PC) readily accessible for all participants?	☐ Yes ☐ No ☐ D/K ☐ N/A
11. Were participants free from adverse influence outside the PC:	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #11 is equal to "No"	☐ Active Campaigning ☐ Disorderly/Chaotic
12. Select the type of adverse influence that occurred.	☐ Violence ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #11 is equal to "No"	
13. Briefly explain the details of the adverse influence that occured: *	
14. Were female police present at the PC?	☐ Yes ☐ No ☐ D/K ☐ N/A
15. Were the exhibition lists made available to voters?	☐ Yes ☐ No ☐ D/K ☐ N/A
16. Were queue controllers present to assist voters?	☐ Yes ☐ No ☐ D/K ☐ N/A
17. How would you characterize queue management:	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
18. Were all PS staff present? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #18 is equal to "No"	☐ Ballot Box Contrlr/Ink Officer
19. Please specify which PS staff are absent.	☐ Identification Officer ☐ Ballot Paper Issuer ☐ PS Manager
20. How many total poll workers are present?	
21. How many poll workers in the PS are women?	
22. Were ALL sensitive/essential electoral material available in sufficient quantities?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #22 is equal to "No"	☐ Ballot Papers ☐ Voters' Lists
23. Specify which materials are missing.	☐ Official HNEC Stamp ☐ Forms ☐ Indelible Ink ☐ Ballot Box Seals ☐ Ballot Boxes ☐ Voting Screens
24. Were polling procedures being implemented correctly? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #24 is equal to "No"	☐ Voter Identification ☐ Ink checking
25. Mark those procedures in error:	☐ Signing Voters List ☐ Ballot Stamp ☐ Ink voter fingers
26. Was voting conducted in secret? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #26 is equal to "No"	☐ PS layout ☐ Overcrowding
27. Which factor(s) compromised the secrecy of the vote?	☐ Voter disclosure ☐ Inadequate polling booths ☐ Inapprop. voter assistance ☐ Other
28. Was voting free from evidence of fraud? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #28 is equal to "No"	☐ Corrupt PS staff ☐ Ballot Stuffing
29. What evidence of fraud did you witness?	☐ Multiple voting ☐ Vote buying ☐ Carousel voting ☐ Voter impersonation ☐ Ineligible Voter Voting ☐ Other
ANSWER ONLY IF Question #29 includes "Other"	
30. Please describe the "Other" instance of fraud. *	
31. Were all vote ballots cast individually? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #31 is equal to "No"	☐ Multiple voting ☐ Proxy voting
32. Please specify what type of non-individual voting took place.	☐ Group voting

(continues)

POLLING (Continued)

33. Did the voting process run with no interruptions until your arrival?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #33 is equal to "No" 34. Please specify the type of interruption that took place.	☐ Violence ☐ Other ☐ Lack of materials ☐ Polling staff confusion
ANSWER ONLY IF Question #34 includes "Other" 35. What was the "Other" interruption? *	
36. Were voters free from any adverse influence that would affect their choice or participation inside the PS?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #36 is equal to "No" 37. Please mark all instances of adverse influence that apply.	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Violence ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #37 includes "Other" 38. Please describe the "Other" instance of adverse influence. *	
39. Were all prospective voters allowed to cast a vote? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #39 is equal to "No" 40. If NO, why not?	☐ Not on voter list ☐ Did not have ID ☐ Eligibility challenged ☐ No Voters Card ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Please explain the "Other" reason prospective voters were not allowed to cast a vote. *	
ANSWER ONLY IF Question #40 includes "Not on voter list" 42. If NOT ON VOTER LIST: In general, were the procedures for handling voters who did not appear on the voters list correctly followed? (if NO, explain in comments) *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #42 is equal to "No" 43. If not, please explain. *	
44. Was the polling process free from interference? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #44 is equal to "No" 45. If NO, who was involved in this interference?	☐ Election Officials ☐ Voter ☐ Security Officials ☐ International Observers ☐ National Observers ☐ Candidate Agents ☐ Other
ANSWER ONLY IF Question #45 includes "Other" 46. Who was the "other" actor involved in the interference? *	
ANSWER ONLY IF Question #44 is equal to "No" 47. What type(s) of interference occurred:	☐ Active Campaigning ☐ Violence ☐ Intimidation ☐ Created Disturbance ☐ Taking over poll work ☐ Other
ANSWER ONLY IF Question #47 includes "Other" 48. What was the "Other" type of interference? *	
49. At the time you left the polling station, how many voters had cast their votes? *	
50. How many political entity/candidate agents are present inside the PS?	
51. Which parties do they represent?	☐ Coalition of National Forces ☐ Libyan National Front ☐ Al Watan ☐ Justice and Construction ☐ Other ☐ N/A
ANSWER ONLY IF Question #51 includes "Other" 52. What other political party/parties are present? *	
53. How many political entity/candidate agents are women?	
54. How many national observers are present in the PS?	
55. Which organization(s) do they represent?	☐ LAEO ☐ Shahed ☐ Other ☐ N/A
ANSWER ONLY IF Question #55 includes "Other" 56. What is the "Other" organization represented? *	
57. How many national observers are women?	
58. Were all authorized groups free from unreasonable restrictions on their work?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #58 is equal to "No" 59. If no, what was the nature of the restriction? *	

(continues)

POLLING (Continued)

ANSWER ONLY IF Question #58 is equal to "No" 60. Which actor(s) had their work restricted?	☐ Candidate Agents ☐ National Observers ☐ International Observers ☐ Members of the Media
61. Was the process free from any official complaints lodged at the PS up to your departure?	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #61 is equal to "No" 62. Who was the complainant?	☐ Candidate Agents ☐ Voter ☐ Other
ANSWER ONLY IF Question #62 includes "Other" 63. Who was the "Other" complainant? *	
ANSWER ONLY IF Question #61 is equal to "No" 64. What was the nature of the complaint? *	
ANSWER ONLY IF Question #61 is equal to "No" 65. Was the complaint form available at the PS? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #61 is equal to "No" 66. Did the PS official make efforts to resolve the complaint? *	☐ Yes ☐ No ☐ D/K ☐ N/A
67. How would you evaluate voters' understanding of voting procedures?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
68. How would you evaluate candidate agents performance of their role?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
69. How would you evaluate the domestic observers' performance of their role?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
70. How would you evaluate the Polling Station Staff performance?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
71. How would you evaluate the Polling Station overall?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
72. Other Comments.	
73. Form Start Time	
74. Old Locality	
75. Old State	
76. Old Country	
77. Old Full Address	

CLOSING

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
2. Team Number: *	
3. Constituency: *	
4. Town: *	
5. Polling Station Code: *	
6. Number of Registered Voters: *	
7. Polling Station Type: *	☐ Male ☐ Female ☐ Male IDP ☐ Female IDP
8. Arrival Time: *	
9. Departure Time: *	
10. Was the polling center (PC) readily accessible for all participants? *	☐ Yes ☐ No ☐ D/K ☐ N/A
11. Were participants free from adverse influence outside the PC: *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #11 is equal to "No" 12. Select the type of adverse influence that occurred.	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Violence ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #11 is equal to "No" 13. Briefly explain the details of the adverse influence that occured: *	
14. Were female police present at the PC? *	☐ Yes ☐ No ☐ D/K ☐ N/A
15. Were the exhibition lists made available to voters? *	☐ Yes ☐ No ☐ D/K ☐ N/A
16. Were queue controllers present to assist voters? *	☐ Yes ☐ No ☐ D/K ☐ N/A
17. How would you characterize queue management: *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
18. What time did the polling station (PS) close? *	
19. Were all voters in line at closing allowed to vote? *	☐ Yes ☐ No ☐ D/K ☐ N/A
20. Were ALL Closing procedures correctly implemented? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #20 is equal to "No" 21. Which closing procedures were not correctly implemented?	☐ Sealing the Ballot box ☐ Counting Spoiled Ballots ☐ Counting Cancelled Ballots ☐ Counting Unused Ballots ☐ Fill Reconciliation Form
22. Were accredited groups given access in accordance with procedures? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #22 is equal to "No" 23. Mark which groups were restricted access:	☐ Candidate Agents ☐ National Observers ☐ International Observers ☐ Media ☐ Security Officials
24. Were all polling related activities completed prior to the start of counting? *	☐ Yes ☐ No ☐ D/K ☐ N/A
25. Were all SORTING and COUNTING procedures implemented correctly? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #25 is equal to "No" 26. If NO, mark those procedures in error:	☐ Empty Ballot Box ☐ Use 1 bundle at a time ☐ Sort by Candidate ☐ Sort Invalid Votes ☐ Count Ballots per Candidate ☐ Fill Results Form
27. Did polling staff use an ink pen to complete the results form? *	☐ Yes ☐ No ☐ D/K ☐ N/A
28. Did all candidate agents receive a copy of the results form? *	☐ Yes ☐ No ☐ D/K ☐ N/A
29. Were all sensitive materials secured for transportation? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #29 is equal to "No" 30. If NO, please mark which ones were not secured:	☐ Receipt Form ☐ Results Form ☐ Used Ballots ☐ Voters' List ☐ Unused Ballots
31. Was the closing and/or counting process completed in a timely manner (i.e. free from being suspended or interrupted)? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #31 is equal to "No" 32. If the closing and counting process was suspended, for how long was the process suspended? *	

(continues)

CLOSING (Continued)

ANSWER ONLY IF Question #31 is equal to "No" 33. If the process was suspended, were the sensitive materials secured during this time? *	☐ Yes ☐ No ☐ D/K ☐ N/A
34. Was the counting process free from interference? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #34 is equal to "No" 35. Who was involved in this interference?	☐ Election Officials ☐ Voter ☐ Security Officials ☐ International Observers ☐ National Observers ☐ Candidate Agents ☐ Other
ANSWER ONLY IF Question #35 includes "Other" 36. Who was the "other" actor involved in the interference? *	
ANSWER ONLY IF Question #34 is equal to "No" 37. What type(s) of interference occurred:	☐ Active Campaigning ☐ Violence ☐ Intimidation ☐ Created Disturbance ☐ Taking over poll work ☐ Other
ANSWER ONLY IF Question #37 includes "Other" 38. What was the "Other" type of interference? *	
ANSWER ONLY IF Question #34 is equal to "No" 39. Did the PSM take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ D/K ☐ N/A
40. How many total poll workers are present? *	
41. How many poll workers in the PS are women? *	
42. How many political entity/candidate agents are present inside the PS? *	
43. Which parties do they represent?	☐ Coalition of National Forces ☐ Libyan National Front ☐ Al Watan ☐ Justice and Construction ☐ Other ☐ N/A
ANSWER ONLY IF Question #43 includes "Other" 44. What other political party/parties are present? *	
ANSWER ONLY IF Question #42 is greater than or equal to "1" 45. How many political entity/candidate agents are women? *	
46. How many national observers are present in the PS? *	
47. Which organization(s) do they represent?	☐ LAEO ☐ Shahed ☐ Other ☐ N/A
ANSWER ONLY IF Question #47 includes "Other" 48. What is the "Other" organization represented? *	
49. How many national observers are women? *	
50. Were all authorized groups free from unreasonable restrictions on their work? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #50 is equal to "No" 51. If no, what was the nature of the restriction? *	
52. Was the process free from any official complaints lodged at the PS up to your departure? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #52 is equal to "No" 53. Who was the complainant?	☐ Candidate Agents ☐ Voter ☐ Other
ANSWER ONLY IF Question #53 includes "Other" 54. Who was the "Other" complainant? *	
ANSWER ONLY IF Question #52 is equal to "No" 55. What was the nature of the complaint? *	
ANSWER ONLY IF Question #52 is equal to "No" 56. Was the complaint form available at the PS? *	☐ Yes ☐ No ☐ D/K ☐ N/A
ANSWER ONLY IF Question #52 is equal to "No" 57. Did the PS official make efforts to resolve the complaint? *	☐ Yes ☐ No ☐ D/K ☐ N/A
58. Do the polling staff appear to be trained in the counting process? *	☐ Yes ☐ No ☐ D/K ☐ N/A
59. From the PR Ballot Results form, how many TOTAL PR ballots were cast? *	
60. From the PR Ballot Results form, what is the TOTAL number of VALID ballots cast? *	
61. From the PR Ballot Results form, what is the TOTAL number of INVALID ballots cast? *	

(continues)

Closing (Continued)

62. From the PR Ballot Results form, what is the TOTAL number of CANCELLED ballots? *	
63. From the PR Ballot Results form, what is the TOTAL number of UNUSED ballots? *	
64. From the Majoritarian Ballot Results form, what is the TOTAL number of ballots cast? *	
65. From the Majoritarian Ballot Results form, what is the TOTAL number of VALID ballots cast? *	
66. From the Majoritarian Ballot Results form, what is the TOTAL number of INVALID ballots cast? *	
67. From the Majoritarian Ballot Results form, what is the TOTAL number of CANCELED ballots? *	
68. From the Majoritarian Ballot Results form, what is the TOTAL number of UNUSED ballots? *	
69. How would you evaluate voters' understanding of voting procedures? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
70. How would you evaluate candidate agents performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
71. How would you evaluate the domestic observers' performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
72. How would you evaluate the Polling Station Staff performance? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
73. How would you evaluate the Polling Station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ N/A
74. Other Comments. *	
75. Form Start Time	
76. Old Locality	
77. Old State	
78. Old Country	
79. Old Full Address	

Appendix G
Official Results

Seats Won by Majority Vote (120)

Subdistrict	Name	Number of Votes	Percent of Votes
District 1: Tobruk			
Tobruk	Abdul Sadeq Hamad Abdul Saied Eswedeq	7,879	17.89
Tobruk	Othman Idris Ekraem Ragi	3,863	8.77
Tobruk	Mohamed Younis Ahmed Al-Manfi	3,171	7.20
El Guba	Abdul Kareem Faraj Hussein Adam	4,315	40.49
Derna	Hassan Eswehel Abdullah Esteta	13,807	39.34
Derna	Abdul Fattah Kahlifa Arwag Ashlewi	3,936	11.21
District 2: Al-Bayda			
Shahhat	Fawzi Rajab Al-Agab Abdullah	4,196	31.66
Bayda	Abd Rabbah Yousef Bu Breg Mikael	5,445	13.89
Bayda	Abdul Hafeed Mohamed Hamad Eddaekh	3,285	8.38
Marj	Ezziddeen Mohamed younis Yahya	2,353	12.44
Marj	Sherif Al-Wafi Mohamed Ali	1,658	8.76
Qasr Libya	Abdulali Enur Mohamed Al-Murtadi	1,144	13.98
District 3: Benghazi			
Benghazi	Saleh Bashir Saleh Ejouda	40,207	22.61
Benghazi	Suleiman Awad Faraj Zubi	34,975	19.67
Benghazi	Mohamed Khalil Ahmed Ezzarroug	5,634	3.17
Benghazi	Ahmed Mohamed Ali Yusef Langi	3,286	1.85
Benghazi	Faraj Saad Faraj Sasi Al-Werfeli	3,227	1.81
Benghazi	Al-Kamel Mohamed Mukhtar Al-Jetlawi	3,098	1.74
Benghazi	Omar Khaled Jabr Al-Obeidi	2,936	1.65
Benghazi	Abdul Munem Faraj Abdul Ghani Al-Wehaishi	2,734	1.54
Benghazi	Aladdeen Mustafa Yusef Al-Magarief	2,378	1.34
Al-Abyar	Mohamed Suleiman Mohamed El Badri	2,215	24.74
Al-Abyar	Mohammed Ejweli Abdul Aali Abdullah	804	8.98
Sallouq	Najmiddeen Abdul Jalil Saleh Ennemer	1,066	19.85
Tokra	Faheem Ali Saad Al-Ratb	787	22.77
Tokra	Salem Mohammed Abdul Latif Bojnat	579	16.75
Gemenis	Abdullah Omran Mohammed Qomati	1,349	37.95

(continues)

Seats Won by Majority Vote (120) (Continued)

District 4: Ajdabiya			
Ajdabiya	Nouriddeen Suleiman Mustafa Asherif	2,281	8.99
Ajdabiya	Mohamed Saad Emazeb Ehwe	2,215	8.73
Ajdabiya	Mousa Faraj Saleh Faraj	1,742	6.87
Ajdabiya	Abdul Salam Khamees Abdul Nabi Al Ajhar	1,440	5.68
Brega	Othman Abed Mohamed Mathkour	1,578	44.18
Jalu, Ojala, Ejkherra	Awad Mohammed Awad Abdul Sadeq	4,946	48.03
Tazerbu	Mohammed Abdul Karim Abdul Hamid Doma	276	16.74
Kufra	Sanusi Salem Omar Alqmee	7,555	37.75
Kufra	Hamid Suleiman Saleh Alanh	7,422	37.08
District 5: Sirte			
Sirte	Muftah Faraj Saleh Omar Shanbour	2,424	16.56
Sirte	Abdul Jalil Mohamed Abdul Jalil Eshawesh	2,377	16.24
Sidra	Saad Ibraham bin Shrada Ibraham	2,787	41.02
Jufra	Ali Zidan Mohamed Zidan	4,349	47.78
Jufra	Essunussi Mohamed Essunussi Edubri	1,468	16.13
District 6: Sebha			
Sebha	Abdul Qader Omar Mohamed Ehweli	3,383	9.94
Sebha	Abdul Jalil Gaith Abu Bakr Omar Saif Ennasr	2,482	7.29
Sebha	Mohamed Abdullah Mohamed Ettumi	2,353	6.92
Sebha	Mohamed Al-Menawi Ahmed Al-Hudairi	2,111	6.20
Wadi Eshatti—Barak	Mohammed Bashir bin Msbah Miskeen	676	16.23
Wadi Eshatti—El Gurda	Zidan Misbah Abdullah Mohammed Marzoug	903	14.46
Wadi Eshatti—Idri	Hamed Abdussalam Abdullah Al-Baghdadi	811	16.43
District 7: Awbari			
Awbari	Hussein Mohamed Ahmed Mohamed Al-Ansari	4,207	21.83
Awbari	Ali Abdulaziz Abdussalam Ali	1,854	9.62
Ghat	Abdul Qader Sidi Omar Sidi Eshekh Al-Hashi	1,054	23.71
Ghat	Mohammed Ibrahim Makhi Abdul Qader	974	21.91
Murzuk	Masoud Abdul Salam Ebed Ettaher	6,296	22.34
Murzuk	Ettaher Mohamed Makni Gori	5,215	18.50
Murzuk	Hammad Mohamed Mohamed Essaleh Ebrekaw	5192	18.42
Murzuk	Abdul Wahab Mohamed Abu Baker Qaed	5,004	17.76
District 8: Gharyan			
Gharyan	Muhammad Yunus Mohamed Toumi	16,420	42.48

(continues)

Seats Won by Majority Vote (120) (Continued)

Gharyan	Idris Mohamed Mohamed Abovaad	2,145	5.55
Gharyan	Ramadan Anabih Abuabdehlla Khalifa	1,785	4.62
Alsabah	Dawi Ali Ahmed Almuntsar	5,203	49.02
Kakla/Alqla'a	Abdulaziz Tahr Hribe Zbasi Alkkla	5,483	66.91
Yafran	Solomon Younis M'Hamed Akjm	4,303	48.53
Riyaana	Abul Qasim al-Qader Mohammed Derz	1,016	38.33
Rahibat	Abubakar Ali Hamouda Aldou'	2,065	51.00
Alrajaban	Abubakar Mohammed M'Hamed Abdulkadir	3,313	46.66
Jadu	Saeed Khalifa Isa Alkhtala	1,645	35.62
Zintan	Abdulsalam Abdullah Mohammad Nseea	1,602	17.27
Zintan	Mohammed Abdul Kader Salem Pietro	1,522	16.41
Mizdah	Ibraham Ali Mohamed Abouchaalh	9,279	68.23
Nalut	Shabaan Ali Essa Abu Setta	5,294	49.04
Battn Aljabal	Abdul Hamid Dou Ali Alkhnjara	976	17.51
Kapaau	Juma Ali Saleh Chaouch	3,850	49.61
Ghadames	Abu Bakr Murtada Mukhtar Mador	3,976	57.82
District 9: Misrata			
Tawergha	Maree Mohamed Mansour Raheel	3,572	67.99
Misrata	Jumma Ahmed Abdullah Ateega	15,542	15.89
Misrata	Omar Mohamed Ali Abu Leefa	9,144	9.35
Misrata	Hassan Mohammed Ali Lameen	5,143	5.26
Misrata	Salahaddeen Omar Beshr Badi	3,960	4.05
Bani Walid	Salem Red Alhada Ali	5,399	38.62
Bani Walid	Amna Mahmoud Mohamed Tejekh	3,374	24.13
Zliten	Abdullah Ali Abdullah Jawan	10,077	21.22
Zliten	Mohamed Shabaan Miftah Al-Walid	6,728	14.17
District 10: Al-Khoms			
Tarhouna	Annifeshi Abdul Salam Abdul Al-Manee Abdul Salam	4,926	22.74
Tarhouna	Ahmed Faraj Hassan Saedi	1,333	6.15
Misaalta	Hamid Muammar M'Hamed Alruyemi	3,030	19.79
Al-Khoms As-Sahel	Mohammed Maftah Mohammed Tkalh	1,961	9.75
Al-Khoms As-Sahel	Abdel Moneim Hussein Sadiq Al-Yaseer	1,553	7.72
Al-Khoms—Madina	Akram Ali Jumma Aljenin	4,066	22.16
Al-Khoms—Madina	Mukhtar Salem Ali Al-Atrash	3,182	17.34

(continues)

Seats Won by Majority Vote (120) (Continued)

Qasr Al-Akhiar	Mohamed Ali Saleem Saleem	3,849	35.55
District 11: Tripoli			
Qara Bolli	Ajili Muhammad Msbah Abussdel	2,400	26.80
Tajoura	Mohamed Mohamed Emhemed Sasi	13,393	28.34
Tajoura	Mahmoud Salama Mohamed Al-Ghariani	11,128	23.54
Suq Al-Juma	Abdul Fattah Mohamed Al-Amin Allabeeb	21,196	21.29
Suq Al-Juma	Ehmeda Saleh Essed Addali	14,336	14.40
Suq Al-Juma	Mohamed Ehmeda Esgeer Esmoud	5,337	5.36
Suq Al-Juma	Jalal Omar Miftah Hassan	5,292	5.32
Hay Al-Andalus	Mohammed Ahmed Nasr Abu Esnena	12,099	13.32
Hay Al-Andalus	Nizar Ahmed Yousef Kawan	8,851	9.74
Hay Al-Andalus	Abdul Rahman Khalifa Ramadan Al-Shater	6,807	7.49
Abu Sleem	Mahmoud Abdul Aziz Milad Hassan	14,081	25.09
Abu Sleem	Ageela Omran Ageela Bin Miftah	6,147	10.95
Ain Zara	Mahmoud Al-Mukhtar Ettaher Atabeeb	7,628	18.34
Ain Zara	Abdul Naser Miftah Ahmed Aseklani	2,074	4.99
District 12: Al-Aziziya			
Al-Maya	Mustafa Amer Ali Solhalmih	2,216	19.71
Al-Nasiriyah	Juma Alsoiei Sayeh Altayf	2,577	25.72
Al-Aziziya	Abdul Majeed Almhda Miloud Alzentute	1,997	15.77
Suwanee Ben Adam	Mustafa Jibril Mohammed Jibril	2,759	19.38
Qasr Ben Ghashir	Mohammed Msbah Omar Abu Gmjh	6,208	24.49
Emsehel, Esayeh, Esbea	Othman Mubarak Miftah Algazavi	1,743	11.26
District 13: Al-Zawiyah			
Al-Zawiyah	Mohamed Ahmed Al-Hadi Al-Kelani	9,785	11.85
Al-Zawiyah	Saeed Muftah Saeed Jarjar	3,815	4.62
Al-Zawiyah	Ahmed Tawfeeq El Haj Ahmed Youqoub	3,176	3.85
Al-Zawiyah	Mustafa Abdul Rahman Ahmed Etreki	3,052	3.70
Sorman	Adel Abdul Hameed Ali Asharshari	3,525	19.70
Sabratha	Salah Masoud Abdul Salam Mito	10,348	50.01
Al-Ajilat	Besheer Mahmoud Mohamed Al-Hosh	2,131	14.02
Ziwara	Nuri Ali Mohamed Abusshmin	8,079	58.07
Al-Jmail	Suleiman Al-Mabrouk Abdullah Al-Haj	5,435	45.75
Rigdaleen	Ettaher Ali Haram Allateef	1,081	16.85

Official Results

Seats Won by Proportional Representation (80)

District	Party	Number of Seats	Name(s) of GNC Representatives	Number of Votes	Percent of Votes
District 1: Tobruk					
Tobruk (Tobruk, El Guba, Derna)	National Forces Alliance	4	Moncef Mohamed Haweel Naseeb	62,061	67.72
Tobruk (Tobruk, El Guba, Derna)	National Forces Alliance		Ibtisam Saad al-Sanusi Astih		
Tobruk (Tobruk, El Guba, Derna)	National Forces Alliance		Tawfiq Ebric Abdul Razak Osman		
Tobruk (Tobruk, El Guba, Derna)	National Forces Alliance		Fariha Khalifa Mohammed Barkkawi		
Tobruk (Tobruk, El Guba, Derna)	Justice and Construction Party	1	Mansour Ebric Karim Alhsada	8,828	9.63
District 2: Al-Bayda					
Al-Bayda (Shahhat, Bayda, El Marj, Qasr Libya)	National Forces Alliance	3	Najah Salouh Abdalsalm Nabi	48,846	60.41
Al-Bayda (Shahhat, Bayda, El Marj, Qasr Libya)	National Forces Alliance		Abdul Jalil Mohammed Abdul Jalil Alzahee		
Al-Bayda (Shahhat, Bayda, El Marj, Qasr Libya)	National Forces Alliance		Zeinab Haaron Mohamed Altariqy		
Al-Bayda (Shahhat, Bayda, El Marj, Qasr Libya)	Justice and Construction Party	1	Saleh Mohammed Hassan Shoaib	6,572	8.13
Al-Bayda (Shahhat, Bayda, El Marj, Qasr Libya)	National Centrist Party	1	Abdul Karim Saleh Younis Al-Jaeash	4,929	6.10
District 3: Benghazi					
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance	7	Ahmed Salim Mansour bin Suweid	132,425	64.46
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Amina Mohamed Bachir Mustafa Amoirbe		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Ibraham Hassan Ibraham Ghariani		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Suad key Hamad Qadeeri		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Ali Rifai Faraj Zoppi		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Halima Abdalmtalob Younis Warfali		

(continues)

Seats Won by Proportional Representation (80) (Continued)

Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Forces Alliance		Saded Saleh Almhda Hadaad		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	Justice and Construction Party	2	Hadi Abdullatif Awad Banani	23,490	11.43
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	Justice and Construction Party		Abdul Rahman Abdul Majeed Hameed Aldepana		
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	National Front Party	1	Ibraham Abdulaziz Ibraham Shd	14,304	6.96
Benghazi (Benghazi, Tokra, El Abiar, Gemenis, Sallouq)	The Message	1	Mohamed Ammari Mohammed Zayed	7,860	3.83
District 4: Ajdabiya					
Ajdabiya, Brega, Jalu, Ojala, Ejkherra, Tazerbu, Kufra, Marada	National Forces Alliance	1	Fatima Issa Juma Issa	18,516	30.19
Ajdabiya, Brega, Jalu, Ojala, Ejkherra, Tazerbu, Kufra, Marada	Wisdom Party	1	Touati Hamad Ali Alaadh	16.479	26.87
Ajdabiya, Brega, Jalu, Ojala, Ejkherra, Tazerbu, Kufra, Marada	National Front Party	1	Mohammed Yusuf Mohamed Maqrif	10,985	17.91
District 5: Sirte					
Sidra, Sirte, Al-Jufra	National Forces Alliance	1	Mohamed Ahmed Mftah Aericheh	9,717	33.19
Sidra, Sirte, Al-Jufra	Nation for Development and Welfare Party	1	Amtir Mftah Osman Mahrahr	6,919	23.63
Sidra, Sirte, Al-Jufra	Centrist Youth Party	1	Saleh Younis Naji Msbah	3,517	12.01
Sidra, Sirte, Al-Jufra	Justice and Construction Party	1	Amna Faraj Khalifa Amtir	3,325	11.36
District 6: Sebha:					
Sebha	National Forces Alliance	2	Suad Mohammed Ali Ahmed Guenor	9,611	28.30
Sebha	National Forces Alliance		Shukri Al Amin Mohammed AlMgrbee		
Sebha	Labaika Watani Party	1	Fatima Mohammed Abubakar Mohammed Abbasi	3,472	10.22

(continues)

Seats Won by Proportional Representation (80) (Continued)

Sebha	Justice and Construction Party	1	Mohammed Ahmed Mohammed Arish	2,829	8.33
Sebha	National Libyan Party	1	Naji al-Mukhtar Ali M'barek	2,467	7.26
Wadi Eshatti—Barak Wadi Eshatti—El Gurda Wadi Eshatti—Idri	Justice and Construction Party	1	Saleh Mohammed Almkhozm Saleh	2,549	17.56
Wadi Eshatti—Barak Wadi Eshatti—El Gurda Wadi Eshatti—Idri	The Foundation	1	Sanusi Arhomh Mohammed Arhomh	1,525	10.51
Wadi Eshatti—Barak Wadi Eshatti—El Gurda Wadi Eshatti—Idri	Nation and Prosperity	1	Abdalhada Ahmed Almhda Sharif	1,400	9.64
Wadi Eshatti—Barak Wadi Eshatti—El Gurda Wadi Eshatti—Idri	National Gathering of Wadi ash-Shati	1	Mohamed Khalifa Mohammed Najim	1,355	9.33
District 7: Awbari					
Awbari	Wadi Al-Hayah for Democracy and Development	2	Abdul Razzaq Almhda M'Hamed Azwain	6,947	35.83
Awbari	Wadi Al-Hayah for Democracy and Development		Nadia Rashed Omar Al-Rashed		
Awbari	Justice and Construction Party	1	Mona Abul Qasim Omar	2,347	12.10
Awbari	Libyan Party for Liberty and Development	1	Ibraham Mohammed Eddeh Mohammed	2,240	11.55
Murzuk	National Forces Alliance	1	Ahalam Abdhlla Ibraham Aaloh	7,652	27.77
Murzuk	National Parties Alliance	1	Zainab Shtee Hassan Hamid	5,725	20.78
Murzuk	Moderate Ummah Assembly	1	Mohamed Abdul Nabi Baqi Hussein	4,989	18.11
District 9: Misrata					
Misrata	Union for Homeland Party	1	Abdul Rahman Al Shaibani Ahmed Swehli	24,815	27.08
Misrata	Justice and Construction Party	1	Zeinab Abul Qasim Abdhlla Baao	20,503	22.37
Misrata	National Front Party	1	Muhammad Ali Abdhlla Darrat	13,669	14.91

(continues)

Seats Won by Proportional Representation (80) (Continued)

Misrata	National Forces Alliance	1	Hina Jibril As-Salaheen Al-'Arfi	8,018	8.75
Zliten	National Forces Alliance	2	Omar Mohammed Omar Ahmidan	25,789	54.69
Zliten	National Forces Alliance		Salima Mohammed M'Hamed Akahil		
Zliten	Justice and construction Party	1	Abdalsalm Ibraham Ismail Safrani	7,971	16.90
District 10: Al-Khoms					
Tarhouna, Imselata, Khoms-Sahel	National Forces Alliance	2	Salem Ali Mohammed Alhmala	27,957	50.30
Tarhouna, Imselata, Khoms-Sahel	National Forces Alliance		Al Fathi al-Sanusi Souissi		
Tarhouna, Imselata, Khoms-Sahel	Justice and Construction Party	1	Ahmed Muammar Abdhlla Diab	7,574	13.63
District 11: Tripoli					
Abu Sleem, Ain Zara	National Forces Alliance	3	Najia Sadeeq Abdhlla Baao	68,459	64.20
Abu Sleem, Ain Zara	National Forces Alliance		Nasr Hassan Amaikl Mohammed		
Abu Sleem, Ain Zara	National Forces Alliance		Mariam Ali Ahmed Farda		
Abu Sleem, Ain Zara	Justice and Construction Party	1	Fawzia Abdalsalm Ahmed Karwan	5,728	5.37
Central Tripoli	National Forces Alliance	2	Abdullatif Ramadan Mohammed Almhlhl	51,349	60.45
Central Tripoli	National Forces Alliance		Suad Mohammed Ramadan Sultan		
Central Tripoli	Justice and Construction Party	1	Mohammed Omran Meelad Merghem	5,239	6.17
Garabulli, Tajoura, Suq Al-Juma	National Forces Alliance	2	Hajer Mohammed Suleiman Ghaid	83,213	53.08
Garabulli, Tajoura, Suq Al-Juma	National Forces Alliance		Khaled Ibra'am Mukhtar Soola		
Garabulli, Tajoura, Suq Al-Juma	Authenticity and Renewal	1	Ahmed Mohammed Al Boona	16,593	10.58
Hay Al-Andalus	National Centist Party	1	Lamia Mohammed Shakir al-Sharif	30,321	35.39
Hay Al-Andalus	Justice and Construction Party	1	Magda Mohamed Asgeer Faleh	11,382	13.28

(continues)

Seats Won by Proportional Representation (80) (Continued)

Hay Al-Andalus	Al-Asala (Authenticity) and Progress Party	1	Safwan Ahmed Omar Meelad	6,267	7.31
Janzour	National Forces Alliance	2	Ali Ibraham Saad Asweeh	30,006	70.12
Janzour	National Forces Alliance		Suad Msbah Miloud Rateema		
Janzour	Justice and Construction Party	1	Fathi Arab Abdakaddr Salah	2,773	6.48
District 12: Al-Aziziya					
Al-Maya, Al-Nasiriyah, Al-Aziziyah	National Forces Alliance	2	Abdul Fattah Saad Salem Hablos	55,194	64.27
Al-Maya, Al-Nasiriyah, Al-Aziziyah	National Forces Alliance		Asia Mohamed Wagdy Mirghani		
Al-Maya, Al-Nasiriyah, Al-Aziziyah	Union for Homeland Party	1	Abdhlla Mohammad Abdhlla Alkbeer	4,281	4.99
District 13: Al-Zawiyah					
Al-Zawiyah	National Forces Alliance	2	Naima Mohamed Nasr Al-Hami	30,234	37.77
Al-Zawiyah	National Forces Alliance		Fathi Ali Mohammed Arhomh		
Al-Zawiyah	Justice and Construction Party	1	Khaled Ammar Ali Mishri	13,219	16.51
Al-Zawiyah	Libya Al Amal (Hope) Party	1	Abdul Hamid Ismail Abdul Hamid Yerbuah	6,093	7.61
Sorman, Sabratha, Ajilat, Zuara, Al-Jmail, Rigdaleen, Ziltin	National Forces Alliance	2	Nuri Djialna Abdalsalm Jamal	43,625	52.17
Sorman, Sabratha, Ajilat, Zuara, Al-Jmail, Rigdaleen, Ziltin	National Forces Alliance		Isma' 'Amara Mohamed Sarbeea		
Sorman, Sabratha, Ajilat, Zuara, Al-Jmail, Rigdaleen, Ziltin	Justice and Construction Party	1	Amina Omar Mahgoub Ibraham	8,374	10.01

Note: District 8 did not have party seats and, therefore, is not included in this table. See the Pre-election Developments section of this report for a discussion on the electoral system and seat allocation.

Summary of Results by Political Entity and District

Party/District	1. Tobruk	2. Al-Bayda	3. Benghazi	4. Ajdabiya	5. Sirte (Sidra, Sirte, Al-Jufra)	6. Sebha/Wadi Eshatti	7. Awbari/Murzuk	9. Misrata/Zliten	10. Al-Khoms	11. Tripoli	12. Al-Maya, Al-Nasiriyah, Al-Aziziyah	13. Al-Zawiyah	Seats	Votes	Percent of Votes
National Forces Alliance	4	3	7	1	1	2	1	3	2	9	2	4	39	71,4769	48.14%
Justice and Construction	1	1	2	0	1	2	1	2	1	4	0	2	17	15,2441	10.27%
National Front	0	0	1	1	0	0	0	1	0	0	0	0	3	60,592	4.08%
Union for the Homeland	0	0	0	0	0	0	0	1	0	0	1	0	2	66,772	4.50%
National Centrist Party	0	1	0	0	0	0	0	0	0	1	0	0	2	59,417	4.00%
Wadi Al-Hayah Party	0	0	0	0	0	0	2	0	0	0	0	0	2	6,947	0.47%
Moderate Ummah Assembly	0	0	0	0	0	0	1	0	0	0	0	0	1	21,825	1.47%
Authenticity and Renewal	0	0	0	0	0	0	0	0	0	1	0	0	1	18,745	1.26%
National Party for Development and Welfare	0	0	0	0	1	0	0	0	0	0	0	0	1	17,158	1.16%
Al-Hekma (Wisdom) Party	0	0	0	1	0	0	0	0	0	0	0	0	1	17,129	1.15%
Authenticity and Progress	0	0	0	0	0	0	0	0	0	1	0	0	1	13,679	0.92%
Libyan National Democratic Party	0	0	0	0	0	1	0	0	0	0	0	0	1	13,092	0.88%

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Summary of Results by Political Entity and District (Continued)

National Parties Alliance	0	0	0	0	0	0	1	0	0	0	0	0	1	12,735	0.86%
Ar-Resalah (The Message)	0	0	1	0	0	0	0	0	0	0	0	0	1	7,860	0.53%
Centrist Youth Party	0	0	0	0	1	0	0	0	0	0	0	0	1	7,319	0.49%
Libya Al-'Amal (Libya–The Hope)	0	0	0	0	0	0	0	0	0	0	0	1	1	6,093	0.41%
Labaika National Party	0	0	0	0	0	1	0	0	0	0	0	0	1	3,472	0.23%
Libyan Party for Liberty and Development	0	0	0	0	0	0	1	0	0	0	0	0	1	2,691	0.18%
Arrakeeza (The Foundation)	0	0	0	0	0	1	0	0	0	0	0	0	1	1,525	0.10%
Nation and Prosperity	0	0	0	0	0	1	0	0	0	0	0	0	1	1,400	0.09%
National Party of Wadi ash-Shati	0	0	0	0	0	1	0	0	0	0	0	0	1	1,355	0.09%
Al-Watan (Homeland Party)	0	0	0	0	0	0	0	0	0	0	0	0	0	51,292	3.45%
Total Number of Seats Allocated	**5**	**5**	**11**	**3**	**4**	**9**	**7**	**7**	**3**	**16**	**3**	**7**	**0**	**21,8562**	

Note: District 8 did not have party seats and, therefore, is not included in this table. See the Pre-election Developments section of this report for a discussion on equality of suffrage and seat distribution.

The Carter Center at a Glance

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: $96.0 million 2011–2012 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.

Martin Frank

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