

Libya

Human Rights Solidarity Submission for the UN Universal Periodic Review

36th Session of the UPR Working Group

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Human Rights Solidarity (LHRS) is a non-governmental organization concerned about Human Rights situation in Libya. LHRS was founded by a group of Libyan expatriates, living in Switzerland, on 10th December 1999 in Geneva.

Areas of Activities¹:

- ❖ Defend Human Rights in Libya,
- ❖ Promote Human Rights education in the Educational Institutions,
- ❖ Research and publish reports and studies on Human Rights practices,
- ❖ Monitor Human Rights practices in Libya and issue press releases, urgent actions & reports,
- ❖ Organize training sessions in Human Rights principles for both civil society and government agencies,
- ❖ Review legislations and making proposals to amend or issue new legislations in conformity with Universal Human Rights practices,
- ❖ Participate in regional and international conferences & meetings dealing with Human Rights, and
- ❖ Cooperate with intergovernmental & nongovernmental organizations concerned with Human Rights.

Background:

(1) Since the second Universal Periodic Review (UPR) on 13th May 2015, the security situation in Libya continued to deteriorate. Armed clashes spread in the country, and since 4th April 2019, clashes concentrated in the Western Region. The political situation is a deadlock. The political dialogue of 2014/2015, sponsored by the United Nations Support Mission in Libya (UNSMIL), led to the signing of the Libyan Political Agreement (LPA) at Skhirat² on 17th December 2019. While, the General National Congress³ (GNC) accepted and complied⁴ with the LPA, the House of Representatives⁵ (HoR) refused⁶ to date to implement the agreement.

(2) The signing of the LPA created the Government of National Accord (GNA) headed by the Presidential Council and based in Tripoli. The United Nations Security Council's Resolution 2259 (2015)⁷ endorsed "the Rome Communiqué of 13 December 2015 to support the Government of National Accord as the sole legitimate government of Libya"⁸ and called upon all "Member States to cease support to and official contact with parallel institutions that claim to be the legitimate authority but are outside of the Agreement"⁹. This ended the recognition of the Interim Government (IG), based in al-Bayda, by the international community as a government of Libya. The IG now is only recognized by the HoR.

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(3) In its second UPR in May 2015, Libya (represented by the Interim Government) accepted 161 recommendations, partially accepted 10, rejected 3 and gave no clear position on a further 28 recommendations¹⁰. Of the 161 accepted recommendations, 1 recommendation was implemented, 63 were partially implemented and the rest, 97 recommendations were not implemented. Only one of the 10 partially accepted recommendations were partially implemented, but none of the 28 noted nor 3 not-accepted recommendations were implemented¹¹. LHRS added a column to the Matrix¹² of UPR of Libya - Second Cycle Thematic list of recommendations, showing the Status of implementation of the Recommendations¹³, by Libya, on 30th September 2019.

(4) Several recommendations called for Libya to ratify international treaties and conventions¹⁴, of the 11 international instruments¹⁵, Libya ratified the Convention on the Rights of Persons with Disabilities (CRPD)¹⁶ on 13th February 2018. LHRS did not observe any intentions of legislative institutions to discuss the ratification / accession to conventions and treaties which Libya committed to ratify, such as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or punishment.

(5) In line with the ratification of Convention on the Rights of Persons with Disabilities, the Presidential Council of the GNA issued a Publication Bulletin instructing all public sector (ministries, institutions, and companies) to respect and abide by all legislations in force governing concerning persons with disabilities in the labour market and reserving not less than 5% of job posts for person with disabilities¹⁷.

National Institutions and the Human Rights Framework:

House of Representatives (HoR):

(6) Had the HoR been more cooperative and stepped up to fulfil its duties, LHRS is of the opinion that at least 50% of the recommendations could've been implemented, especially those related to transitional justice, reconciliation, ending the armed clashes, and adopting the constitution. HoR's refusal to adopt the LPA, recognize the GNA, and holding referendum on the proposed constitution, prolonged and escalated the armed clashes which now is on the edge of becoming a full blown up civil war. HoR, by being uncooperative with national and international partners, the HoR has become an obstacle to reconciliation and stability in Libya¹⁸. It is now divided¹⁹, and one section, led by the Speaker of HoR, is subservient to Haftar²⁰.

(7) Nevertheless, the GNA could have done more on many issues to promote human rights in the area it has control over. The GNA could have signed the international treaties and conventions, to commit Libya to start the process of ratifications of these human rights instruments.

The Constitution:

(8) Libya is still without a permanent constitution. The interim constitution, the Constitutional Declaration, adopted by the National Transitional Council (NTC), has been amended several times since its adoption in 2011. A constituent assembly²¹, Constitutional Drafting Assembly (CDA), was elected in a national election on 20th February 2014, to draft the new Constitution within 120 days from its first session. After extensive delays and legal issues, July 2017, the CDA delivered a draft copy of the Constitution²² to the HoR for a national referendum.

(9) HoR issued Law (6 2018) "On the Referendum on the Draft Permanent Constitution for the Homeland"²³ on 27th November 2018. However, to date, the referendum has not taken place, delayed yet again by another legal challenge to the constitutionality of Law (6 /2018) by a group of members of the CDA. They filed a law suit against the constitutionality of referendum Law, the 10th and 11th Amendments to the Constitutional Declaration and named the Speaker of HoR, the Chairman of the High Council of the State and the Chairman of the Presidential Council as defendants. The case is awaiting a ruling by the Constitutional Chamber of the Supreme Court.

(10) The 13 recommendations relating to the Constitution, accepted by Libya in its 2nd Cycle UPR, all are considered as "partially implemented", a draft copy of the Constitution was written but not adopted.

National Reconciliation:

(11) On 14th May 2017, the GNA issued Decree²⁴ (438/2017) "On forming a preparatory committee to prepare the National Reconciliation Draft", and on 22nd November 2018, issued Decree²⁵ (1544/2018) to nominate the 15 members of the committee. The committee was set up to "hold national consultations and dialogue on national reconciliation throughout the country with key stakeholders and core institutions involved in reconciliation" and to "develop a comprehensive work mechanism for the National Reconciliation Project and Conference"²⁶.

The mandate of the committee was 4 months, with a possibility of 2 months extension²⁷. To date there has been no announcements of its meetings nor its outcome²⁸.

(12) The 5 recommendations directly relating to the theme Transitional Justice and Reconciliation, accepted by Libya in its 2nd Cycle UPR, all are considered as “partially implemented”, a committee was formed but no outcome. It should be noted that the Presidential Council of the GNA supported and accepted to participate in the Libyan National Conference, sponsored by the United Nations Support Mission in Libya (UNSMIL)²⁹. The two-day Conference was due to convene on 14th April 2019 in Ghadamis, but UNSMIL postponed³⁰ it, after Haftar launched the attack on Tripoli on 4th April. No new date has been announced.

Nationality Law:

(13) Law No. 24 (2010)³¹ discriminates against Libyan women, married to foreigners, discriminates against their children, and violates the rights of expatriate Libyans who acquire a citizenship of another country. The Libyan legislature have not addressed these violations. While Libyan men pass Libyan citizenship to their children from date of birth³², regardless of the nationality of their wives, Libyan women (married to foreigners) must wait until their children reach adulthood to apply for citizenship³³. Also, a foreigner whose wife is Libyan and wishes to apply for Libyan citizenship, must have continuous legal residence in Libya for at least 10 years³⁴. On the other hand, a foreigner whose husband is Libyan and wishes to apply for Libyan citizenship, can do so if they have been married for not less than 2 years at the time the application is submitted³⁵.

(14) For the children, this discrimination deprives them from free education and health care. Last year, 27th July 2018, the GNA Minister of Education issued a Decree³⁶ to impose fees on foreign students who wish to study in Libyan universities. Some faculties are not permitted for foreign students to study in, like medicine³⁷.

(15) Article 5 of Law No. 24 (2010) makes a provision³⁸ to deprive Libyan citizens of their citizenship if they acquire a nationality of another country. This provision gives the possibility of arbitrary deprivation of citizenship³⁹, and a recent case is an example of this. The former President of the Constituent Assembly (CDA), Dr. Ali Tarhouni⁴⁰ was dismissed from his post and lost his seat in the CDA⁴¹, based on a ruling by al-Bayda Appeals Court. The based its ruling on Article (5) of the Nationality Law, because by acquiring another citizenship⁴² “he lost his Libyan nationality”. Acquiring another citizenship does not automatically deprive one of his Libyan citizenship. Article (5) states “The executive regulation [Bylaw] shall determine the guidelines pertaining to the implementation of the provisions of this article.”, and Article (8) of the Bylaw⁴³ states that “The decision to strip a Libyan nationality shall be issued by the Minister of Interior based upon the proposal of the Head of the Passports, Nationality and Foreigners Affairs Department”⁴⁴.

(16) The case of Dr. Ali Tarhouni is a clear case of arbitrary deprivation of nationality⁴⁵, a politically motivated case. His case is not an isolated case, thousands of Libyans who acquired other nationalities, are at the mercy of this draconian law.

(17) The 4 recommendations relating to the discrimination in the Nationality Law, accepted by Libya in its 2nd Cycle UPR, all are considered as “not implemented”.

Human Rights Violations in Libya:

(18) Since the last UPR, the human rights situation in Libya has deteriorated considerably. Grave violations to international human rights law and international humanitarian law, some amounting to war crimes and crimes against humanity, are widespread committed in total impunity.

(19) Thousands of people are victims of indefinite and illegal detention, with no end in sight. Torture and ill-treatment are common in official and unofficial detention facilities⁴⁶. The discovery of bodies dumped in tipping sites and on side roads, with signs of torture and bullet wounds indicating extrajudicial executions, have become common⁴⁷.

(20) Hundreds of people have gone missing, victims of enforced disappearances. LHRS has documented, over the period from January 2017 to June 2019, more than 700 new case of disappearances⁴⁸.

Freedoms of expression, association and assembly:

(21) The fall of the previous regime in 2011 brought unprecedented, for generations of Libyans, freedoms of expression, association and assembly. But because of the deteriorating security situation and the derailment of the political process to rebuild the State institutions, those gains in freedoms are under serious threats and receding since 2014.

(22) In eastern Libya, the situation is back to pre-2011 practices. Registration of a new civil society organizations must be approved by the Internal Security Agency. Freedom of expression is not tolerated. Last July, Ms. Siham Sergewa, HoR member was abducted from her home, in the middle of the night, by masked gunmen dressed in military uniforms, a couple of hours after she participated in a televised live discussion, in which she expressed her opposition to Haftar's military assault on Tripoli. No information about her whereabouts & wellbeing since then, and no one claimed responsibility of her disappearance.

(23) In 2012, political parties participated in elections for over 5 decades. Political parties competed, through lists, in the elections of 80 seats of the 200 seats of the GNC. That was the first- and last-time candidates ran for as political party candidates in national elections⁴⁹. The hostility towards political parties is so strong, to the point that it is very common that people seeking public offices state that "they are not members of any party or movement". It is back to the pre-2011 culture criminalizing political partisan activism⁵⁰.

(24) The Parallel voting, adopted in electing the GNC, which allocated 80 seats to "proportional representation in closed electoral lists submitted by political", resulted in electing 32 women to the GNC, that is 40% of the 80 seats (16% of the 200 seats, only one woman ran as independent). Greater number of seats for closed electoral lists, would give greater opportunity for women in national elections.

Recommendations for Action:

- (26) Resolving the political deadlock and ending hostilities is of paramount importance. Without that, the grave violations of human rights will continue.
- (27) Call on the House of Representatives (HoR) to adopt the Libyan Political Agreement (LPA), and jointly with the High Council of the State (HCS) issue an amendment to Constitutional Declaration (CD) to incorporate the articles of the LPA into the CD. This should end the doubts on the constitutionality of the post 6th Amendment to the CD.
- (28) Call on the HoR to recognize the Government of National Accord (GNA), and jointly with the HCS to end the situation of parallel institutions, in accordance to the articles of the LPA.
- (29) Call on the HoR and the HCS to select a panel of experts to revise the draft copy of the Constitution to bring it into conformity with Libya's obligations under international human rights Law.
- (30) Call on the HoR and the HCS to revise the Libyan Nationality Law (Law Nr. (24) 2010) to end discrimination against Libyan women and their children and protect Libyans from arbitrary revocation of citizenship and bring the Nationality Law to conformity with Libya's obligations under international human rights Law.
- (31) Call on the HoR and the HCS to respect the basic rights of freedom of expression, association and assembly. Political parties are essential for democracy and must be protected and supported.
- (32) Call on the GNA to sign the international conventions and treaties which Libya has not joined, especially Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP), the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, and the Rome Statute of the International Criminal Court (Rome Statute). This should put Libya on track to join these international human rights instrument.
- (33) Call on the GNA to end the indefinite & illegal detentions without trial. All detainees, either be promptly brought before courts or released.
- (34) Call on the GNA to release all children who are being detained with one or both parents. Those who have relatives, should be transferred to their custody, the rest should be moved to the care of the Social Welfare homes. No child should be in detention.
- (35) Call on the GNA to end the indefinite & illegal detention of migrants. The centers run by the Anti-Illegal Immigration Agency are not Shelter Centers, they are detention centers. The GNA either improve these facilities to be of the standard of shelter centers or close them.

Endnote:

¹ Information on Human Rights Solidarity see attachment “[LHRS_UPR36_LIBYA_EN_Main_Annex 01.pdf](#)”.

² Aljazeera (English): “[Rival Libyan factions sign UN-backed peace deal](#)”, 17th December 2015.

³ The General National Congress (GNC) is the parliament of Libya elected on 7th July 2012 and remained in an undisputed position till 4th August 2014. However, the ruling of the Constitutional Circuit of the Libyan Supreme Court, which declared the 7th Amendment of the Constitutional Declaration (the interim constitution of Libya since it was adopted by the National Transitional Council (NTC) on 3rd August 2011) unconstitutional, created a dispute between the GNC and HoR over which body is the legitimate parliament of Libya. The primary aim of the political dialogue, supported by the UN, was to end this dispute between the GNC & HoR and create a unity government.

⁴ Majority of GNC members adopted the LPA, voted on an amendment to include the articles of the LPA in the Constitutional Declaration, and declared the dissolution of the GNC and the formation of the High Council of the State, a consultative institution, and is one of the 3 main institutions defined in the LPA, alongside the HoR and GNA, Aljazeera (Arabic): “[The High Council of State in Libya holds its first session](#)”, 5th April 2016.

⁵ The House of Representatives (HoR) is the parliament of Libya elected on 25th June 2014, succeeded the GNC on 4th August 2014. Per the 7th Amendment of the Constitutional Declaration, the term of the HoR should have ended on 25th October 2015, however HoR extended its term. The House of Representatives spokesman Faraj Hashem said “the elected parliament had voted to extend its mandate until it could hand over power to a new elected body”, Reuters “[Libya's elected parliament extends mandate, complicating peace talks](#)”, 5th October 2015. Since the term of HoR was defined by 7th Amendment of the Constitutional Declaration, the change of the mandate term should have been made by a new amendment. No amendment or law, related to this extension, has been published.

⁶ France 24 (English): “[Libyan parliament rejects UN-backed unity government](#)”, 22nd August 2016.

⁷ United Nations Security Council: [Resolution 2259 \(2015\)](#), Adopted by the Security Council at its 7598th meeting, on 23 December 2015.

⁸ United Nations Security Council: Resolution 2259 (2015), Article 3.

⁹ United Nations Security Council: Resolution 2259 (2015), Article 5.

¹⁰ Human Rights Council, 30th Session: “[Report of the Working Group on the Universal Periodic Review, Libya](#)”, 22nd July 2015.

¹¹ Human Rights Solidarity: “Libya: Summary of Status of Recommendations of UPR 2nd Cycle”, [LHRS_UPR36_LIBYA_EN_Main_Annex 02.xlsx](#)

¹² Human Rights Council, Universal Periodic Review – Libya: “[Matrix of recommendation](#)”.

¹³ A copy of “Libya: Thematic list of Recommendations of UPR 2nd Cycle, and their implementation status” by Human Rights Solidarity is attached as [LHRS_UPR36_LIBYA_EN_Main_Annex 03.docx](#).

¹⁴ **CRPD** “Convention on the Rights of Persons with Disabilities”, **CAT-OP** “Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, the Rome Statute of the International Criminal Court (**ICC**), **CED** “the International Convention for the Protection of All Persons from Enforced Disappearance”, **CCPR-OP2-DP** “the Second Optional Protocol to the International Covenant on Civil and Political Rights”, **ILO-DWC** “the ILO Domestic Workers Convention”, the **Convention relating to the Status of Refugees**, **ATT** “the Arms Trade Treaty”, **CAT** “Convention against Torture”, and **ICPMW** “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”.

¹⁵ Libya was party to the CAT “Convention against Torture”, and ICPMW “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” before the 2nd Cycle of UPR.

¹⁶ Libyan Security Sector Legislation: “[Law No. \(2\) of 2013 regarding the ratification of the International Convention for the Rights of Persons with Disabilities](#)”, issued by the General National Congress on 24th February 2013, and ratified by the Government of National Accord. Libya’s ratified the convention with the following declaration:” ... the State of Libya, having reviewed the above-mentioned Convention, ratifies the Convention and interprets article 25 (a) thereof, concerning the provision of health-care services without discrimination on the basis of disability, in a manner that does not contravene the Islamic sharia and national legislation...”

¹⁷ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, “Initial report submitted by Libya under article 73 of the Convention pursuant to the simplified reporting procedure, due in 2005*”, [CMW/C/LBY/1](#). Paragraph 12 “**The Presidential Council declared in Bulletin No. 2 of 2018 that, pursuant to the provisions of the International Convention on the Rights of Persons with Disabilities, which Libya has ratified, the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified in 1979, as well as the provisions of Act No. 5 of 1987 concerning persons with disabilities and its implementing regulations, and of Act No. 12 of 2010 concerning labour relations and its implementing regulations, and bearing in mind the duty of the Presidential Council to promote access to employment opportunities guaranteed by law for persons with disabilities, the Council must require all ministries, institutions, enterprises and other public bodies to respect and abide by the relevant legislation in force, including the provisions of article 87 of the implementing regulations of Act No. 12 of 2010 concerning the promulgation of the Labour Relations Act, pursuant to which employers are required to employ all persons who have completed their training and rehabilitation courses in posts consistent with their capacities. They must reserve not less than 5 per cent of the overall number of posts for persons with disabilities, who shall be appointed without being subjected to an examination. Moreover, a minimum of 3 per cent of the posts reserved for persons with disabilities shall be granted to men and a minimum of 2 per cent to women.**”

¹⁸ Reuters: “[Libya parliament chief allied to Haftar rules out talks before Tripoli captured](#)”, 13th June 2019. “The head of the Libyan parliament aligned with eastern forces trying to seize the capital from the internationally-backed government said on Thursday there could be no peace talks until they had captured the city”.

¹⁹ The HoR is now divided, +50 members of the parliament are now meeting in Tripoli, since 2nd May 2019, and boycotting the Tobruk based meetings.

²⁰ Retired Maj General Khalifa Haftar (Haftar) launched a military campaign in Benghazi on 16th May 2014, he called it “Karama Operation” (*Operation Dignity*). On 25th August 2014, the HoR issued three decrees on one day to promote and appoint Col Abdulrazeg al-Nadhuri, Haftar’s Chief of Staff: [Decree \(9 / 2014\)](#) to promote him from Colonel to Brigadier General; [Decree \(10 / 2014\)](#) from Brigadier General to Major General; and [Decree \(11 / 2014\)](#) to appoint al-Nadhuri Chief of Staff of the Libyan Armed Forces. On October 21, 2014, the spokesman of HoR announced the adoption of “*Operation Dignity*” by HoR and stated that “*Operation Dignity is a military operation by Libyan Armed Forces*”. January 2015, the Speaker of the HoR signed a resolution as the Supreme Commander of the Armed Forces, reinstating 129 retired military officers to the ranks of the army, including retired Major General Khalifa Haftar. On 2nd March 2015, HoR issued [Law \(1 / 2015\)](#) “Amending Law No. 11 of 2012 ‘on the Powers of the Libyan Army Command Levels’ and the Restoration of the Post of General Commander of the Libyan Armed Forces and Determining its Purviews”, and issued [Decree \(20 / 2015\)](#) to promote Haftar to the rank of Lieutenant General and appoint him a General Commander of the Libyan Armed Forces of Libya.

²¹ Article 30 of the Constitutional Declaration (CD) stated that the General National Congress (GNC) should, within 30 days of its first session, select Constituent Assembly to draft the Constitution. This was amended by the NTC, on 5th July 2012, by 1st Amendment, which changed the CD to a 60-member elected body. The GNC allocated 2 seats to each group of Libya’s small ethnic groups; Tebu, Amazigh and Tuareg, and 6 seats to be contested by women candidates only; 2 from each region of the 3 regions of Libya; East, West and South. Remaining seats (48) were divided equally between the 3 regions. The CD emulated the original “Committee of Sixty”, which wrote the Constitution of 1951.

²² The New Arab: “[Libya: Draft Constitution](#)”, adopted by the CDA in al-Bayda by a vote of 43 members of the 57 members on 29th July 2017. On November 2017, the constitutionality of the Draft Constitution was challenged by a group of public figures and civil society organizations from the city of Benghazi, before the administrative division of the Court of Appeals of Benghazi. The court ruled on 8 January 2018, not to consider the case on the basis of jurisdiction.

²³ Libyan House of Representatives: “[Law \(6 2018\), On the Referendum on the Draft Permanent Constitution for the Homeland](#)”, on 27th November 2018 (Arabic)

²⁴ The Presidency Council of the Government of National Accord: “[Decree No. \(438\) of 2017 on forming a preparatory committee to prepare the National Reconciliation Draft](#)”, 14th May 2017 (Arabic).

²⁵ Ewan Libya: “[Presidential Council of the Government of National Accord announces the names of the National Reconciliation Committee](#)”, 23rd November 2018 (Arabic).

²⁶ Article (2) of Decree No. (1544/2018) issued by the GNA Presidential Council.

²⁷ Article (6) of Decree No. (438/2017) issued by the GNA Presidential Council.

²⁸ On 4th April 2019, the Chairman of the Presidential Council [attended a meeting of the National Reconciliation Committee](#). On that day, the forces of Haftar launched its attack on Tripoli.

²⁹ United Nations Support Mission in Libya (UNSMIL): “[The Libyan National Conference Process – Final Report](#)”

³⁰ The Guardian: “[UN postpones Libya national conference amid fighting in Tripoli](#)”, 9th April 2019.

³¹ Libyan Security Sector Legislation: “[Law No. \(24\) of 2010 on Provisions of Libyan Nationality](#)” (English Translation).

³² Article 3 of Law No. 24 (2010), paragraphs 1 & 2.

³³ Article 11 of Law No. 24 (2010). Article 6 of the Bylaw “executive regulation” states that children of Libyan women can be granted Libyan nationality if “attained the age of maturity and enjoy full capacity” and submit an application attached to it 6 documents. Article 7 drops the age condition if the father is deceased or considered not present by court ruling. The article rules that children of Libyan woman, married to a Palestinian, cannot acquire Libyan citizenship at all. Attachment “[LHRS_UPR36_LIBYA_EN_Main_Annex 04.pdf](#)” contains a copy of the Bylaw of Law Nr. 24 (2010).

³⁴ Article 9 of Law No. 24 (2010), paragraphs 3.

³⁵ Article 10 of Law No. 24 (2010), paragraphs 2.

³⁶ State of Libya, Government of National Accord, Ministry of Education: “[Minister of Education Decree No. \(1273\) Year 2018, on the Tuition Fees for Foreign Students not enrolled on scholarships](#)”, 25th July 2018, (Arabic).

³⁷ Libya Tribune: “[Human rights report: Libyan women married to foreigners .. persecuted marriage, and stateless children](#)”, 27th January 2019. Excerpt: “A Libyan woman (45 years), from Sabha and married to a Sudanese national, said that she suffers a very difficult discriminatory situation, her daughter obtained high grades in high school, but it is not possible to enroll in the Faculty of Medicine in Libya, because this field is limited to Libyans only, and assuming the possibility of entering this specialization in some university, the tuition fees will be very high for us”.

³⁸ Article 5 of Law No. 24 (2010): “Anyone who acquires a foreign nationality by choice shall forfeit Libyan nationality, unless granted permission by the General People’s Committee for General Security. The executive regulation [Bylaw] shall determine the guidelines pertaining to the implementation of the provisions of this article.”

³⁹ “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Article 15 (Paragraph 2) of the Universal Declaration of Human Rights.

⁴⁰ World Economic Forum: “[Ali Tarhouni, President, Constitution Drafting Assembly of Libya](#)”.

⁴¹ The Libya Observer: “[Al-Tarhouni dismissed from CDA membership](#)”, 14th April 2016.

⁴² Dr Ali Tarhouni was living in exile in the United States since 1974. He acquired US citizenship.

⁴³ Implementation Regulations of Law No. (24/2010) “On the provisions of Libyan Nationality”, General People's Committee Decree No. (594/2010, see attachment “LHRS RPT-2019-09-139 Annex 04.pdf”

⁴⁴ Furthermore, Article (5) of Law (24/2010) states “Anyone who acquires a foreign nationality by choice shall forfeit Libyan nationality, unless granted permission by the General People’s Committee for General Security [Ministry of Interior].”, Dr. Ali Tarhouni, and thousands of others, could not submit a request to Interior Ministry of a regime who sentenced him to death in absentia.

⁴⁵ Dr. Tarhouni acquired US citizenship years before Law (24) was issued. So here we have an example of stripping one of his natural nationality because he broke the rules of a law that did not exist at the time.

⁴⁶ In the past 3 years, Human Rights and Rule of Law Division at the United Nations Support Mission in Libya (UNSMIL) and the Office of the United Nations High Commissioner for Human Rights issued several reports documenting grave human rights violations; “[Abuse Behind Bars: Arbitrary and unlawful detention in Libya](#)”, 10th April 2018., and “[Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya](#)”, 18 December 2018.

⁴⁷ Human Rights Solidarity documented dozens of cases of victims whose bodies were found dumped on the sides of secondary roads, and dumping, their bodies carried signs of torture, majority hands and feet bound and bullet wounds in the chest and the head, killed execution style: “[Crimes of Kidnappings, torture and Extrajudicial killings in Eastern Libya](#)”, 13 Feb 2015; “[The Government of National Salvation must stop the Violations in Tripoli](#)”, 15 Nov 2015; “[Security Directorate of al-Bayda: killings in Detention](#)”, 9 Dec 2015; “[HRS condemns the Crime of killing detainees released from al-Ruwaimi Prison and considers it a Crime of Extrajudicial Killing](#)”, 13 Jun 2016; “[Pro Haftar Militias tortures and executes Migrants](#)”, 15 Jul 2016; “[Crimes of Extrajudicial Executions carried out by the pro Haftar Special Forces in Benghazi](#)”, 15 Jul 2016; “[War Crime: Extrajudicial killing of 14 victims](#)”, 13 Oct 2016; “[The Office of General Attorney must investigate Crimes of Extrajudicial Killings and publish the Findings](#)”, 7 Feb 2017; “[Crimes of Extrajudicial Killings Continue](#)”, 1 Mar 2017. See attachment “LHRS_UPR36_LIBYA_EN_Main_Annex 05.docx”.

⁴⁸ Human Rights Solidarity: in [2017 documented 332 new cases](#) of enforced disappearances, in [2018 documented 247 new cases](#), and in the [first 6 months of 2019 it documented 134 new cases](#) , joining the [hundreds of cases of victims who had disappeared in previous years](#) . See attachment “LHRS_UPR36_LIBYA_EN_Main_Annex 06.docx”.

⁴⁹ While Law No. (4) of 2012 “[On the Election of the General National Congress](#)”, allocated 80 seats to be “elected by proportional representation in closed electoral lists submitted by **political entities**”, both Law 17 (2013) “[On the Election of the Constituent Assembly in charge of drafting the Constitution](#)” and Law No. 10 of (2014) “[on the election of the House of Representatives for the transitional period](#)” used single election system for “independent” candidates, no party was permitted to put openly candidates.

⁵⁰ The NTC issued Law Nr. (2) of 2012 “On Criminalizing Partisanship”, 4th January 2012, to repeal Law No. (171) of 1972 which criminalized any form of political parties and movements.