

COI QUERY

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Main subject	Legislation on nationality and implementation
Question(s)	1. Legislation on nationality <u>1.1. Dual Nationality</u> <u>1.2. Legislation on loss of nationality and its implementation</u>
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COI QUERY RESPONSE – Libya

Legislation on nationality and implementation

1. Legislation on nationality

The Libyan legislation currently in force that deals with nationality matters is Law No. 24 of 2010 on provisions of Libyan nationality (Law No.24/2010).¹

Articles 2 and 3 of Law No.24/2010 state the conditions to be fulfilled for a person to ‘be considered Libyan’² by ‘operation of law’.³

Further, ‘Libyan nationality can also be acquired through naturalisation or registration’⁴, if requirements of Articles 4, 7, 9, and 10 of Law No.24/2010 are fulfilled, while Article 11 addresses the situation of ‘children of Libyan women married to non-Libyans’, who ‘may be granted Libyan nationality’.⁵

1.1. *Dual nationality*

According to Article 5 of Law No.24/2010, a person already holding Libyan nationality ‘can obtain permission from the Libyan government to acquire a foreign nationality’.⁶ An earlier joint report of 2014 by COI specialists of Belgium, the Netherlands, Norway and Sweden, stated that dual nationality in Libya ‘is in fact very common [...] Many ministers and other influential people are dual nationals’.⁷

More recently, a June 2021 media report highlighted a decision concerning the Libyan presidential elections by the Libyan Political Dialogue Forum's (LPDF) Advisory Committee, which stated that Libyan presidential candidates holding dual nationality, would be allowed to run in the elections, but only if such nationality had been acquired as ‘permitted by relevant laws’.⁸

¹ Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#)

² Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Articles 2,3

³ Netherlands, Ministry of Foreign Affairs, Country of origin information report on Libya, June 2020, [url](#), p. 36

⁴ Netherlands, Ministry of Foreign Affairs, Country of origin information report on Libya, June 2020, [url](#), p. 36

⁵ Netherlands, Ministry of Foreign Affairs, Country of origin information report on Libya, June 2020, [url](#), p. 36; Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Articles 4, 7, 9, 10, and 11

⁶ Belgium: CGVS/CGRA, Netherlands: Ministry of Foreign Affairs/Ministry of Security and Justice, Norway: Landinfo, Sweden: Migrationsverket, Report Libya: Nationality, Registration and Documents, 19 December 2014, [url](#), p. 6; Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#)

⁷ Belgium: CGVS/CGRA, Netherlands: Ministry of Foreign Affairs/Ministry of Security and Justice, Norway: Landinfo, Sweden: Migrationsverket, Report Libya: Nationality, Registration and Documents, 19 December 2014, [url](#), p. 7

⁸ Libya Observer, LPDF: No Dual citizenship allowed for Libyan president candidates unless permitted by law, 28 June 2021, [url](#)

1.2 Legislation on loss of nationality and its implementation

Article 5 of Law No.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. The executive regulation shall determine the guidelines pertaining to the implementation of the provisions of this article.’⁹

According to Article 5, a citizen already holding Libyan nationality can lose that nationality, if he/she obtains voluntarily a foreign nationality without prior permission of the Libyan authorities’.¹⁰

According to a 2020 report by non-governmental organisation Human Rights Solidarity, Law No.24/2010 ‘violates the rights of expatriate Libyans who acquire a citizenship of another country’.¹¹ According to the same source, Article 5 of Law No.24/2010 ‘makes a provision to deprive Libyan citizens of their citizenship if they acquire a nationality of another country. This provision gives the possibility of arbitrary deprivation of citizenship’.¹² The source stated that Article 5 does not automatically revoke nationality, as the decision is taken by the Libyan authorities. The source quotes Article 8 of the Executive Regulation implementing Law No.24/2010, as stating 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’.¹³

In February 2016, former Chairman of the Constitution Drafting Assembly (CDA), Ali Al-Tarhouni, was suspended from his post, following a decision of the Al-Bayda appeals court. In such a decision, it was argued that, as Al-Tarhouni had acquired American nationality, his Libyan nationality had been invalidated, and thus he was not qualified to hold his position.¹⁴ Referring to the situation of Al-Tarhouni, in 2020, Human Rights Solidarity described it as a ‘clear case of arbitrary deprivation of nationality’ based on political reasons. The same source claimed that ‘thousands of Libyans who acquired other nationalities’ found themselves in situations similar to that of Al-Tarhouni, but did not provide any other details.¹⁵

According to the 2020 annual report on human rights published by the United States Department of State (USDOS), Law No.24/2010 provides that ‘citizens may lose citizenship if

⁹ Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Articles 5

¹⁰ Netherlands, Ministry of Foreign Affairs, Country of origin information report on Libya, June 2020, [url](#), p. 36; ICMPD, The Legal Guide for Foreigners in Libya, January 2020, [url](#), p. 29; Belgium: CGVS/CGRA, Netherlands: Ministry of Foreign Affairs/Ministry of Security and Justice, Norway: Landinfo, Sweden: Migrationsverket, Report Libya: Nationality, Registration and Documents, 19 December 2014, [url](#), p. 6

¹¹ Human Rights Solidarity, Libya Submission for the UN Universal Periodic Review, May 2020, [url](#), para. 13

¹² Human Rights Solidarity, Libya Submission for the UN Universal Periodic Review, May 2020, [url](#), para. 15

¹³ Human Rights Solidarity, Libya Submission for the UN Universal Periodic Review, May 2020, [url](#), para. 15

¹⁴ Human Rights Solidarity, Libya Submission for the UN Universal Periodic Review, May 2020, [url](#), paras. 15-16; Libya Herald, Appeals court tells CDA’s Tarhouni to stand aside, 15 February 2016, [url](#); Digital Journal, Chair of Libyan CDA disqualified as he is an American, 17 February 2016, [url](#)

¹⁵ Human Rights Solidarity, Libya Submission for the UN Universal Periodic Review, May 2020, [url](#), paras. 15-16

they obtain a foreign citizenship without receiving permission beforehand from authorities, but there is still no process for obtaining such permission'.¹⁶

Article 8 of Law No.24/2010 states:

'Libyan emigrants who acquire the nationality of the country to which they emigrate may recover Libyan nationality upon submitting the necessary documents that confirm their Libyan origin.'¹⁷

According to a 2020 report by the Ministry of Foreign Affairs of the Netherlands, Article 8:

'[...] stipulates that Libyan emigrants who have acquired the citizenship of the country to which they emigrate through naturalisation, have the opportunity to recover Libyan nationality upon submitting the necessary documents to the Libyan authorities confirming their Libyan origin.

This implies that a Libyan who submits a naturalisation application abroad (with the agreement of the Libyan authorities) thus renounces (or has the option of renouncing) his Libyan nationality.'¹⁸

Article 12 of Law No.24/2010 states:

'Holders of Libyan nationality shall lose their nationality if it was obtained based on false information or incorrect or counterfeit documents, or if the person concealed facts relevant to nationality. If the person who loses his nationality is the father, the loss thereof shall apply to the children as well'.¹⁹

Article 13 of Law No.24/2010 states:

'Libyan nationality may be withdrawn from any non-Libyan who obtained it under the provisions of this law within ten years following his obtaining it, in the following circumstances:

1. If he performs actions that undermine the security of Libya or harms its interests.
2. If he resides outside of Libya for two consecutive years during the ten years following his acquisition of Libyan nationality, without an excuse accepted by the General People's Committee for General Security'.²⁰

¹⁶ USDOS, Annual report on human rights in 2020 Libya, 30 March 2021, [url](#)

¹⁷ Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Article 8

¹⁸ Netherlands, Ministry of Foreign Affairs, Country of origin information report on Libya, June 2020, [url](#), p. 37

¹⁹ Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Article 12

²⁰ Libya, Law No. (24) of 2010 on provisions of Libyan nationality, 28 January 2010, [url](#), Article 13

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