

Libya: Civic Space Crushed

Repressive Laws, Harassment, Detentions Derail Organizations' Work

- Libyan authorities have used a litany of overbroad and [draconian legacy laws](#) that violate international law to threaten, harass, arbitrarily detain, and attack civil society members and activists.
- Targeting nongovernmental organizations risks completely closing the space for free assembly and association in the country. Many activists are self-censoring or leaving the country.
- The authorities in both administrations vying for control of Libya should cease targeting civic groups and urgently adopt a civil society law consistent with international law.

(New York) – [Libyan](#) authorities' accelerating targeting and harassment of activists and members of non-governmental organizations risks completely closing the space for free assembly and association in the country, Human Rights Watch said today. The authorities should cease targeting civic groups and urgently adopt a civil society law consistent with international law.

The authorities, backed by unaccountable militias and abusive internal security apparatuses, have used a litany of overbroad and [draconian legacy laws](#) that violate international law to frequently threaten, harass, arbitrarily detain, and attack civil society members and activists. One activist interviewed said he was tortured in detention. Since 2011, the authorities have passed [decrees and regulations](#) with onerous registration and administration requirements, preventing groups from establishing or maintaining a presence in the country. As a result, scores of activists have been driven out of the country, while those who remain have resorted to self-censorship and operating underground.

“Libyan authorities need to urgently end their repressive policies, which are crushing civic space in the country and have made it near-impossible for organizations to carry out their vital work,” said [Hanan Salah](#), associate Middle East and North Africa director at Human Rights Watch. “Human rights groups and other civil society organizations should be able to operate without constantly having to look over their shoulder for fear of retaliation.”

Between April and October 2024, Human Rights Watch interviewed in-person and by phone 17 members of Libyan civil society organizations and activists in Libya and Tunisia, and met with student union representatives and members of the National Council on General Liberties and Human Rights (NCGLHR). Only five civil society members agreed to meet in person in Libya, the rest asked for telephone interviews or refused to respond altogether for fear of harassment by the Tripoli Internal Security Agency. Human Rights Watch has anonymized all interviews with activists to prevent retribution.

Researchers also met with authorities in Tripoli, Zawiya, and Misrata, including with the justice minister, Commission for Civil Society, and with United Nations officials. Human Rights Watch did not obtain required permits to visit eastern Libya.

Two rival authorities are vying for control in Libya: the Tripoli-based [Government of National Unity](#) (GNU), appointed as an interim authority through a UN-led consensus process, and affiliated armed groups control western Libya. Their rivals, the Libyan Arab Armed Forces (LAAF) and affiliated security apparatuses and militias, control eastern and southern Libya. A civilian LAAF-affiliated administration is known as the “Libyan Government.”

Human Rights Watch wrote to the Justice and Foreign Ministries in Tripoli on December 2, 2024, regarding its findings, but did not receive a response.

The authorities in eastern and western Libya have used a slew of laws to repress civil society, including from the era of the former leader, Muammar Gaddafi. These include contested [Law 19/2001](#) on the Reorganization of Nongovernmental Organizations, which greatly restricts civil society work and is considered as rescinded by some legal scholars because of the 2011 adoption of the Libyan Constituent Covenant by the National Transitional Council, as well as other laws governing [expression](#) and [cybercrime](#) and vaguely-worded laws on crimes against the state.

Libya's [Penal Code](#) levies severe punishments, including the death penalty, for establishing “unlawful” associations, and stipulates prison terms for establishing or affiliating with international associations without prior “permission.” [Regulations and decrees](#) on organizing the work of nongovernmental organizations unjustifiably restrict and muzzle civic groups.

Libyan legislative authorities should reform penal code articles that undermine freedom of expression, association, and assembly and should guarantee the peaceful exercise of those rights, Human Rights Watch said. The authorities should also promptly repeal the death penalty, including as a punishment for establishing or participating in unlawful organizations.

The authorities in both east and west of the country and armed groups have arrested and [detained civil society members](#), often on bogus, politically-motivated charges. After the Tripoli [Internal Security Agency](#) – an armed group – arbitrarily arrested four members of the grass roots youth movement “Tanweer,” a court in Tripoli [sentenced](#) them in December 2022 to three-year prison sentences with hard labor for “atheism, agnosticism, being feminist and infidels.” Two activists, who did not wish to be named for fear of repercussions, said that these arrests and prosecutions sent a chilling message to civil society. One of them ended a movement on women’s issues they had started because of the incident.

Libyan authorities, particularly in the west, have imposed overbroad and often [unworkable](#) conditions and requirements on nongovernmental groups – domestic and international – who wish to register and obtain work permits, hindering their work. The authorities have imposed burdensome approval requirements on activities as simple as holding seminars and workshops, while onerous financial reporting requirements are often impossible for small organizations to meet.

The establishment in 2018 of [the Commission for Civil Society](#) by the former Government of National Accord, tasked with registering and approving civic organizations and their activities, heralded further impediments to nongovernmental groups due to rivalries and inconsistencies between different branches. A process to unify the eastern and western branches started in 2023 and is still underway. Activists said the Commission had compelled some organizations to change their name or alter their objectives to obtain registration.

In the absence of a civil society organization law consistent with international law and best practices that guarantees the rights to freedom of association, assembly, and expression, Libyan authorities should scrap onerous restrictions on registration and allow for the free establishment of associations, Human Rights Watch said.

Under international human rights law, freedom of expression, assembly, and association are recognized as fundamental human rights, often [overlapping](#), and essential to the effective functioning of a democratic society and the enjoyment of other individual rights.

The [International Covenant on Civil and Political Rights](#), which Libya ratified in 1970, states that no restrictions may be placed on the exercise of the rights to assembly and association “other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (“ordre public”), the protection of public health or morals or the protection of the rights and freedoms of others.”

The UN Human Rights Committee, which authoritatively interprets the Covenant, has stressed that a government should be no more restrictive than is absolutely required for any limitation on freedom of association, the detriment suffered, and the duration of the limitation. The [African](#)

[Charter on Human and People's Rights](#), which Libya ratified in 1963, states that “every individual shall have the right to free association provided that he abides by the law.”

“Libyan authorities have used a slew of repressive laws to target civic groups while putting up obstacle after obstacle to prevent them from operating legally,” Salah said. “Civic groups cannot function effectively and safely as long as they remain in legal limbo, working in secrecy or constant fear of threat, attack, or arrest.”

Abusive Legal Framework

Civic groups in Libya contend with a range of [abusive laws](#) that make their work extremely difficult, if not impossible, to carry out. The Gaddafi-era [Law 19/2001](#) on the Reorganization of Nongovernmental Organizations greatly restricts civil society work in all of Libya, permitting registration only for groups working on social, cultural, sports-oriented, charitable, or humanitarian issues, but not other issues including human rights. The government has not clarified how organizations working on other issues can legally operate. Law 19/2001 also sets out overly burdensome registration requirements and empowers authorities to intervene in associations' leadership and dissolve organizations without a court order.

Some Libyan legal experts contend that Law 19/2001 was effectively suspended because the 2011 Libyan Constituent Covenant guarantees freedom of association, speech, and assembly, but that “the courts still use this law as if it's active,” according to one expert.

The head of a human rights group with multiple branches said the lack of a legal framework impeded the work of nongovernmental groups, forcing them to “operate in limbo,” and that it was important to ensure civil society participation in drafting a new law on associations. “People are afraid to travel as they are afraid of meeting with foreigners. Security agencies demand to give approval in advance of any meeting with foreigner groups. This is not suitable for civic work.”

Discussions including Libyan civic groups around the adoption of a new draft law on associations are ongoing, including with officials from the civil society commission, members of the House of Representatives, and the UN special rapporteur on freedom of peaceful assembly and association. Activists, civil society members, and UN officials confirmed that multiple drafts of a new law on civil society were in circulation and that consultations were taking place to expedite the process, but that members of the legislative authority, rival political bodies, and civil society members had not reached consensus around a unified draft.

Between 2019 and 2022, the former Presidential Council of the Government of National Accord regulated the work of nongovernmental groups under [Decree 286](#).

The decree included burdensome registration requirements and stringent regulations on funding, mandating onerous advance notification for attending conferences and other events. After nongovernmental groups [appealed](#), a Benghazi court suspended Decree 286 in 2022 for violating the 2011 constitutional declaration.

On March 8, 2023, the Law Department of the Supreme Judicial Council issued a [legal opinion](#), following a request by the Commission for Civil Society, declaring all civil associations and civil society organizations not established under [Law 19/2001 on Nongovernmental Organizations](#) as illegal. The Office of the Tripoli Prime Minister on March 13 reaffirmed the legal opinion and revoked the licenses of nongovernmental organizations established in Libya since 2011. However on March 21, 2023, it [gave](#) nongovernmental organizations provisional legal standing until they “correct their legal status,” without providing a clear timeline.

Legislators have yet to revoke Gaddafi-era Penal Code provisions that provide severe punishments, including the death penalty, for the establishment of “[unlawful](#)” [associations](#).

Registration and Administrative Impediments

She said the process for foreign nongovernmental organizations was difficult and that she and other staff members had to use their personal accounts for financial transfers, as it was not possible for the organization to open an account. “Once, we had to wait for eight months for US\$2,500,” she said. “In some cases, people were not paid their salaries for seven months.” She said the financial process and reporting requirements surpassed what could be reasonably expected from a small nongovernment group and that some “banks sometimes ask for a bribe.”

Civil Society Commission

The [Commission for Civil Society](#), established in 2018, and that operates through branches around the country, has [sweeping powers](#) to inspect and demand documents, control funding, and cancel an organization’s registration and work permits of foreign organizations. According to the head of the Commission’s branch in Tripoli, in August 2023, the House of Representatives formally took authority over the Commission from the Council of Ministers, initiated a unification process, and assigned the Commission a budget and legal status.

The various Commission branches have taken different approaches to resolving the impasse over organizations’ registration and renewal. The director of the Zawiyah branch said it provides an interim annual document renewing existing nongovernmental organizations’ registration, while other branches, such as in Tripoli, apply standards established by the Benghazi commission in the east to register organizations. The heads of two Commission branches said intelligence agencies on occasion requested information about certain civic groups, and that nongovernmental groups sometimes needed intelligence agencies’ approval to register.

An activist in Tripoli, whose human rights group is active on press freedom in eastern Libya, said that security agencies in the east not only harass activists and try to control their activities, but held influence with authorities, including the Commission. “You will only get the Ishhar [notice of approval] if the agencies approve of you,” he said.

Another activist who heads a media freedom organization in Tripoli accused the Commission’s branches in east and west Libya of overreach: “Independent groups [based in Libya] are under a lot of pressure, as only those affiliated with the government are able to work. In the east, there is harassment by the armed groups and control over our activities.” He also said that the registration process had become more complicated: “We got our first notice of approval [Ishhar] in 2013, and only had to renew our registration in 2021. So, in January [2021] we first applied in Tripoli, but the Commission refused to give us our registration, so in March 2022, we applied in Benghazi. It took the commission there over a year to approve.”

Arrests and Detention

An Internal Security agency in eastern Libya accused him of “contacts with international organizations,” and “attempting to undermine state security” because of his activities with a youth forum around three sensitive issues: supporting the 2021 elections roadmap, transitional justice, and social responsibility of oil companies. He said, “I, for one, was detained without an arrest warrant and released without having to make any pledge. I was beaten in detention and even contracted a skin disease that I ended up treating in Tunis after leaving Libya.” He also said that he did not have access to a lawyer throughout his arrest and detention.

Harassment, Threats, and Attacks

Another exiled activist, from eastern Libya, said that Internal Security officers called a relative to warn against the activist speaking publicly after he was released from detention in 2022. A member of an armed group in eastern Libya called the same relative in 2023, warning him over the activist's public criticism of the Libyan Arab Armed Forces' management of major [flooding](#) that killed thousands of people in the eastern region and left thousands more missing or homeless.

Self-Censorship and Exile

Those who remained in Libya said that they had to self-censor their speech or activities to avoid being targeted by authorities and armed groups. One seasoned activist at a human rights organization based in western Libya said that security threats were increasing and that activists had resorted to working undercover. "Most work is done in secrecy." He said that in 2022, local groups in [Tarhouna](#) with close ties to a militia threatened him over political disagreements.

Another activist from the south said he had to restrict his activities to remain in Libya, because of an "unsafe" environment for nongovernmental organizations. He said: "Although I might occasionally post something on my personal Facebook account, since 2020, I stopped publishing articles and no longer take media requests on general or human rights issues to avoid becoming a target for militias. I do not want to leave Libya and therefore have to maintain a low profile."

"The south used to be safer for human rights activists, but since the military offensive in 2019, civic space shrunk just as much as anywhere else. Now, there's nowhere safe in Libya, neither in the east nor in the west. Freedom of speech has become non-existent."

Six of the activists interviewed said that they had been compelled to leave Libya and settle in Tunisia or in another country due to the fear of being persecuted for their work, and one said he had to leave his region and settle in Tripoli.