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FREEDOM ON THE NET 2023

Libya

PARTLY FREE

42
/100

A. <u>Obstacles to Access</u>	7 /25
B. <u>Limits on Content</u>	21 /35
C. <u>Violations of User Rights</u>	14 /40

LAST YEAR'S SCORE & STATUS

44 /100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Overview

Internet freedom continued to decline in Libya. The rights of internet users, which had increased after the fall of longtime dictator Mu'ammarr al-Qadhafi, came under attack during the coverage period amid an ongoing crackdown on activists, bloggers, and journalists. The newly enforced Anti-Cybercrime Law includes harsh penalties for online speech and gives authorities power to block websites and criminalize the use of encryption tools. Internet users continue to face harassment, arbitrary detention, and, in some cases, physical violence relating to their online activity.

Libya has been racked by internal divisions and intermittent civil conflict since a popular armed uprising in 2011 deposed Qadhafi. International efforts to bring rival administrations together in a unity government have repeatedly failed, preventing long-overdue elections. The proliferation of weapons and autonomous militias, flourishing criminal networks, interference by regional powers, and the presence of extremist groups have all contributed to the country's persistent lack of physical security. More than a decade of violence has displaced hundreds of thousands of people, and human rights conditions have generally deteriorated.

Key Developments, June 1, 2022 - May 31, 2023

- Internet service was deliberately restricted several times within the coverage period, often around protests or when Field Marshal Khalifa Haftar, who is associated with the administration based in Tobruk, visited certain cities (see A3).
- The vaguely worded Anti-Cybercrime Law, which came into force in September 2022, gives authorities the power to censor online content, criminalize online speech, and restrict anonymity (see B3, C2, and C4).
- Activists and journalists continued to experience physical insecurity during the coverage period, with several people being kidnapped in retaliation for their online content (see C7).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

2/6

The ongoing civil conflict in Libya has created obstacles to internet access. Users across the country remain frustrated by inconsistent internet service, which is frequently interrupted by power cuts. High demand, damage to infrastructure, unauthorized construction, sabotage, and theft of information and communications technology (ICT) equipment all contribute to poor connectivity.

1

Though figures vary widely, internet penetration appears to have increased in recent years. As of January 2023, there were 3.1 million internet users and 12 million mobile connections in Libya. According to DataReportal, the country's internet penetration rate was 45.9 percent.

2

However, speeds remained slow during the coverage period. According to May 2023 data from Ookla, the median mobile and fixed-line broadband download speeds were 13.8 megabits per second (Mbps) and 8.66 Mbps, respectively. The median mobile and fixed-line broadband upload speeds were 6.16 Mbps and 4.82 Mbps, respectively.

3

After years of stagnation in the telecommunications sector due to the conflict, several plans to improve infrastructure and services have begun. In September 2021, the Libyan Post Telecommunications and Information Technology Company (LPTIC) announced plans to deploy long-term evolution (LTE) services in the south, helping to close a geographic connectivity gap (see A2). As part of this plan, mobile service providers Al-Madar and Libyana began rolling out fourth-generation (4G) services in southern cities in October 2021. In October 2020, state-owned internet service provider (ISP) Al-Madar announced the successful installation of a trial fifth-generation (5G) technology network in Tripoli.

6

However, development of a 5G network has since been stalled.

7

The ongoing conflict has left the country's internet infrastructure in disarray. For example, about 25 percent of mobile towers have been damaged or stolen. ⁸ Efforts to rebuild infrastructure have largely stalled due to the conflict; telecommunications services are regularly disrupted in the east in particular. ⁹

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	1/3
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While prices have fallen in recent years, the depreciation of the Libyan dinar and economic instability have made the internet inaccessible for some people. There is a significant urban-rural access gap, although plans have been underway to expand access in rural southern areas (see A1). ¹⁰

According to a 2023 report from UK-based company Cable, the average cost of a monthly fixed-line broadband package in Libya was \$18.86. ¹¹ On average, one gigabyte (GB) of mobile data in Libya cost 61 cents in 2022. ¹² Libyana offered weekly and monthly packages costing as little as one dinar (22 cents) for 50 megabytes (MB) of data as of 2020. ¹³ The average monthly salary in Libya stood at \$300 in August 2023, just after the coverage period ended, making internet services quite expensive for a majority of users. ¹⁴

In 2020, the head of the General Authority for Communications and Informatics (GACI) issued a decree cutting internet package prices from state-owned telecommunications companies by 50 percent. According to the decree, internet-subscription and data-usage fees would be cut at GACI-affiliated providers to improve communication services and promote digital literacy across age groups.

¹⁵ Fees for internet services, and specifically the 4G mobile services that were launched by Al-Madar and Libyana, have been periodically reduced by the LPTIC in recent years. ¹⁶

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	3/6
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Score Change: The score declined from 4 to 3 because internet service was deliberately restricted several times during the coverage period, often when a figure affiliated with one of the country's rival administrations visited certain cities.

Restrictions on connectivity are uncommon in Libya, although internet shutdowns occurred during the coverage period. ¹⁷ Hatif Libya, a subsidiary of the LPTIC, was established in 2008 and controls the fiber-optic backbone network servicing Libya. ¹⁸ The centralization of internet traffic through the LPTIC allows authorities to restrict the internet. ¹⁹

In August 2022, an internet shutdown lasting five hours was reported in the eastern city of Tobruk around the time that Khalifa Haftar, the leader of the Tobruk-affiliated Libyan Arab Armed Forces (LAAF) visited the city. ²⁰ Authorities provided no information about the disruption. Similar reports indicated that a brief internet shutdown occurred in July 2022 during Haftar's visit to the city of Darna. In early July 2022, connectivity disruptions were recorded following protests in Tobruk. ²¹ In September 2022, Haftar's forces launched a siege on the Abu Hadi area, south of Sirte, and cut internet service in the area; Haftar's authorities issued a brief statement claiming they were launching a security campaign to arrest wanted persons in the area. ²²

In September 2020, local authorities in the eastern part of Libya—then under the control of the interim government affiliated with the Tobruk-based and LAAF-backed House of Representatives—restricted mobile internet connectivity amid protests. The interim government reportedly ordered mobile providers Al-Madar and Libyana to throttle 4G service to hinder protesters' efforts to mobilize. ²³

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	1/6
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The state-run LPTIC, formerly the General Post and Telecommunications Company (GPTC), is the main telecommunications operator. In 1999, the GPTC awarded the first ISP license to Libya Telecom and Technology (LTT), a subsidiary of the state-owned firm. ²⁴ The GACI acts as the ICT market regulator. ²⁵ State

institutions have been accused of monopolizing the ICT market, and private companies face undue obstacles to market entry. ²⁶

Since the 2011 fall of the Qadhafi regime, 25 ISPs and 23 very small aperture terminal (VSAT) operators have been licensed to compete with state-owned ISPs. Many are based in Tripoli and are owned by individuals with strong ties to governing authorities. The LPTIC owns two mobile service providers, Al-Madar and Libyana, while a third provider, Libya Phone, is owned by LTT.

The LPTIC has been affected by the country's political crisis and de facto split. Separate offices were established in Malta (representing the Tobruk government) and Tripoli (representing the Tripoli government). However, the LPTIC announced in January 2017 that divisions between its board of directors had been resolved in a court case, a ruling that was upheld the same year. In March 2018, the LPTIC head announced that the body had reunified; ²⁷ it began holding meetings and announced \$1.7 billion worth of ICT infrastructure projects. ²⁸

In November 2022, Resolution No. 985 was issued to amend executive regulations from Law No. 22 of 2010 regarding communications, which allowed the GACI to grant licenses for digital services. ISPs must pay a 150-dinar (\$30.44) application fee and, if the license is granted, must then pay a 1,000-dinar (\$206) fee for a separate approval certificate. Other provisions allow ISPs to create and use their own international gateways. The new regulations are meant to "encourage and support competition in the telecommunications market." ²⁹

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	O / 4
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Libya's regulatory environment is plagued by ongoing disputes over the country's political governance. In September 2022, the Audit Bureau in Tripoli issued a report depicting the GACI and the LPTIC as lacking in independence. ³⁰

The ICT regulator is the GACI, formerly known as the General Telecom Authority. During the Qadhafi era, decisions on licensing were made by the government-controlled GPTC (now the LPTIC). ³¹ After that regime's downfall, the transition government established the Ministry of Communications and Informatics (MCI) to

oversee the telecommunications sector. Officially, the MCI runs the sector via the LPTIC and GACI. The GACI is nominally responsible for policymaking and regulation, while the LPTIC is a holding company for all telecommunications service providers in the country. Libya's top-level domain, ".ly," falls under the responsibility of LTT. In 2017, the Appeals Court in Tripoli ruled that LPTIC chairman Faisal Gergab, backed by the Tripoli-based government, and his management team were the sole legitimate representatives of LPTIC. **32**

In 2014, the MCI appointed a committee to draft a new Telecommunication Act to set standards for the sector and replace existing regulations surrounding ICTs. The act, which has been drafted but not implemented, **33** also aims to create an independent Telecommunication Regulatory Authority (TRA) to oversee the industry. **34**

In May 2019, the Tripoli-based administration announced the suspension of 40 foreign firms, including telecommunications equipment firm Alcatel-Lucent (now owned by Finland's Nokia) and Microsoft, saying they needed to renew their licenses. While the companies were granted a grace period to do so, the move was described by some analysts as a politically motivated decision designed to press for greater support for internationally recognized authorities, as the LAAF was attacking rival forces in Tripoli at the time. **35**

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

6/6

Partisan website blocking has been infrequent in the post-Qadhafi era. Many pornographic websites were blocked in 2013 by LTT, but the country's main service providers, including LTT, Libyana, and Al-Madar, did not censor pornographic content during the coverage period. Small ISPs may block some pornographic content.

In September 2022, the Anti-Cybercrime Law was officially published by the House of Representatives and brought into force. ³⁶ The law provides authorities with the power to block websites that host “unwanted” content without judicial authorization (see B3 and C2). ³⁷ Article 7 of the law enables the National Information Security and Safety Authority (NISSA) to censor content that undermines “the security of the society and its social peace.” Article 8 allows the NISSA to block websites containing content deemed “contrary to public morality,” such as pornography. ³⁸ Critics have noted that the vague language gives authorities extensive leeway to interpret the law as they see fit.

In June 2021, the General Authority for Endowments and Islamic Affairs (GAEIA)—the country’s religious institution that also manages the assets donated for charitable purposes under Islamic law—wrote to the GACI, urging the regulator to block websites containing pornography as well as websites about Satan, atheism, terrorism, and Takfirist extremist groups. The GAEIA also called on the GACI to use Article 35 of the constitution (see C1), which enables authorities to rely on Qadhafi-era laws to punish those who misuse the internet. ³⁹

In February 2023, the National Commission of Human Rights (NCHR) called on the attorney general to ban TikTok and YouTube. ⁴⁰ The NCHR argued that content on these platforms “undermines the rule of law and justice” as well as the country’s social, religious, and cultural values. ⁴¹ Additionally, the MCI also called for those two services to be banned and for websites containing pornography to be blocked. ⁴² No websites or social media platforms had been blocked by the end of the coverage period, however.

All major social media platforms and international blog-hosting services ⁴³ were freely available during the coverage period. In 2018, Facebook was temporarily inaccessible in Tripoli and several other cities amid fighting between militant groups. The LPTIC claimed that technical errors and power outages caused the disruption. ⁴⁴

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

3/4

Authorities do not frequently request that private providers or intermediaries delete content. Rather, there are coordinated efforts to “report” Facebook pages for deletion, particularly for political views against militias.

The Anti-Cybercrime Law includes provisions that could enable authorities to remove online content. Article 7 gives the NISSA authority to censor a wide swath of content, including content that “disseminates prejudices” or undermines “security” or “social peace.” While it is unclear what these censorship tactics include outside of blocking websites, the vague language of the law leaves authorities with open interpretation of content deemed in violation of the law (see B1). **45**

In previous reporting periods, Meta (Facebook’s parent company), Google, and Twitter have removed content at the government’s request. Meta reported one emergency-disclosure request in the second half of 2022 but no takedown requests. Google reported two requests within the coverage period. **46**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	2/4
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A 2006 law mandates that websites registered under the “.ly” domain must not contain content that is “obscene, scandalous, indecent, or contrary to Libyan law or Islamic morality.” **47** Prior to the war, “indecent” was prohibited by law, but sexually explicit sites were not typically blocked. However, blocks of such material have been enforced in the post-Qadhafi era (see B1).

In practice, the procedures for website blocking are opaque. When accessing a banned website, users are shown a message from the service provider stating that the site has been blocked. During the reporting period, no websites appeared to be blocked by state-owned companies, including pornography sites; smaller ISPs may still block some content but the reason for this is unclear.

In September 2022, the Anti-Cybercrime Law officially entered into force, meaning a swath of content vaguely defined in the law’s provisions could be blocked or removed without judicial authorization (see B1 and B2). **48**

At times, social media companies have arbitrarily removed the accounts or content of Libyan users due to issues with moderating Arabic-language content. One Libyan academic reported that Twitter removed their post with no explanation, likely due to the use of colloquial Arabic phrases. **49**

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

1 / 4

The 2011 revolution brought a notable increase in the number of bloggers writing within Libya, many of whom expressed hope for the future, discussed political activism, and voiced criticism of authorities. However, those who choose to use their real names and photos online have been targeted with criminal prosecution, harassment, and kidnappings (see C3 and C7). **50** Online users who continue to self-censor due to instability, increasing threats, and violence against journalists still may face threats from state-affiliated actors. **51**

Repressive legislation targeting online speech and a systemic crackdown on activists has led more online users to self-censor during the coverage period. **52** The Anti-Cybercrime Law could lead to further self-censorship. **53** Article 37 introduces harsh penalties for a large swath of online speech, hindering free expression online (see C2). Article 9 of the law criminalizes the use of encryption tools used to protect the privacy of online users (see C4). Online users could choose to self-censor for fear of retribution if they are unable to protect their identity online. **54**

Members of the internationally recognized government in Tripoli, namely officials from the Internal Security Agency (ISA), have expressed hostility to critical and independent journalism, and those who voice dissent, criticism of militia groups or leaders, or other controversial views (such as religious commentary) risk retaliation. **55** Online users avoid discussing taboo subjects such as sex, drugs, and homosexuality. **56** In a reflection of the extreme risk of speaking out in Libya, many journalists and their family members have requested that rights groups not identify them by name when they report on such abuses. **57**

In May 2023, the GAEIA announced the creation of the Guardians of Virtue, a body tasked with countering practices that could be considered in contrast with Islamic

and Libyan values, as defined by the GAEIA. ⁵⁸ The Guardians' mandate includes identifying and targeting online activists and bloggers who allegedly share content that is deemed to counter "Libyan virtue." The group is additionally tasked with "spying" on anyone who contradicts its mandate, which could encourage self-censorship among not only activists and journalists, but also ordinary social media users. ⁵⁹

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

1 / 4

Powerful figures including militia leaders and politicians deliberately manipulate the online narrative by spreading disinformation that aligns with their political or social agendas. During the ongoing civil conflict, Facebook pages have served as propaganda outlets for warring parties. These pages are generally opaque about their ownership, editorial policy, and publishing guidelines. ⁶⁰

Ahead of presidential elections scheduled for December 2021, that were indefinitely postponed, Facebook became a central platform for election-related disinformation. For example, a Facebook post falsely claiming that the Muslim Brotherhood had kidnapped or killed the head of the government's electoral administration went viral after being amplified by accounts that were supportive of Khalifa Haftar, who was then a presidential candidate and has spoken against Islamic groups such as the Muslim Brotherhood. ⁶¹ Reports allege that these platforms may have been financed through government funds.

Libyan disinformation operations are organized by networks active on social media. In September 2022, these networks targeted a UN envoy, resulting in the organization issuing a statement saying that "the mission in Libya has lost its credibility due to a 'fabricated' message" and that "the dissemination of false news and misleading information in an attempt to mislead the public and mobilize support for various political issues has become common in Libya." The organization also warned that such rhetoric could threaten Libya's fragile stability.

62

Online disinformation is amplified by coordinated networks on social media. In December 2021, Meta reported that it removed a network of Facebook and Instagram accounts that were impersonating public figures, journalists, and activists in Libya and spreading disinformation about the upcoming election. Specifically, accounts impersonating female public figures would post humiliating or defamatory content about themselves as part of a critique on the rise of women in politics. Reports allege that members of the Libyan Justice and Construction Party, an affiliate of the Muslim Brotherhood, were behind the disinformation networks. ⁶³ Twitter also removed around 50 accounts for coordinated inauthentic behavior around the same time. ⁶⁴

Foreign governments have sought to shape online narratives in Libya to align with their interests. Researchers have identified disinformation targeting Libyan audiences linked to Russia, the United Arab Emirates, Saudi Arabia, and Egypt, all of which have been involved in the conflict. ⁶⁵

In February 2023, an investigation by Logically, a technology company, and the British Broadcasting Corporation found evidence of an “expansive Russian disinformation campaign” active in Libya and elsewhere in Africa. ⁶⁶ Their report noted the existence of large social media networks that promote Kremlin-backed information on a daily basis. ⁶⁷ Also in February 2023, the Africa Center for Strategic Studies (ACSS) published a similar report about systematic disinformation campaigns in various African countries, including Libya. In its report, the ACSS claimed that it identified over 50 such networks that used social media algorithms to amplify disinformation through inauthentic accounts along with other tactics. ⁶⁸

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

3/3

There are few economic or regulatory constraints that inhibit individuals’ ability to publish content online. However, some journalists have experienced difficulties in securing visas and permits to gather information. ⁶⁹ Journalists have also faced media coverage bans in some areas, specifically in the east. At times, local security

forces have refused to accept journalists' press cards, as local authorities in every region impose their own procedures. **70**

In September 2022, the Tripoli-based government issued Decision No. 811 of 2022 regulating the conditions and requirements for audiovisual media activities. The decision allows security bodies to intervene in media regulations by issuing or refusing to issue work permits to media outlets and stipulates high licensing fees. While the decision largely targets television and radio outlets, it could negatively affect the online space as many of those operators maintain an online and social-media presence. **71**

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

2/4

While the online media landscape is much more diverse than it was under the Qadhafi regime, a recent crackdown on free speech has increased self-censorship and decreased support for journalism. **72** Authorities have taken more control over online content in recent years, and the information landscape has become a vacuum where content and news is largely controlled by armed groups and foreign actors. **73**

Libya ranked last of all Maghreb countries in Reporters Without Borders' 2022 Press Freedom Index. According to the report, Libya has been "sinking into a deep crisis" since 2011 while journalists are co-opted to serve political actors "at the expense of editorial independence." **74**

Content about feminism, LGBT+ issues, and religious minorities has become less prevalent as authorities target members of these groups, driving many to cease their online activism or reporting (see B4). **75** Since 2019, there has been only one online platform in Libya catering to the country's LGBT+ population. **76** While social media became a vibrant place for feminist content in the post-Qadhafi era, this space has shrunk in recent years as female users have been targeted online, leading some prominent activists to halt their online activities. **77**

Facebook hosts hundreds of active pages dedicated to national and local news and serves as the main source of news covering Libya for many users inside and

outside the country. ⁷⁸ Some of these pages are affiliated with professional television, radio, or print news outlets, while others lack professional standards. Likely due to the risk of reprisal for speaking freely, private Facebook pages are more likely than their public counterparts to host political debates. ⁷⁹

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

3/6

While social media continues to be a forum for discussion, content discussed online has noticeably shifted to less overtly political issues in recent years, and skepticism of the ability of digital activism to shape the political landscape amid the country's ongoing turmoil has grown.

Authorities rarely disrupt access to the internet or social media to restrict mobilization. However, in July 2022, connectivity disruptions were recorded following protests in Tobruk (see A3). ⁸⁰ In September 2020, authorities in Benghazi ordered mobile service providers to throttle 4G services amid anticorruption protests. ⁸¹

In December 2021, authorities began a systemic crackdown on activists that negatively impacted internet users' ability to organize or mobilize campaigns online. Furthermore, the Tripoli administration's crackdown on rights-based civil society organizations (CSOs) through arrests and harassment has made it more dangerous to form communities and campaign online, leading some organizations to suspend operations in Libya. ⁸²

The targeting of the Tanweer Movement—a local CSO known for its liberal views and with a strong online campaigning presence—seriously impacted online activism. In March 2022, the attorney general's office released a statement about the arrest and investigation of Tanweer Movement members; they faced charges related to spreading atheism and criticizing Islam via their online statements, debates, and campaigns. The attorney general's statement noted that the detainees would be prosecuted (see C3). ⁸³ In February 2022, the group announced it was halting its activities and associated media, ⁸⁴ though it was nevertheless dissolved in March 2022. ⁸⁵

In December 2022, 17 Libyan human rights organizations circulated an online statement demanding the release of two prominent activists (see C3). The signatories expressed their “strong condemnation and concern” over the detention of the two activists, who were released a few weeks after the statement was released.

In March 2023, the Supreme Judicial Council issued a decision that further restricts the activities of CSOs, including online, by subjecting them to a code of conduct. ⁸⁶ Specifically, CSOs would have to register with the government, and authorities could monitor work and documents, control funding avenues, and seemingly restrict the work of CSOs arbitrarily. Furthermore, organizations would not be allowed to call themselves “press freedom” organizations, and all campaigns must be preapproved by authorities. ⁸⁷ The council called on authorities to dissolve any “illegal” groups, including digital rights groups. ⁸⁸

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

1/6

Freedom of opinion, communication, and the press are guaranteed by Libya’s draft constitutional declaration, released by the Libyan Transitional National Council in September 2011. ⁸⁹ The draft constitution has yet to be publicly discussed or subsequently voted on. Delays in finalizing a constitution and the general absence of law enforcement have contributed to weak rule of law in the country. ⁹⁰ Without a permanent constitution, the role of the judiciary remains unclear, and most courts have been unable to function.

Perpetrators of crimes against journalists and activists enjoy impunity, and the judicial system faces functional difficulties. ⁹¹ Article 35 of the constitutional declaration states that any Qadhafi-era legislation remains in force so long as it does not contradict the constitution or until it is amended or repealed. ⁹²

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1/4

Several repressive Qadhafi-era laws remain on the books due to the absence of significant legal reforms in the country since that regime's fall. These include measures carrying harsh punishments for those who publish content deemed offensive or threatening to Islam, national security, or territorial integrity. A law on collective punishment is particularly egregious, allowing authorities to punish entire families, towns, or districts for the transgressions of one individual. ⁹³ Because of their vague wording, these laws can be applied to any form of speech, whether transmitted via the internet, mobile phone, or traditional media.

There are several laws that assign criminal or civil penalties for speech, presumably including online speech and expression. The 1953 penal code criminalizes various forms of speech and expression and includes penalties for those who "insult public officials, the Libyan nation, offend or attack religions, insult a person's honour, or cause discord." In addition to the penal code, authorities have used the Publications Act No. 76 of 1972 to curtail speech. ⁹⁴ The Law on Combating Terrorism of 2014 includes vague language that criminalizes "terrorist acts," including expression that "disrupts public order or endangers peace of the society." ⁹⁵

In September 2022, the Anti-Cybercrime Law came into effect, which includes harsh criminal penalties for online speech. Article 37 imposes up to 15 years in prison as well as a fine for anyone who shares or publishes "rumours" or "information or data that threaten security or public safety." Other provisions in the law threaten the right to online privacy by criminalizing the use of encryption tools and increasing online surveillance (see C4 and C5). ⁹⁶ The legislation also extends extraterritorially to include crimes committed outside the country "if their impact and consequences extend to Libya." ⁹⁷ The law has received significant criticism from domestic and foreign human rights organizations who argue that the law, which includes overly broad language, severely hinders free expression, and gives judicial authorities undue power to criminalize legitimate speech. ⁹⁸

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?

2/6

There is very little transparency around arrests in response to online activity, and far more people are likely held in detention than is reported.

A systemic crackdown by the ISA, a state-funded militia headed by Lotfi al-Harari, against journalists, bloggers, and activists began in December 2021, and some arrests were in relation to online content. In March 2023, activist and blogger Ahmed al-Tawati was arrested by the ISA at Benina Airport before boarding a flight to Tripoli. Several rights groups condemned the arrest and denounced the continued targeting of activists without legal justification. Al-Tawati was released a week later. ⁹⁹

In early 2023, security services in the east of the country began enforcing the Anti-Cybercrime Law (see C2). In February 2023, activist Haneen al-Abdali and singer Ahlam al-Yamani were both arrested over online content which was deemed “disgraceful to honor and public morals.” They were charged under the Anti-Cybercrime Law for “insulting the chaste and dignified status of Libyan women” and for offending religious customs and traditions. In May 2023, authorities arrested Takeshi, a Libyan rapper, on charges of violating public morals due to his social media presence. ¹⁰⁰ It is unclear if any of them have been released or sentenced as of June 2023.

In February 2023, reports emerged of the kidnapping of Iraqi model and content creator Dalia Farhoud, who has lived in Libya since 1998 (see C7). Following her disappearance, the Special Deterrence Forces (Rada) informed local media that Farhoud had been arrested for “violating privacy and publishing content that is not appropriate for Libyan society.” Farhoud has been held in pretrial detention since her arrest. ¹⁰¹

In February 2022, at least seven online activists were arrested and videos of them allegedly confessing to the crimes they were charged with circulated online, although reporting indicates their confessions were likely coerced. ¹⁰² The ISA accused these activists of participating in conversations on Facebook and

Clubhouse about blasphemy, atheism, feminism, and criticism of Islam. ¹⁰³ They were also accused of being members of the Tanweer Movement and of working with international organizations to corrupt Libyan society (see B8). ¹⁰⁴ Three of the men have been sentenced to prison, while the others remain in detention. ¹⁰⁵

In December 2021, Hamza al-Treki, a political activist and blogger, was arrested by the Tripoli administration's Joint Operations Forces (JOF) after he uploaded a video of himself sharply criticizing its prime minister. Al-Treki was held in detention for four months and released in March 2022. ¹⁰⁶ In June 2021, Mansour Atti—a prominent human rights defender, journalist, and blogger—was kidnapped in the city of Ajdabiya (see C7). In August, the LAAF confirmed that Atti was detained in an LAAF-controlled prison. ¹⁰⁷ He was released in April 2022. ¹⁰⁸

Online users were arrested for their TikTok content during the coverage period. In May 2023, security forces in the west of the country arrested five prominent TikTok users on charges of “violating the morals of society” through their social media content. ¹⁰⁹ In February 2022, a Libyan TikTok user known as “Hamoudy” was arrested by Rada, allegedly for “looking and acting feminine” in videos circulated online. After his arrest, a photo of Hamoudy with his hair shaved was posted by Rada members, potentially as a humiliation tactic. ¹¹⁰

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	2 / 4
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Score Change: The score declined from 3 to 2 because the Anti-Cybercrime Law, which came into force during the coverage period, has provisions that criminalize the use of encryption tools.

The Anti-Cybercrime Law, which came into force in September 2022, includes provisions that criminalize the use of encryption tools, threatening online privacy (see C2 and C5). Specifically, Article 9 states that “no individual or entity shall produce, possess, provide, market, manufacture, import, or export encryption tools” without gaining authorization from authorities. ¹¹¹ Those found using these tools against the government, banks, the military, or security institutions could face up to 10 years in prison and a fine of 100,000 dinars (\$20,290). ¹¹²

SIM card registration requirements can also prohibit online anonymity. ¹¹³ In order to purchase and register a SIM card from the two main mobile service operators, Libyana and Al-Madar, users must provide personal details including a copy of their passport.

In 2017, mobile service providers deactivated foreign subscribers' cell phones, reportedly over concerns that people were using the company's mobile services to commit crimes and organize radical groups by opening subscriptions registered to migrants passing through the country. Libyana and Al-Madar said they would allow foreign residents to reactivate their SIM cards if they were able to produce a valid visa and passport. ¹¹⁴

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?

2/6

The surveillance capabilities and activities of domestic intelligence agencies are unclear, as is the LPTIC's involvement in any such activity. ¹¹⁵ There are concerns that powerful Qadhafi-era surveillance tools may have been reactivated. Given the lack of an independent judiciary or procedures outlining the circumstances under which the state may conduct surveillance, there is little to prevent the government, security agencies, or militias who have access to the equipment from abusing its capabilities.

The Anti-Cybercrime Law grants authorities power to monitor online content, although how this will play out in practice is unclear. ¹¹⁶ Article 7 of the law provides NISSA the power to monitor the digital space, including "electronic messages or conversations." ¹¹⁷ In the past, officials have warned social media activists that their activity was being monitored and have suggested that they could be arrested for disturbing national security. ¹¹⁸

The Qadhafi regime had direct access to the country's domain name system (DNS) servers and engaged in widespread surveillance of online communications. Sophisticated equipment from foreign firms such as the French company Amesys, ¹¹⁹ and possibly the Chinese firm ZTE, were sold to the regime, enabling intelligence agencies to intercept communications nationwide and collect massive amounts of data on both phone and internet usage. Correspondents from the

Wall Street Journal who visited an internet monitoring center after the regime's collapse reportedly found a storage room containing dossiers of the online activities of Libyans and foreigners with whom they communicated. ¹²⁰

In a 2018 report by Citizen Lab, a Canadian internet watchdog, Libya was listed as one of 45 countries worldwide in which devices were likely breached by Pegasus, a targeted spyware suite developed by the NSO Group, an Israeli technology firm. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and the opposition, though whether the Libyan government was a Pegasus client is unclear. ¹²¹

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

3/6

Because state authorities own all of Libya's mobile service operators (see A4), they presumably have easy access to obtain user information. At the same time, militias have exerted less pressure on ISPs to conduct surveillance than Qadhafi-era security forces. ¹²²

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

1/5

The breakdown of the rule of law and the growing influence of militias have resulted in a worrying uptick in politically motivated threats and violence against journalists and activists since 2011. Human rights defenders, activists, social media users, and bloggers have been physically attacked, detained, threatened, harassed, and forcibly disappeared by armed groups, some of whom are affiliated with state authorities. No legal authority is capable holding perpetrators accountable. Many journalists continue to leave Libya rather than risk their lives by reporting within its borders. ¹²³

Prominent activists, journalists, and bloggers were kidnapped by state and nonstate actors due to their online activity during the coverage period. In June 2022, Faisal Abu Bakr Belhadj was kidnapped by the JOF after he posted a

Facebook video documenting the collision of a military vehicle that was accompanying the prime minister's convoy with a civilian vehicle. ¹²⁴ There have been no updates on his location as of June 2023. In February 2023, an Iraqi model and content creator, Dalia Farhoud, was kidnapped and later arrested in retaliation for her online content (see C3). After the coverage period, in June 2023, Al-Moutasim Bellah Abou Jinah, a well-known blogger, was kidnapped, allegedly for social media content that was critical of the Tripoli government and affiliated militias. ¹²⁵

In August 2022, the sister of Nadine al-Farsi, a prominent blogger and human rights activist, was kidnapped along with her two children. According to her family, the perpetrators were affiliated with the LAAF's Tariq bin Ziyad Brigade. They also believe the kidnapping was an effort to persuade Nadine al-Farsi to shut down her Facebook page, on which she posts content that criticizes LAAF leader Haftar. Prior to the kidnapping, Nadine al-Farsi had published a phone recording of an LAAF member threatening to kidnap her sister if she did not close her Facebook page. ¹²⁶ It is unclear if the three victims have been released.

Internet users have been killed during previous coverage periods in retaliation for their online content. In March 2022, Altayeb Elshariri, who worked for the ISA, was killed in Misurata by a JOF gunman. According to reports, Elshariri was killed because he published a video online criticizing the militia a few days before his death. ¹²⁷ In November 2020, Hanan al-Barassi, a prominent Libyan lawyer and women's rights activist, was killed by members of an armed group in Benghazi, which was then controlled by the LAAF. Al-Barassi was killed just a day after she shared comments on social media criticizing Haftar's son and other LAAF figures. ¹²⁸

Online journalists and human rights defenders operate in an extremely violent environment, one that is particularly dangerous for women's and LGBT+ rights activists. A March 2021 report by Lawyers for Justice in Libya, a human rights organization, documents the scale of the online harassment, stalking, doxing, and other online violence that women in Libya experience, which has led to women stating they have experienced intimidation and censorship. ¹²⁹ Rights groups believe that individuals arrested for their online content experience torture in detention or prison. ¹³⁰ LGBT+ people are consistently exposed to harassment and violence online, including by local authorities. ¹³¹

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

2/3

While cyberattacks are not common, several Libyan entities and individuals have been targeted by cyberattacks including malware and phishing attacks in recent years. ¹³²

In May 2023, the personal data of Libyana customers was stolen when the provider was hacked. ¹³³ Reports found that the hackers seized company data “related to financial and accounting documents, personal information, and passport data.”

Government-affiliated websites and social media accounts were hacked during the coverage period. In December 2022, the personal and professional Twitter accounts of Tripoli’s foreign minister, Najla El Mangoush, was hacked. El Mangoush said that the attackers published “false and forged data.” ¹³⁴ The ministry’s websites were hacked in early 2023 by unknown attackers. ¹³⁵

In December 2022, LTT Alerts Center reported that several Libyan websites were targeted with dedicated denial-of-service (DDoS) attacks. The intent of the attacks was to disable or slow down services. ¹³⁶

Ahead of presidential elections planned for December 2021, which were ultimately postponed, the electoral administration body reported that its Facebook page had been hacked after a post appeared on the page saying that presidential candidate Saif al-Islam Gaddafi had been disqualified. ¹³⁷ Who was behind the hacking is unclear.

Footnotes

- 1 “Libya - Telecoms, Mobile and Broadband - Statistics and Analyses,” BuddeComm, last updated August 22, 2020, [https://www.budde.com.au/Research/Libya-Telecoms-Mobile-and-Broadband-S....](https://www.budde.com.au/Research/Libya-Telecoms-Mobile-and-Broadband-S...)

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- 4 Sam Fenwick, "LIBYA Mobile Network Experience Report," Open Signal, October 2021, <https://www.opensignal.com/reports/2021/10/libya/mobile-network-experie...>
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More footnotes



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Country Facts

Global Freedom Score

10 / 100 Not Free

Internet Freedom Score

42 / 100 Partly Free

Freedom in the World Status

Not Free

Networks Restricted

Yes

Social Media Blocked

No

Websites Blocked

No

Pro-government Commentators

Yes

Users Arrested

Yes

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