



Access Now and Libya Crimes Watch Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review Fourth Cycle for Libya

About Access Now

Access Now defends and extends the digital rights of people and communities at risk. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organization, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

Libya Crimes Watch (LCW)

Libya Crimes Watch (LCW) is an independent, non-governmental organisation established in 2019 and registered in the United Kingdom. LCW monitors, documents, and reports on human rights violations and international crimes committed against civilians in Libya through a field team operating across all regions in Libya. LCW is committed to promoting accountability, advocating for justice, combating impunity, and supporting victims and survivors. By engaging with international mechanisms, LCW strives to enhance human rights protections and influence policies that uphold fundamental freedoms and the rule of law.²

¹ Access Now, available at: <https://www.accessnow.org/>, 2025.

² LCW, available at: <https://lcw.ngo/en/about/>, 2025.

I. Introduction

1. The Universal Periodic Review (UPR) is an important United Nations (UN) mechanism aimed at addressing human rights issues across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable under international law. Access Now and Libya Crimes Watch welcome the opportunity to contribute to Libya's Fourth review cycle.
2. Since the fall of the Qadhafi regime, Libya has been entrapped by political division and widespread violence perpetrated by various armed groups. Despite the ceasefire agreement reached between the warring parties in 2020,¹ and the establishment of an interim unity government in 2021, Libya remains divided with two rival governments operating in the west and east of the country. The internationally recognized Government of National Unity (GNU) in Tripoli, which controls parts of western Libya, faces a rival Government of National Stability (GNS) that rules large sections in the east and south.² In spite of the UN-led initiatives aimed at fostering successful elections, Libya continues to face significant challenges in organizing legislative and presidential elections, largely due to a lack of political will.³
3. Despite the 2011 Constitutional Declaration guaranteeing human rights for the Libyan people,⁴ political and security instability, lack of judicial independence, and the continued enforcement of draconian laws have significantly contributed to the suppression of digital rights in the country.⁵
4. Since the last UPR in 2020, the human rights situation in Libya has been in constant decline, particularly for the rights to freedom of expression and association. This submission addresses the following themes:
 - Cooperation with international human rights mechanisms;
 - Freedom of expression ;
 - Freedom of association and peaceful assembly; and

¹ Namely, the Libyan Army of the Government of National Accord (GNA) and the Libyan National Army of the General Command of the Armed Forces.

² Freedom House, *Freedom in the world 2024*, Libya. Available online at: <https://freedomhouse.org/country/libya/freedom-world/2024>

³ Amid Rapidly Deteriorating Political, Economic Situation, Ordinary People in Libya Fear Re-emergence of War, Top UN Official Warns Security Council, Meeting coverage of the UN Security Council, 20 August 2024. Available online at: <https://press.un.org/en/2024/sc15795.doc.htm>

⁴ The Libyan Constitutional Declaration of 2011. Available online at: <https://security-legislation.ly/latest-laws/constitutional-declaration-of-2011-consolidated/>

⁵ Freedom House, *Freedom in the world 2024*, Libya. Available online at: <https://freedomhouse.org/country/libya/freedom-world/2024>

- Attacks and harassment of bloggers, journalists, human rights defenders (HRDs) and political opposition.

II. Cooperation with international human rights mechanisms

5. In the period under review, Libya's cooperation with international human rights mechanisms has not improved, despite the GNU's⁶ promises during the 3rd UPR to strengthen its engagement with UN mechanisms.
6. During the 3rd UPR, Libya accepted **181** recommendations including to work towards establishing a national human rights institution,⁷ and to continue to implement human rights training and capacity-building programmes for the national institutions concerned with human rights in cooperation with the UN and the Office of the United Nations High Commissioner for Human Rights.⁸ However, it rejected **36** recommendations related to specific actions such as to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁹
7. **68** recommendations were noted, such as intensifying efforts to ratify all conventions and protocols mentioned in the recommendations accepted during the previous UPR cycle,¹⁰ as well as implementing the declarations provided for articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹¹

⁶The GNU is the internationally recognized government and is therefore responsible for upholding and fulfilling its human rights commitments.

⁷ Rec 148.96, Continue to implement human rights training and capacity-building programmes for the national institutions concerned with human rights, in cooperation with the United Nations and the Office of the United Nations High Commissioner for Human Rights, Indonesia. (Supported)

⁸ Rec 184. 84, Continue to implement human rights training and capacity-building programmes for the national institutions concerned with human rights, in cooperation with the United Nations and the Office of the United Nations High Commissioner for Human Rights, Jordan. (Supported)

⁹ Rec 148.25, Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Ukraine. (Rejected)

Rec 148.37, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Rwanda, Croatia, Namibia, Slovakia. (Rejected)

¹⁰ Rec 148.24, intensifying efforts to ratify all conventions and protocols mentioned in the recommendations accepted during the previous universal periodic review cycle, Morocco. (Noted)

¹¹ Rec 148.6, implementing the declarations provided for articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, South Sudan. (Noted)

8. Secondly, despite the standing invitations for the Special Procedures of the Human Rights Council to visit the country, a lack of cooperation and failure to facilitate their visit was notable and was reported by the UN Special Rapporteur on violence against women and girls.

For example, in her report on her visit to Libya, the UN Special Rapporteur on violence against women and girls, its causes and consequences expressed deep regret over numerous obstacles faced during her mission to Libya. These included delays in visa issuance, lack of cooperation from the GNU in arranging official meetings, denial of access to detention facilities and reception centers, and refusal by the Libyan National Army to allow her to leave Benghazi airport despite prior agreements. Additionally, no government representative welcomed her in Tripoli, nor was she given the opportunity to debrief officials on her findings before departure.¹² These challenges highlight the apparent lack of cooperation with international human rights mechanisms.

Recommendations

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
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- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and
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- Accept all outstanding visit requests of special procedures and facilitate and cooperate fully with special procedures to ensure the visits take place in decent circumstances.
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III. Freedom of expression

8. During the 2020 UPR, the GNU received only two recommendations to protect and respect freedom of expression, press freedom, and the right to peaceful assembly in line with Libya's international commitments. However, these recommendations were merely

¹² Report of the Special Rapporteur on violence against women and girls, its causes and consequences on her visit to Libya. Available online at: <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A%2fHRC%2f53%2f36%2fAdd.2&Lang=en>

noted.¹³ The Government has proved its determination to ignore these recommendations received in its 2020 UPR by not reviewing the Penal Code, the Terrorism Law, and the Publications Law. Moreover, it seized the opportunity to enact a draconian cybercrime law that blatantly contradicts international human rights standards.

Constitutional framework

9. Libya's Constitutional Declaration, adopted in 2011 and consolidated in 2012 and 2014, enshrines the right to freedom of opinion and expression and press freedom in **Article 14** which stipulates that "[f]reedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful sit-in shall be guaranteed by the State in accordance with the law."¹⁴
10. Despite this constitutional guarantee, the legal framework in Libya is inconsistent and several of its laws and regulations are at odds with international human rights standards. While the Constitution protects freedom of opinion and expression, theoretically aligning with Article 19 of the ICCPR, the enforcement of such protections is often undermined by vague legal restrictions, broad security measures, and the lack of judiciary independence.

The Penal Code

11. The Libyan Penal Code, issued in 1953, and amended several times, stands as one of the main legal repressive tools used to curtail various forms of expression.¹⁵ Its vague and ambiguous articles allow for broad interpretations by the authorities, therefore exposing HRDs, journalists, and others to legal prosecution. Among the most commonly relied upon provisions are:
 - a. **Article 178** imposes severe penalties, including life imprisonment, for publishing so-called "false news" about the internal condition of the Libyan Arab Republic in such a manner as to diminish its reputation or credit abroad. . The ambiguity in defining "false news," in addition to other vague phrases such as "injur[ing] the national interests," allows courts to interpret the article differently or contradictorily, thereby subjecting activists, journalists, and social media users to

¹³ Rec 148.80, Review the Penal Code, the Terrorism Law, the Civic Associations Law and the Publications Law, as a restrictive legal framework on freedom of expression, as well as freedom of assembly and association, and bring it into line with international standards Estonia. (Noted)

Rec 148.170, Amend articles 37 and 41 of the draft Constitution released in July 2017, to guarantee freedoms of expression and peaceful assembly, Australia. (Noted)

¹⁴ The Libyan Constitutional Declaration of 2011 with its amendments through 2014. Available online at: <https://security-legislation.ly/latest-laws/constitutional-declaration-of-2011-consolidated/>

¹⁵ The Penal Code is available online at: <http://hrlibrary.umn.edu/research/Egypt/criminal-code.pdf>

legal prosecution.

- b. **Articles 290 and 291** criminalize religious contempt with a penalty of up to two years imprisonment. These articles are applied in a manner that limits public discourse and the free analysis of religious ideas. Additionally, **Article 421** imposes penalties for publishing content which is “offensive to public decency” without specifying the meaning of “public decency,” contributing to the arbitrary use of these articles to restrict academic, artistic, and creative expression.
 - c. **Article 245** protects public authorities from criticism. The article imposes imprisonment and fines on those who damage the reputation of judicial and administrative bodies such as the parliament, the military, security forces or the judiciary.
12. These vague provisions fail to meet the requirements of legality, legitimate aim, necessity, or proportionality under **Article 19(3)** of the ICCPR. The severity of penalties in place, and their arbitrary enforcement against HRDs, journalists, and social media users, has had a significant chilling effect on freedom of expression, online and offline.

The Cybercrime Law No. 5 of 2022

13. The Libyan House of Representatives adopted on September 27th, 2022 the Cybercrime Law No. 5 of 2022 without any prior consultation with experts, civil society organizations or human rights defenders.
14. In their March 2022 communication to the GNU, four UN Special Rapporteurs said the provisions of the draft law “are wide ranging in subject matter and pose a detrimental threat to the rights of individuals, residing either in Libya or even outside of the territory, using the internet or other digital technologies, due to the array of provisions and the lack of clear and precise wording.”¹⁶
15. The Cybercrime Law contains several provisions which can be used to curb the right of freedom of expression and press freedom online.¹⁷ In its first article, the law defines cybercrime as “any act committed using computer systems, the international information network, or any other means of information technology in violation of the provisions of this law.” This means that simply sharing opinions or information online could fall under

¹⁶ Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right to privacy, Communication to the GNU, OL LBY 3/2022, 31 March 2022. Available online at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27150>

¹⁷ Access Now, *Libya's cybercrime law: A threat to freedom of expression and legalization of censorship*, 10 November 2021. Available online at: <https://www.accessnow.org/press-release/libya-cybercrime-law-threat-to-freedom-of-expression/>

the scope of the cybercrime law. Access Now and other civil society organizations have repeatedly warned against content-based offenses being included in either national or international cybercrime legislation.¹⁸

16. For example, **Article 37** imposes a minimum of a 5-year prison term for anyone who “spreads rumors or publishes data or information that threatens public security or safety in the state or any other state through the international information network or using any other electronic means.” This article poses a serious threat to individuals, particularly journalists, who disseminate facts or opinions regarding public interest topics. Such elastic provision, coupled with harsh sanctions, go against the requirements of **Article 19** of the ICCPR.¹⁹
17. **Article 20** is another example of draconian provisions aimed at suppressing online speech. It provides imprisonment for anyone who encourages or incites others to engage in sexual activities or contributes to preparing them for such acts. It has been used against several individuals including folk singer Ahlam al-Yamani and blogger Haneen al-Abdali, who were arrested in eastern Libya in February 2023 for what was deemed indecent content.²⁰
18. Furthermore, **Article 7** permits the Libyan authorities to monitor everything published on social media “and any other platform,” and to enable the National Information Security and Safety Authority (NISSA), an administrative and technical governmental authority in Libya, to block websites and content without a judicial order if they provoke “racial or regional slurs and extremist religious or denominational ideologies that undermine the security and stability of the society.” NISSA can also censor and block access to all websites and pages containing materials that are “contrary to public morality” under **Article 8** of the law.
19. The lack of judicial or independent oversight in Libya stifles further the online civic space by granting security forces broad discretion, potentially leading to the suppression of legitimate content deemed a threat to public security or morality.

¹⁸ Access Now, *When “cybercrime” laws infringe human rights: lessons from the Arab region*, 27 November 2024. Available online at: <https://www.accessnow.org/arab-region-cybercrime-laws-infringe-human-rights/>

¹⁹ “National legal systems should make it clear, either explicitly or through authoritative interpretation, that open and free debate on matters of public interest is at the very core of a democratic society. Public figures, especially heads of state, elected representatives, individuals with a role in public life, exercising a public function or otherwise engaged in public activities, inevitably and knowingly lay themselves open to close scrutiny by both journalists and the public. They therefore have a lower expectation of privacy than ordinary individuals or lesser public officials in relation to matters of public interest.” ARTICLE 19 and others, *The Global Principles on Protection of Freedom of Expression and Privacy*, available online: <https://www.article19.org/data/files/medialibrary/38657/Expression-and-Privacy-Principles-1.pdf>; Council of Europe, *Recommendations on the Protection of Privacy in Media Coverage*, available online at: <https://rm.coe.int/recommendations-on-the-protection-of-privacy-in-media-coverage-prepare/168073f565>

²⁰ Human Rights Watch, *Revoke Repressive Anti-Cybercrime Law*, 3 April 2023. Available online at: <https://www.hrw.org/news/2023/04/03/libya-revoke-repressive-anti-cybercrime-law>

The Anti-Terrorism Law No. 3 of 2014

20. The Anti-Terrorism Law is another extremely dangerous and repressive legislation routinely used to prosecute HRDs and journalists, as well as to crackdown on media outlets and civil society organizations through arbitrary prosecution. **Article 1**, for instance, defines several key terms such as “terrorist group” and “terrorist act” with a broad and ambiguous manner that can comprise a variety of lawful and peaceful acts including protected speech. Under **Article 2**, a “terrorist act” comprises a wide range of acts without being defined accurately such as the promotion of acts with the intention to “prevent or obstruct institutions, places of worship or scientific institutions from undertaking their activities”, or to “delay the application of any provisions of the constitution, laws or regulations”.

Such a vague definition can be used by public authorities to ban and punish legal activities such as strikes, demonstrations, or speech acts online.

21. Based on **Article 2**, online content shared by activists, journalists and other individuals to call for strikes, protests or any kind of advocacy against repressive laws and regulations could be interpreted as a terrorist act.

22. **Articles 15** imposes a prison term of at least five years for any person who promotes or deceives in order to undertake a terrorist act. It has been used against journalists and HRDs. For example, in May 2020, journalist **Ismail Bouzriba Al-Zoui** was sentenced to 15 years in prison by a military court in Benghazi for communicating with media outlets labeled as supporting terrorism. According to Amnesty International, the charges were brought against him after authorities searched his phone and discovered content critical of the Libyan Arab Armed Forces (LAAF).²¹ Al-Zoui was released on September 12, 2021.

Internet shutdowns

23. Based on the #KeepItOn campaign’s reports,²² Libya has shut down the internet during the period under review **7 times** divided as follows: **3** times in 2023,²³ and **4** times in

²¹ Amnesty International, Military courts sentence hundreds of civilians in sham, torture-tainted trials, 26 April 2021. Available online at: <https://www.amnesty.org/en/latest/news/2021/04/libya-military-courts-sentence-hundreds-of-civilians-in-sham-torture-tainted-trials-2/>

²² The #KeepItOn campaign unites and organizes global organizations and efforts to end internet shutdowns. The campaign was launched by a coalition of about 70 organizations in 2016 at RightsCon in Silicon Valley. Membership of the coalition has since increased rapidly to more than 334 members from 106 countries around the world ranging from civil society, rights, and advocacy groups to research centers, detection networks, foundations, and media organizations.

²³ Access Now, *The keep it on report on internet shutdowns in 2023*. Available online at: <https://www.accessnow.org/wp-content/uploads/2024/05/2023-KIO-Report.pdf>

2022.²⁴

24. In September 2023, access to the internet was disrupted for at least 42 hours following the flooding disaster in Derna, one of the cities hit hardest by floods that claimed at least 11,300 lives and displaced 43,000 others. Although the GNS said the internet disruption was a result of cut fiber optic cables, the shutdown occurred amid large protests demanding answers about the catastrophic flood and burst dams, and during which the authorities reportedly asked journalists to leave the city.²⁵ Internet access was restored on September 19, 2023 following a wave of public criticism against the government.²⁶
25. On July 1, 2022, protesters stormed the House of Representatives building in Tobruk to express their frustration with the feuds of political elites, neglect of public services, and the government's failure to schedule elections. Libyan authorities responded by shutting down the internet and telecommunication services across the city of Tobruk. They also imposed disruptions throughout 2022 in the cities of Darna, Tobruk, and Benghazi coinciding with visits from Khalifa Haftar, the Commander-in-Chief of the Tobruk-based Libyan National Army.²⁷

Recommendations

- Repeal Articles 178, 245, 290, 291, and 421 of the Penal Code;
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- Rescind the Cybercrime Law No. 5 of 2022 and the Anti-Terrorism Law No. 3 of 2014; and
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- Refrain from shutting or disrupting internet and telecommunications services, particularly during protests or natural disasters.
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IV. Freedoms of association and peaceful assembly

²⁴ Access Now, *The keep it on report on internet shutdowns in 2022*. Available online at: <https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

²⁵ Access Now, *Libya floods: People need reliable internet now*, 22 September 2023. Available online at: <https://www.accessnow.org/press-release/libya-floods-internet/>

²⁶ Access Now, *Libya floods: People need reliable internet now*, 22 September 2023. Available online at: <https://www.accessnow.org/press-release/libya-floods-internet/>

²⁷ Access Now, *The keep it on report on internet shutdowns in 2022*. Available online at: <https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

26. During its last UPR, Libya received recommendations to amend its legislation on freedom of assembly and association to be in conformity with international standards.²⁸ However, while these freedoms are guaranteed in **Article 15** of the Constitutional Declaration, the legal framework still suffers from several legal loopholes jeopardizing the civil society activities in Libya.

Freedom of association

27. The Law No 19 of 2001 constitutes the main text related to freedom of association in Libya with a restrictive vision of civil society function allowing registration solely for associations with mandates in social, cultural, sports, charitable, or humanitarian fields, and excluding those focused on human rights or democracy.²⁹ It includes additional restrictive measures concerning the requirements for establishing an association (**Article 2**), the need for administrative authorization to create an association (**Article 6**), regulations on activities and foreign funding (**Article 14**), and provisions for dissolution (**Article 36**).

28. On 21 March 2023, the Government of National Unity issued Circular No 7 of 2023, mandating that local and international civil society organizations (CSOs) in Libya comply with Law No 19 of 2001.³⁰

This circular was condemned by several human rights organizations, as it jeopardizes their efforts to defend women's rights, political and civil rights, and to support the political process in the country.³¹ It is worth noting that this law not only violates Libya's international and constitutional commitments but has also been rendered obsolete by **Article 6** of Law No. 29 of 2013 on transitional justice, which abolished the repressive

²⁸ Rec 148.74, Repeal the 2001 Law regulating civil associations and the related decree and issue a new statute protecting freedom of association consistent with the International Covenant on Civil and Political Rights, Australia. (Noted)

Rec 148.80 Review the Penal Code, the Terrorism Law, the Civic Associations Law and the Publications Law, as a restrictive legal framework on freedom of expression, as well as freedom of assembly and association, and bring it into line with international standards, Estonia. (Noted)

Rec 148.168, Amend Presidential Council Decree No. 28147 of 2019 to respect freedom of association, United States of America. (Noted)

Rec 148.178, Lift all existing restrictions on civil society organizations and their activities and take measures to protect human rights defenders and media and legal professionals, Portugal. (Rejected)

²⁹ Human Rights Watch, *Crackdown on Nongovernmental Groups Severe Restrictions on Local, International Civil Society*, 18 April 2023. Available online at: <https://www.hrw.org/news/2023/04/18/libya-crackdown-nongovernmental-groups>

³⁰ More about this law: Cairo Institute for Human Rights Studies, *New law urgently required to protect freedom of association Libya: Nothing can be gained by turning back to Gaddafi-era law*, 25 March 2023. Available online at: <https://cihrs.org/the-right-to-organize-and-form-associations-in-libya/?lang=en>

³¹ Lawyers for Justice in Libya, *Libyan civil society organizations call on authorities to halt unjust laws and repression campaigns targeting civil society*, 6 April 2023. Available online at: <https://www.libyanjustice.org/news-arabic/mnzmt-lmjtmmaa-lmdny-llyby-ttlb-lsltt-byqf-lqwnyn-ljy-r-whmlt-lqmaa-lty-tsthdf-lmjtmmaa-lmdny>

legal framework from the Qadhafi era.³²

29. During the period under review, several violations occurred against civil movements and associations. Among the notorious examples, we mention the harassment and persecution of the Tanweer movement, a local organization that promoted cultural and artistic activities.³³ The Fact-Finding Mission on Libya confirmed in their report that, in 2022, “the Internal Security Agency (ISA)³⁴ published on its Facebook page and website “confession” videos of men, seemingly under duress, pronouncing that they and others were members of Tanweer Movement, atheists, agnostics, feminists and infidels.”³⁵ In December 2022, four members of the **Tanweer Movement** were sentenced to three-year imprisonment “with hard labor” and fined by a domestic court in Tripoli.³⁶ This example highlights the use of expression-related crimes in the penal code and other repressive laws to restrict freedoms such as association and peaceful assembly.

Freedom of peaceful assembly

30. While Law No. 65 of 2012 on peaceful assembly is considered a progressive legislation compared to the Qadhafi era, it still contains several loopholes, as it requires protesters to inform the security directorate of any planned demonstration at least 48 hours in advance (**Article 6**) and permits the authorities to ban a protest at least 12 hours before it will occur (**Article 7**).
31. **Article 10** provides a 6-months prison term for anyone who “organizes a demonstration or sit-in or calls for the organization of such without notifying the competent bodies or in spite of an order forbidding the demonstration, in addition to any who participates in the demonstration while aware of this.” Such calls for protests and demonstrations, whether online or offline, could lead to criminal proceedings if the demonstration is deemed illegal.
32. Both governments have abusively interfered with this right on many occasions:

³² Article 6 stipulates that “The obstruction of constitutional life in Libya is an injustice and an aggression. The legislation issued by the former regime as an expression of its desires and without any legal or constitutional basis is unjust and shall be considered invalid and unconstitutional as of its drafting. Such legislation may not be used against established rights. The negative effects of such legislation on individuals and on society must be addressed.”

Law No 29 of 2013 On Transitional Justice. Available online at: <https://security-legislation.ly/latest-laws/law-no-29-of-2013-on-transitional-justice/>

³³ Human Rights Watch, *Crackdown on Nongovernmental Groups Severe Restrictions on Local, International Civil Society*, 18 April 2023. Available online at: <https://www.hrw.org/news/2023/04/18/libya-crackdown-nongovernmental-groups>

³⁴ The ISA in Tripoli is affiliated to the Libyan Presidential Council.

³⁵ Report of the Fact Finding Mission on Libya, 3 March 2023. Available online at:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F83&Language=E&DeviceType=Desktop&LangRequested=False>

³⁶ Human Rights Watch, *Crackdown on Nongovernmental Groups Severe Restrictions on Local, International Civil Society*, 18 April 2023. Available online at: <https://www.hrw.org/news/2023/04/18/libya-crackdown-nongovernmental-groups>

- On October 25, 2024, at least nine men in the city of Yefren, South of Tripoli, were detained. The arrests were carried out by the Central Mountain Security Directorate and Battalion 130. This campaign of arbitrary arrests followed a peaceful demonstration organized by Yefren residents on October 24, in opposition to the presence of armed groups inside the city. During the protests armed members of Battalion 130, affiliated with the Ministry of Defense Under the Government of National Unity (GNU), fired live rounds at protesters, injuring one.³⁷
- On February 8, 2024, Libyan security forces arrested activist **Abdelrahman Ali Fadhil** in front of his house in the city of Misrata. This action was in response to his participation in peaceful protests organized by the families of victims and affected individuals in Misrata, calling for improved security in the city and accountability for those responsible for widespread violations and crimes committed against many of its residents.³⁸
- On March 19, 2022, a group of Libyans took part in a protest in Sirte calling on the local authorities to provide compensation for victims of the 2011 NATO airstrikes. Throughout the following week one journalist and at list 10 protesters were arrested by armed forces from the ISA and arbitrarily detained.³⁹
- On January 10, 2022, Libyan security forces used violence against migrants and asylum seekers in front of the Office of the United Nations High Commissioner for Refugees in Tripoli and arrested hundreds of them after being assaulted and injured.⁴⁰

³⁷ LCW, available online at:

<https://www.facebook.com/LCWNGO/posts/pfbid0tt9UMaGvBh2RhWM3joWNGro4E1pZZV9Ury44PL54fCgWJ5L8vrw9KmaKS2QE24fsl>

³⁸ The National Commission for Human Rights, *The National Commission for Human Rights condemns the abduction and arbitrary detention of a civil activist*, 8 February 2024. Available online at:

<https://jusoormapost.com/ar/posts/32370/%D9%84%D9%8A%D8%A8%D9%8A%D8%A7..%20%D8%A7%D9%84%D9%85%D8%A4%D8%B3%D8%B3%D8%A9%20%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9%20%D9%84%D8%AD%D9%82%D9%88%D9%82%20%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%20%D8%AA%D8%AF%D9%8A%D9%86%20%D9%88%D8%A7%D9%82%D8%B9%D8%A9%20%D8%A7%D9%84%D8%A7%D8%AE%D8%AA%D8%B7%D8%A7%D9%81%20%D9%88%D8%A7%D9%84%D8%A7%D8%AD%D8%AA%D8%AC%D8%A7%D8%B2%20%D8%A7%D9%84%D8%AA%D8%B9%D8%B3%D9%81%D9%8A%20%D9%84%D9%86%D8%A7%D8%B4%D8%B7%20%D9%85%D8%AF%D9%86%D9%8A>

³⁹ Amnesty International, *The LAAF is 'brutally crushing' freedom of expression and peaceful assembly*, 19 April 2022. Available online at:

<https://www.amnesty.org/en/latest/news/2022/04/libya-the-laaf-is-brutally-crushing-freedom-of-expression-and-peaceful-assembly/>

Committee to Protect Journalists, *Libyan journalist Ali al-Rifawi detained since March after reporting on corruption*, 21 April 2022. Available online at: <https://cpj.org/2022/04/libyan-journalist-ali-al-rifawi-detained-since-march-after-reporting-on-corruption/>

⁴⁰ Euro-Med Human Rights Monitor, *Excessive violence against migrants, asylum seekers' sit-in is part of a brutal campaign*, 10 January 2022. Available online at:

<https://euromedmonitor.org/en/article/4834/Libya:-Excessive-violence-against-migrants,-asylum-seekers%E2%80%99-sit-in-is-part-of-brutal-campaign>

Recommendations

- Repeal the 2001 Law on civil associations and adopt a new law in compliance with the ICCPR;
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- Reform the Law No. 65 of 2012 on peaceful assembly to bring it in compliance with international human rights law including by repealing all provisions that unduly restrict the right to freedom of assembly; and
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- Immediately cease the use of lethal force during protests when there exists no imminent threat of death or serious injury to security forces or others.
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V. Attacks and harassment of bloggers, journalists, HRDs and political opposition

32. During the 2020 UPR, the government accepted several recommendations to protect journalists, media workers, and HRDs from acts of violence and harassment,⁴¹ as well as to take adequate measures to ensure the safety of the most vulnerable groups, including HRDs, journalists, women,⁴² and to immediately release arbitrarily or unlawfully arrested journalists.⁴³
33. For dissenting voices, including journalists, women activists, HRDs, individuals affiliated with political opposition, and average citizens critical of the government, speaking out carries considerable risks ranging from arbitrary detention and enforced disappearance to physical attacks. Those from marginalized, or otherwise discriminated against groups, such as migrants or LGBTQI + community, face particular threats, and additional barriers to justice given the role played by armed groups.

Judicial harassment

⁴¹ Rec 148.176, Protect journalists, media workers and human rights defenders from acts of violence and harassment, investigate attacks against them and hold the perpetrators accountable, Norway. (Supported)

⁴² Rec 148.89, Take adequate measures to ensure the safety of the most vulnerable groups, including human rights defenders, journalists, women, children, internally displaced persons, migrants and refugees, and that those responsible for violence against them are held accountable, Netherlands. (Supported)

⁴³ Rec 148.171, Immediately release arbitrarily or unlawfully arrested journalists, Austria. (Supported)

34. Several human rights defenders, bloggers, and political activists have been subject to judicial harassment. Charges range from “posting indecent content” to “debauchery,” and from “violation of Islam’s values” to “blasphemy.” Key examples from the period under review include:

- a. On February 17, 2023, eastern Libyan authorities arrested two women **Ahlam Al-Yamani** and **Hanin Al-Abdelli**—a singer and an online content creator—for allegedly posting “indecent and offensive content against Libyan women and offending local customs and the Islamic religion.” They were released in April 2023 without any charge.⁴⁴
- b. **Tanweer Movement case:** Between November 2021 and March 2022, the Tripoli-based ISA arrested at least seven young men, including human rights defenders who had been active online discussing human rights concerns, including gender equality, freedom of belief, cultural rights, and the rights of internally displaced people, migrants and refugees.⁴⁵ In December 2022, a Tripoli court sentenced four of them to three years in prison with hard labor for their involvement in the Tanweer movement, accusing them of being “atheist, irreligious, secular, and feminist.”⁴⁶

Physical threats and attacks

35. Physical attacks and abduction is the most commonly used tool to silence Libyan HRDs, bloggers, and political activists. Emblematic cases in the period under review include:

- a. On July 11, 2024, armed men affiliated with the ISA arrested the journalist **Ahmed Al-Senussi** in Tripoli and took him to the ISA’s headquarters in the Dreibi area of central Tripoli. According to a report by Libya Crimes Watch, the abduction took place amid threats from the ISA and the Minister of Economy and Trade in the GNU targeting employees of the Sada Economic Newspaper, which Ahmed manages. Three days later, the Public Prosecutor’s Office in Tripoli ordered Ahmed’s release.⁴⁷

⁴⁴ Amnesty International, Annual Report Libya 2023. Available online at:

<https://www.amnesty.org/en/location/middle-east-and-north-africa/north-africa/libya/report-libya/>

⁴⁵ CIHRS, *Social media companies must take urgent action to protect Libyan human rights defenders*, 22 March 2022. Available online at: <https://cihrs.org/open-letter-social-media-companies-must-take-urgent-action-to-protect-libyan-human-rights-defenders/?lang=en>

⁴⁶ Report of the Fact Finding Mission on Libya, 3 March 2023. Available online at:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F83&Language=E&DeviceType=Desktop&LangRequested=False>

⁴⁷ Libya Crimes Watch, *Human Rights Violations in Libya during July 2024*, 5 August 2024. Available online at:

<https://lcw.ngo/en/blog/report-human-rights-violations-in-libya-during-july-2024/>

- b. On July 3, 2024, civil activist **Mohammed Amoura Abdullah** was arrested near his home by the ISA after he had made several calls on social media for organizing a peaceful assembly to denounce the low quality of services in Qatrun city.⁴⁸
- c. On May 1, 2024, poet **Naseeb Al-Skouri** was arbitrarily arrested in the Azziyat area, south of the city of Derna, by the ISA for a poem praising the former Qadhafi's regime before being released without any official charges.⁴⁹
- d. On April 3, 2024, activist **Abdelaziz Jamal Boukmar** was arbitrarily arrested from his home in Benghazi by armed men belonging to the Security Directorate Support Unit and taken to an unknown location before being released on April 7th without any official charges.⁵⁰
- e. On October 2, 2023, the ISA in Benghazi detained university professor **Fathi Al-Baja** and his fellow political activists **Tarek Al-Bishari** and **Siraj Daghman** following a discussion during a seminar on the repercussions of the Derna dam collapse disaster, organized by the Center for Strategic and Future Studies in Benghazi. Al-Baja and Al-bishari were released on August 24, 2024.⁵¹ This abduction occurred without any prior authorization or decision from the Public Prosecution Office.⁵² Seven months later, on April 19, 2024, Daghman died in an unofficial prison run by the ISA under suspicious circumstances. Libyan authorities in Benghazi claimed he died during "an escape attempt through a restroom window, where he tried to climb exterior pipes but fell headfirst from a height."⁵³
- f. On April 7, 2023, security forces arrested **Maher Elgheryani**, a media office director in the eastern Libyan city of Benghazi, after he criticized an ongoing campaign on social media to demolish buildings and houses and forcibly evict

⁴⁸ Libya Crimes Watch, *Human Rights Violations in Libya during July 2024*, 5 August 2024. Available online at: <https://lcw.ngo/en/blog/report-human-rights-violations-in-libya-during-july-2024/>

⁴⁹ Libya Crimes Watch, *Human Rights Violations in Libya during May 2024*, 5 June 2024. Available online at: <https://lcw.ngo/en/blog/report-human-rights-violations-in-libya-during-may-2024/>

⁵⁰ Libya Crimes Watch, *Human Rights Violations in Libya during April 2024*, 5 May 2024. Available online at: <https://lcw.ngo/en/blog/report-human-rights-violations-in-libya-during-april-2024/>

⁵¹ LCW, available online at: <https://www.facebook.com/LCWNGO/posts/pfbid0ijBBTMMFeTVCmiwEHRYZiCe3YPjFb8FbXMtyabT1AQ3KEwtDWhv1zr26k3MLXmYl>

⁵² Alwasat, *A month has passed since Al-Baja and his two companions were detained without formal charges*, 31 October 2023. Available online at (In Arabic): <https://alwasat.ly/news/libya/417571>

⁵³ HRW, *Arbitrarily Detained Political Analyst Dies*, 24 May 2024. Available online at: <https://www.hrw.org/news/2024/05/24/libya-arbitrarily-detained-political-analyst-dies>

residents from Benghazi's center.⁵⁴

- g. On March 26, 2022 armed officers from the Internal Security Agency, arrested Ali al-Rifawi, a reporter for local independent news channel 218 TV, without being charged or appearing before a state prosecutor.⁵⁵
- h. On March 6, 2022, blogger and former Internal Security Services member **Al-Tayeb Al-Shariri** was killed by the Joint Operations Force linked to GNU in Misrata. He was shot during a pursuit, with bullets found in his back and leg. Prior to his death, Al-Shariri criticized the militia on social media and consequently, he was detained and tortured by the Force for five days.⁵⁶
- i. On June 3, 2021, human rights defender and journalist **Mansour Mohamed Atti Al-Maghrabi** was abducted in Ajdabiya, a town in central northern Libya, by individuals linked to the ISA in Benghazi. The abduction took place just three days after he participated in a conference in Ajdabiya aimed at raising awareness and encouraging citizens to engage in the elections scheduled for December 24, 2021.⁵⁷
- j. On November 10, 2020 an unidentified masked gunmen assassinated **Hanan Al-Barassi** in Benghazi. Hanan, a women's rights defender and lawyer, said that she had received numerous death threats in the days leading up to her killing due to her criticism of an armed group in eastern Libya.⁵⁸

Human rights violations in the name of religion and morality

36. In Libya, authorities of both governments have increasingly used religion and morality as justifications to impose severe restrictions on freedom of expression, association, and peaceful assembly. The alliance between armed groups and religious institutions has

⁵⁴ Euro-Med Human Rights Monitor, *Elgheryani arrest amounts to enforced disappearance, activist must be released immediately*, 14 April 2023. Available online at: <https://euromedmonitor.org/en/article/5602/Libya:-Elgheryani-arrest-amounts-to-enforced-disappearance,-activist-must-be-released-immediately>

⁵⁵ CPJ, *Libyan journalist Ali al-Rifawi detained since March after reporting on corruption*, 21 April 2022. Available online at: <https://cpj.org/2022/04/libyan-journalist-ali-al-rifawi-detained-since-march-after-reporting-on-corruption/>

⁵⁶ CIHRS, *Terrorization of civil society on moral and religious grounds highlights impunity of radical armed groups*, 18 March 2022. Available online at:

<https://cihrs.org/libya-terrorization-of-civil-society-on-moral-and-religious-grounds-highlights-impunity-of-radical-armed-groups/?lang=en>

Libya Update, *Libyan Crimes Watch blames GNU for Shariri murder in Misrata*, 7 March 2022. Available online at: <https://libyaupdate.com/libya-crimes-watch-blames-gnu-for-shariri-murder-in-misrata/>

⁵⁷ CIHRS, *The kidnapping of a human rights defender raises concerns and threatens the credibility of scheduled elections*, 21 June 2021. Available online at: <https://cihrs.org/libya-the-kidnapping-of-a-human-rights-defender-raises-concerns-and-threatens-the-credibility-of-scheduled-elections/?lang=en>

⁵⁸ HRW, *Outspoken Benghazi Lawyer Murdered*, 11 November 2020. Available online at: <https://www.hrw.org/news/2020/11/11/libya-outspoken-benghazi-lawyer-murdered>

fueled a crackdown on human rights defenders, minorities, women, journalists, and others who express dissenting views.

37. In 2023, GNU has initiated a campaign to combat religious deviations resulting in arresting individuals and obliging them to confess publicly in videos shared online. Between April and December 2023, the ISA released several videos featuring individuals confessing—under apparent duress—to converting to Christianity, promoting Christianity in Libya, advocating atheism, or engaging in homosexual acts.⁵⁹
38. On November 6, 2024, the Ministry of Interior of the GNU announced a plan to establish a morality police, impose veiling on women, and control other social conducts such as use of social media, dating, and clothing.⁶⁰ This statement has been formalized through the establishment of a new General Department for the Protection of Public Morals, granting it broad powers to enforce morality laws.⁶¹ Morality measures will intensify existing violations of freedom of expression and peaceful assembly, serving as a pretext to suppress diversity and pluralism in politics, the arts, and other public interest topics.
39. The new measures have already begun to take effect, as Libyan journalist **Zainab Tirbah** and activist **Ahlam Nasseem Ben Taboun** have been targeted by a smear campaign and online threats after criticizing the minister's statements online.⁶²

Recommendations

- Immediately and unconditionally release all persons detained for having exercised their constitutionally-protected rights to freedom of expression, assembly, and association, online and offline;

⁵⁹ CIHRS, *Research briefing on the use of security and religious discourse to justify repression*, 25 June 2024. Available online at: <https://cihrs.org/libya-research-briefing-on-the-use-of-security-and-religious-discourse-to-justify-repression/?lang=en#summary>

⁶⁰ HRW, *Libyan Minister's 'morality' measures would violate women's rights*, 13 November 2024. Available online at: <https://www.hrw.org/news/2024/11/13/libyan-ministers-morality-measures-would-violate-womens-rights>

DW, *Libya's new morality police set to curb women's rights*, 16 November 2024. Available online at: <https://www.dw.com/en/libyas-new-morality-police-to-crack-down-on-womens-rights/a-70796537>

⁶¹ Decision No. 422 of 2024 regarding the establishment of two general departments within the organizational structure and the specification of their functions at the Ministry of Interior. Available online at (In Arabic):

<https://lawsociety.ly/legislation/%D9%82%D8%B1%D8%A7%D8%B1-%D8%B1%D9%82%D9%85-422-%D9%84%D8%B3%D9%86%D8%A9-2024-%D9%85-%D8%A8%D8%B4%D8%A3%D9%86-%D8%A7%D8%B3%D8%AA%D8%AD%D8%AF%D8%A7%D8%AB-%D8%A5%D8%AF%D8%A7%D8%B1%D8%AA%D9%8A%D9%86/>

⁶² CIHRS, *New Morality Measures Will Impose Authoritarian Hegemony over Society*, 21 November 2024. Available online at: <https://cihrs.org/libya-new-morality-measures-will-impose-authoritarian-hegemony-over-society/?lang=en>

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- End all forms of discrimination and persecution on the basis of persons' religion or belief;
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- Stop any policy that impose compulsory hijab (veiling) on women and girls, in violation of their rights to equality and non-discrimination;
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- Ensure that violations of freedoms of expression and association are subjected to independent, speedy, and effective investigations and prosecutions;
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- Take concrete steps to protect HRDs, journalists, and bloggers, and end all forms of reprisal, attacks, and harassment against them.
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