



Justifying Repression

Use of security and religious rhetoric
to crack down on dissent in Libya

This briefing presents an analysis of the crackdown on freedom of expression and association in Libya from 2020 to 2024 drawing from forty-five (45) cases who illustrate the state apparatus's systematic efforts to silence dissent.

Names, identifying information, gender, affiliations, and specific details of the activists have been redacted in most cases in order to ensure their anonymity and protect them from retaliation.

This brief was produced by the Cairo Institute for Human Rights Studies (CIHRS)
licensed under a Creative Commons Attribution International Noncommercial 4.0



Executive summary	4
Methodology	7
Background	9
Religious and security rhetoric against civil society and dissidents	12
Arbitrary arrests and threats against activists based on 'security' justifications	17
Threats and intimidation based on religious or moral arguments	24
Repressive legal framework	31
Conclusion	38
Recommendations	39

1. Executive summary

“The city, which is under the control of the Libyan Arab Armed Forces, is under the command of Khalifa Haftar in the region...a communication made by him warned civil society, human rights activists, and any organization that carries out any activity within this city, without prior approval from the military. [Haftar declared] that anyone who opposes this decision bears legal responsibility.”

Human rights defender describing the repression of civil society by the governing authorities in Eastern Libya

This briefing highlights the systematic crackdown on civic space in Libya from 2020 to 2024. Through the cases presented in this briefing, the Cairo Institute for Human Rights Studies (CIHRS) demonstrates that state apparatuses and Libyan authorities in the East and the West of the country have been suppressing dissenting voices and targeting human rights defenders through a pervasive campaign of arbitrary arrest, judicial harassment, and strategic manipulation of security and religious rhetoric. This briefing brings to light the strategies used by Libyan authorities to suppress dissent and hinder reform through the examination of forty-five individuals' cases and a thorough review of both primary and secondary sources including the Libyan legal framework, judgments issued by Libyan courts, and other official documents. These sources detail the legal and institutional frameworks that enable the silencing of opposition and hinder reform efforts within the country.



Human rights defenders in Libya have been compelled by acute threats to their safety to flee the country.

Key findings indicate that both the Eastern and Western Libyan governments have employed a series of repressive tactics including:

Arbitrary Detentions and Threats:



Security justifications are frequently employed to authorize the detention and mistreatment of activists, often under conditions rife with due process violations. A particularly disturbing case is that of Seraj Fakhruddin Dughman, a well-known political activist who perished in unexplained circumstances while in custody at Rajma military camp, an unofficial prison. He was detained without trial by the authorities, who cited vague security threats as the reason for his arrest. The briefing also highlights a disturbing trend of apparently forced confessions, publicly aired by the Internal Security Agency (ISA), which subjects individuals to severe violations of privacy and due process, often under duress.

Manipulation of Religious and Moral Rhetoric:



The Libyan authorities have ramped up their deployment of religious and moral rhetoric to rationalize their clampdowns on dissent. This is particularly apparent in cases where individuals are prosecuted for ‘promoting atheism’ or ‘rejecting religious beliefs.’ Such charges are often based on subjective interpretations of morality and are exploited to target and silence those with differing views, thereby stifling freedom of thought and expression under the guise of protecting religious values.

Repressive Legal Frameworks:



Specific laws, notably the Cybercrime Law No. 5 of 2022 and several articles of Libya’s Penal Code, are manipulated to criminalize many types of expression and assembly. These laws are broad and vaguely worded, allowing authorities great leeway to interpret actions as criminal. For example, the Cybercrime Law has been used to target online activists and bloggers by categorizing their critique of government policies as cyber threats, effectively dampening public discourse and dissuading civic engagement.

CIHRS **calls on** the Libyan authorities to:



Repeal repressive articles in the Penal Code, particularly those that impose the death penalty for exercising basic freedoms.



Revise the Cybercrime Law No. 5 of 2022 to narrow the scope of what constitutes an offense, protecting freedom of expression and preventing arbitrary enforcement.



Suspend the application of Law No. 19 of 2001, and any decision based on it, and issue a temporary decree adopting Article 22 of the ICCPR on freedom of association as the interim framework for governing associations until a new law consistent with international standards is enacted.



Release activists, human rights defenders and others detained solely for having exercised their rights to freedom of speech, association and assembly, and initiate independent investigations into all cases of arbitrary detention and death in custody, focusing on transparency and accountability for those responsible.

2. Methodology

This briefing presents an analysis of the crackdown on freedom of expression and association in Libya from 2020 to 2024, a period marked by heightened repression of civil society actors, dismantlement of human rights organizations, and the prosecution and incarceration of individuals under fabricated charges. The briefing focuses on emblematic cases to underline the systematic nature of these violations and draws from forty-five (45) cases who illustrate the state apparatus's systematic efforts to silence dissent.

Number of Highlighted Cases

45

While this briefing highlights these cases, it does not provide a comprehensive survey of all incidents of repression since 2020

CIHRS used a mixed-methods approach to ensure a comprehensive understanding of the human rights landscape. CIHRS conducted interviews with six Libyan human rights defenders and activists, chosen for their firsthand insights into the challenges facing a free civic space in Libya. These interviews were conducted through a secure online platform, in Arabic without interpreters, to ensure the integrity of the information being shared as well as the security of the individuals reporting their experiences.

Additionally, CIHRS reviewed video confessions of twenty individuals published by Libyan authorities and cross-checked the information about these individuals with their lawyers, family members, and other sources. Nineteen other cases of individuals arrested for exercising their fundamental rights were also examined, including through judgments issued by Libyan courts. Furthermore, CIHRS reviewed public statements and interviews from Libyan officials to understand the official rhetoric and policies that contribute to a repressive environment against

free expression and association. Supporting these primary sources, an extensive literature review was conducted, encompassing reports from the United Nations and other human rights documentation. This literature review provided a historical and legal backdrop, helping to frame the specific instances of crackdowns within a wider pattern of rights violations.

While this briefing highlights 45 cases, it is not a comprehensive survey of all incidents of repression since 2020. The cases were selected to demonstrate the breadth and depth of the vying Eastern and Western governments' efforts to silence dissent and restrict civil liberties throughout the country under the guise of protecting national security and preserving cultural values. Through this focused approach, CIHRS aims to shed light on the grave human rights situation in Libya..



Names, identifying information, gender, affiliations, and specific details of the activists have been redacted in most cases in order to ensure their anonymity and protect them from retaliation.

3. Background

Libya is a divided country, where two separate governments and entities vie for power and where a stalled political environment has plagued all international and internal efforts to make progress on a reform agenda. Nevertheless, authorities in the East, under the command of Khalifa Haftar, and in the West, controlled by the internationally recognized government of Abdulhamid Dabaiba, have one primary feature in common: their clear and systematic targeting of activists and their crackdown on the space for dissent through their rhetoric, repressive actions and practices and the ever restrictive legal framework they have imposed on the country over the last four years.



Attacks against freedom of speech and association have escalated through the use of a demonizing religious, security and morality rhetoric.

Libya has undergone a significant reduction of civic space, as authorities prosecute and harass citizens engaging in political and other forms of dissent, through the use of vague and draconian laws that criminalize speech, association, and assembly. The authorities have detained, interrogated, and harassed activists, human rights defenders, and others for expressing their views or for being vocal defenders of rights and freedoms. While this pattern has been ongoing since 2020, attacks against freedom of speech and association have escalated through the use of a demonizing religious, security and morality rhetoric that portrays human rights defenders and civil society figures as foreign agents whose aim is to destabilize Libya or depicts them as promoters of ‘debauchery’ in the country.

Local civil society organizations (CSOs) and international non-governmental organizations (INGOs) in Libya have faced significant challenges as a result of a series of actions taken in this context, adversely impacting their activities. The campaign against civil society unfolded in several stages.

Initially, the religious establishment led defamation and demonization campaigns

vilifying activists' beliefs and morals and linking civil society to perceived threats like Christianization and apostasy. Harassment and prosecution have become common, as security services invoke religious and moral pretexts to incite hostility towards civil society members. They face charges of espionage, treason, and working for the West, fabricated by either the Internal Security Agency (ISA) and Radaa (Deterrence) forces in the West, or by the ISA and Tariq Ben Zeyad brigade in the East, leading to the enforced disappearance and/or imprisonment of peaceful activists.

The legal environment for CSOs in Libya is precarious, particularly as a consequence of several restrictive measures implemented by authorities in both the East and West of Libya from 2016 to 2023¹. A total of seven key decrees and administrative directives have been issued to severely curtail the operations of both national and international human rights groups. These directives have specifically targeted human rights bodies, leaving them at risk of raids on their offices, suspension of their operations, asset freezing, or unilateral dissolution without a judicial order. Significant regulatory actions include the 2016 Regulations No. 1 and No. 2 by the Eastern Government, the 2019 Resolution No. 286 by the Presidential Council in Tripoli, and the 2023 Resolution No. 5 by Tripoli's General Commission of Civil Society. As a result of these regulations, CSOs must sign agreements prohibiting communication with foreign bodies without state consent, undermining their independence and effectiveness. Furthermore, they are required to secure approvals from the Civil Society Commission for funding and project execution. Since March 2023, which marked the end of the United Nations Fact-Finding Mission (UN FFM), attacks on civil society have become more frequent; coinciding with the rise of an ultra-religious discourse and coupled with the adoption of laws and decrees that further stifle civil society.

Tripoli, and the 2023 Resolution No. 5 by Tripoli's General Commission of Civil Society. As a result of these regulations, CSOs must sign agreements prohibiting communication with foreign bodies without state consent, undermining their independence and effectiveness. Furthermore, they are required to secure approvals

¹ CIHRS, Libya: Revoking Restrictive Decrees First Step Towards Freedom of Association, December 13, 2023 <https://cihrs.org/libya-revoking-restrictive-decrees-first-step-towards-freedom-of-association/?lang=en>

from the Civil Society Commission for funding and project execution. Since March 2023, which marked the end of the United Nations Fact-Finding Mission (UN FFM), attacks on civil society have become more frequent; coinciding with the rise of an ultra-religious discourse and coupled with the adoption of laws and decrees that further stifle civil society.

4. Religious and security rhetoric against civil society and dissidents

In Libya, the crackdown on civil society is part of a wider spectrum of violations waged by both governments in the East and West of the country to maintain a repressive lid on society. The security apparatus alongside armed factions, influenced by Salafi Madkhali ideology,² have established a significant presence in both Eastern and Western Libya, with affiliations in major armed groups providing them with considerable military power and, subsequently, political sway over the rival governments that emerged after 2014. These armed groups operate under the direction of the Internal Security Agency (ISA) in both Eastern and Western Libya. They have specifically targeted freedoms of expression and association, as well as women's rights, by exploiting legislation from the Gaddafi era and cloaking their actions in claims of moral and religious compliance.



The increased reliance on religious rhetoric culminated with the issuance, in May 2023, of a decree by an official religious body, the General Authority for Endowments and Islamic Affairs (known as Awqaf), to combat what it called ‘religious, intellectual and moral deviations.’

Subsequently, from May to December 2023, the ISA shared video confessions of 20 people on its official website. The forced confessions cover a range of alleged offenses, including moral and religious ones. On 30 December, the ISA released a video³ featuring confessions from ten individuals (Libyan nationals; three women and seven men) admitting to charges including ‘promoting atheism,’ ‘renouncing their faith,’ ‘rejecting religious beliefs,’ and ‘engaging in homosexual acts.’ On the same day, a separate video⁴ was published, showing four people (Libyan nationals; three men and one woman) confessing to ‘embracing liberal concepts’ and ‘participating in spouse swapping.’ Earlier in the year, on 13 April 2023, the ISA released a video of confessions of three individuals (two Libyan nationals, one woman and one

² CIHRS, Libya: Revoking Restrictive Decrees First Step Towards Freedom of Association, December 13, 2023 <https://cihrs.org/libya-revoking-restrictive-decrees-first-step-towards-freedom-of-association/?lang=en>

³ Internal Security Agency (ISA), Arresting a group adopting atheistic ideology, Video Confessions, 30 December 2023, www.isa.gov.ly/ar/fakeralhad/

⁴ ISA, Arrest of a group adopting liberal ideology, Video Confessions, 30 December 2023, www.isa.gov.ly/ar/thrrafaker/

man; one American man) for spreading and proselytizing Christianity in Libya, and converting to Christianity.⁵ On 12 April 2023, the ISA released a video of two men (one American, one Libyan) confessing to spreading or proselytizing Christianity in Libya.⁶ On 10 April, the ISA released a video of one Libyan man confessing to converting to Christianity.⁷

In Libya, missionary activities and religious conversions are effectively forbidden under two pieces of legislation: the amended Penal Code of 1953 and Law No. 20 of 2016. While there is no article in the Penal Code explicitly forbidding missionary work, proselytizing, or apostasy, specific articles are utilized against those who conduct such acts, specifically articles 291 and 207.

Article 291 renders it a criminal offense to ‘insult the state religion,’ including any ‘expressions that are inappropriate for God, prophets, or messengers,’ carrying a sentence of up to two years.⁸

Article 207, meanwhile, forbids engagement with any effort to disseminate ideologies or ‘any views or principles that aim to alter fundamental constitutional principles, or the fundamental structures of the social order, or to overthrow the political, social, or economic order of the State, or to destroy the fundamental structures of the social order,’ with the punishment being the death penalty.⁹ Furthermore, Law No. 20 of 2016 updates Article 291 of the Penal Code, stating that apostasy—whether verbally or through actions—can result in the death penalty.¹⁰ However, this law allows for the possibility of revoking the death sentence if the accused repents before the penalty is carried out. Additionally, this law mandates the death penalty for any non-Muslim found publicly defaming Islam. The legal landscape in Libya is complicated by contradictory laws and judicial practices. Although Law No. 1 of 2020 declares all

⁵ ISA, Arrest of a woman of Libyan nationality and a man of American nationality, 13 April 2023, Video Confession, www.isa.gov.ly/ar/aatsbo/

⁶ ISA, Arrest of a man of Libyan nationality and a man of American nationality, Video Confession, 12 April 2023, www.isa.gov.ly/ar/lyuswatd/

⁷ ISA, The arrest of a Libyan who has abandoned the Islamic religion, Video Confession, 10 April 2023, www.isa.gov.ly/ar/libmorteddlmb/

⁸ Article 291 of the Libyan Penal Code, Pursuant to Article (8) of Law No. (48) of 1956, www.security-legislation.ly/latest-laws/law-no-48-of-1956-on-amending-certain-provisions-of-the-penal-code/

⁹ Article 207 of the Libyan Penal Code, Pursuant to Article (1) of Law No. (80) of 1975, www.security-legislation.ly/latest-laws/law-no-80-of-1975-amending-and-repealing-certain-provisions-of-the-penal-code/

¹⁰ Libyan Law Society, Law No. 20 of 2016 Concerning the Amendment of Some Provisions, 23 February 2023, www.lawsociety.ly/legislation/قانون-رقم-20-لسنة-2016-م-بشأن-تعديل-بعض-أحكام/

laws enacted by the General National Congress (GNC) after its mandate ended on 3 August 2014 as null and void, the controversial Law No. 20 of 2016 remains in effect. This is due to the absence of a specific ruling by the Supreme Court deeming it illegal. The enforcement of this law, together with Penal Code article 207, restricts freedoms of expression and association. Even without legal justification, internal security forces continue to leverage this contested legislation in the West of Libya. These laws have been used to crack down on bloggers, civil society organizations, and feminist groups critical of the State's stance on religious issues.

Utilizing the rhetoric of national sovereignty and religious arguments, Libyan state apparatuses have not only been targeting individuals but also organizations and CSOs, accusing them of ideologies and acts against religious morality. In June 2023, Imad Mustafa Trabelsi, the Under-Secretary-General of the Ministry of Interior, sent a formal memo to Abdel Hamid Dabaiba, the Prime Minister of the Government of National Unity. In this memo, Imad Mustafa Trabelsi stated the following:

“[T]here are foreign non-governmental organizations, such as Human Rights Watch and especially Amnesty International, granted permission by an unauthorized legal authority, the Civil Society Commission, which deviated from the purpose for which the permission was granted, as it supported and promoted atheism, homosexuality, and other acts harmful to the supreme interests of the Libyan state and its society, thus violating the provisions of Islamic Sharia and the prevailing laws in the state, and despised in terms of the customs and traditions of the Libyan society.”

الرقم التشريعي: من م.س. 1252
التوافق: 6 - 7 - 2023

الرقم التشريعي: من م.س. 1252
التوافق: 6 - 7 - 2023

السيد / رئيس مجلس الوزراء لحكومة الوحدة الوطنية المحترم
السيد / وزير الداخلية
للمتابعة

تشير ... إلى قرار السيد رئيس هيئة الرقابة الإدارية رقم 45 / لسنة 2023م، القاضي بتشكيل لجنة تتولى إنشاء قاعدة بيانات متكاملة لتابعة عمل المنظمات الولائية والمحلية والجهات التابعة لها، للعلم بموجب كتاب السيد المستشار القانوني لرئيس مجلس الوزراء وضع القرار موضع التنفيذ ... إليكم فيما يلي دراسة قانونية مشفوعة بالرأي في شأن عمل تلك المنظمات، ومدى شرعية مفضضة المجتمع المدني ... ونحوها:-

إن القوانين الأساسية أو الكملية للدستور أو الإعلان الدستوري المؤقت هي مجموعة القوانين التي تصدر عن البرلمان سواء من لقاء نفسه، أو بتكليف من المشرع الدستوري، والمتعلقة بتنظيم السلطات العامة في الدولة واختصاصاتها وكيفية ممارستها وتوظيفها، أي أنها تتعلق بموضوعات دستورية في جوهرها.

وكما وأن القوانين لا تعدوا أن تكون عبارة عن قوانين صادرة من قبل البرلمان، ولكن موضوعها يكون متعلقاً بتنظيم مسألة دستورية بطبيعتها مثل القوانين المتعلقة بكيفية مباشرة الحقوق السياسية والقوانين الخاصة بتنظيم الأحزاب، ولاشك أن هذه الطائفة من القوانين منبثق من الإعلان الدستوري.

في ذلك سنتناول في هذه المذكرة المتعلقة بالقوانين الأساسية الكملية للإعلان الدستوري المؤقت الليبي الصادر في 2011/08/03م، وتعديلاته المتعلقة بالحريات العامة (المادة 15) منه على أن تكفل الدولة حرية تكوين الأحزاب السياسية والجمعيات وسائر منظمات المجتمع المدني، ويصدر قانوناً بتنظيمها، ولا يجوز إنشاء جمعيات سرية أو مسلحة أو مخالفة للنظام العام أو الآداب العامة وغيرها مما يضر بالولولة ووحدة التراب الوطني.

ويعتقد في هذا النص فإن إنشاء أي مكون يجب أن يكون بموجب قانون ولا يجوز إنشائه بقرار سواء من قبل السلطتين التشريعية والتنفيذية ونحوهما، لأن الأصل في القرار الإداري ينبغي أن يكون مشروعاً أي متوافقاً مع المصادر المكتوبة، وهي الدستور والقانون والواجب.

ويظهر لنا أن مفضضة المجتمع المدني أُنشئت بموجب أحكام قرار مجلس الوزراء رقم 121 / لسنة 2012م، بشأن إنشاء مركز دعم منظمات المجتمع المدني وتعديلاته، وكذلك القرار رقم 1605 / لسنة 2018م، وقرار تنظيم المفضضة والقرارات اللاحقة بإعتماد الهيكل التنظيمي واللائحة التنظيمية للمفضضة، وقرار المجلس الرئاسي رقم 42 / لسنة 2021م، القاضي بنقل تبعيتها إلى المجلس الرئاسي.

وحيث أن القرارات المنشأة للمفضضة ونحوها قد صدرت بالخالف للإعلان الدستوري الذي لم يفضض السلطة التنفيذية بإصدار قرارات تقضي بإنشاء المفضضة، وبالتالي فإن تلك القرارات شالها عيب الإختصاص الجسيم وتكون باطلة بطلاناً مطلقاً ولا تحتمن مهما طال الزمن عليها لخالفها قاعدة من القواعد القانونية.

السيد / رئيس مجلس الوزراء لحكومة الوحدة الوطنية المحترم
السيد / وزير الداخلية
للمتابعة

تشير ... إلى قرار السيد رئيس هيئة الرقابة الإدارية رقم 45 / لسنة 2023م، القاضي بتشكيل لجنة تتولى إنشاء قاعدة بيانات متكاملة لتابعة عمل المنظمات الولائية والمحلية والجهات التابعة لها، للعلم بموجب كتاب السيد المستشار القانوني لرئيس مجلس الوزراء وضع القرار موضع التنفيذ ... إليكم فيما يلي دراسة قانونية مشفوعة بالرأي في شأن عمل تلك المنظمات، ومدى شرعية مفضضة المجتمع المدني ... ونحوها:-

إن القوانين الأساسية أو الكملية للدستور أو الإعلان الدستوري المؤقت هي مجموعة القوانين التي تصدر عن البرلمان سواء من لقاء نفسه، أو بتكليف من المشرع الدستوري، والمتعلقة بتنظيم السلطات العامة في الدولة واختصاصاتها وكيفية ممارستها وتوظيفها، أي أنها تتعلق بموضوعات دستورية في جوهرها.

وكما وأن القوانين لا تعدوا أن تكون عبارة عن قوانين صادرة من قبل البرلمان، ولكن موضوعها يكون متعلقاً بتنظيم مسألة دستورية بطبيعتها مثل القوانين المتعلقة بكيفية مباشرة الحقوق السياسية والقوانين الخاصة بتنظيم الأحزاب، ولاشك أن هذه الطائفة من القوانين منبثق من الإعلان الدستوري.

في ذلك سنتناول في هذه المذكرة المتعلقة بالقوانين الأساسية الكملية للإعلان الدستوري المؤقت الليبي الصادر في 2011/08/03م، وتعديلاته المتعلقة بالحريات العامة (المادة 15) منه على أن تكفل الدولة حرية تكوين الأحزاب السياسية والجمعيات وسائر منظمات المجتمع المدني، ويصدر قانوناً بتنظيمها، ولا يجوز إنشاء جمعيات سرية أو مسلحة أو مخالفة للنظام العام أو الآداب العامة وغيرها مما يضر بالولولة ووحدة التراب الوطني.

ويعتقد في هذا النص فإن إنشاء أي مكون يجب أن يكون بموجب قانون ولا يجوز إنشائه بقرار سواء من قبل السلطتين التشريعية والتنفيذية ونحوهما، لأن الأصل في القرار الإداري ينبغي أن يكون مشروعاً أي متوافقاً مع المصادر المكتوبة، وهي الدستور والقانون والواجب.

ويظهر لنا أن مفضضة المجتمع المدني أُنشئت بموجب أحكام قرار مجلس الوزراء رقم 121 / لسنة 2012م، بشأن إنشاء مركز دعم منظمات المجتمع المدني وتعديلاته، وكذلك القرار رقم 1605 / لسنة 2018م، وقرار تنظيم المفضضة والقرارات اللاحقة بإعتماد الهيكل التنظيمي واللائحة التنظيمية للمفضضة، وقرار المجلس الرئاسي رقم 42 / لسنة 2021م، القاضي بنقل تبعيتها إلى المجلس الرئاسي.

وحيث أن القرارات المنشأة للمفضضة ونحوها قد صدرت بالخالف للإعلان الدستوري الذي لم يفضض السلطة التنفيذية بإصدار قرارات تقضي بإنشاء المفضضة، وبالتالي فإن تلك القرارات شالها عيب الإختصاص الجسيم وتكون باطلة بطلاناً مطلقاً ولا تحتمن مهما طال الزمن عليها لخالفها قاعدة من القواعد القانونية.

حكومة الوحدة الوطنية
+3108°E + +00C81+ +8°N5°0+I
agasu nduronnu numi-I
Government of National Unity
دولة ليبيا
STATE OF LIBYA
وزارة الداخلية
MINISTRY OF INTERIOR
مكتب الوزير

الرقم التشريعي: من م.س. 1252
التوافق: 6 - 7 - 2023

أفكار الأبعاد والمثلية وغيرها من الأفعال التي تضر بالمصالح العليا للدولة الليبية ومجتمعها، وبذلك تُعد مخالفة لأحكام الشريعة الإسلامية والقوانين النافذة في الدولة، ومستتجة من حيث عوائل وأعراف المجتمع الليبي.

وكما أن بعض المنظمات والجمعيات تُستغل من قبل أطراف دولية من أجل تحقيق مآربها الخبيثة لتلتمس بوحدة التراب الليبي وتزيم أو اصرة الإجتماعية وغيرها من الأفعال التي تضر بالمصالح العليا للدولة وسيادتها.

وترتبياً على ما سبق وحفاظاً على سيادة الدولة الليبية وأمنها القومي ... فإن وزارة الداخلية توصي ... بما يلي:-

- 1- التنسيق مع رئيس المجلس الرئاسي بشأن حل المفضضة ونحوها، والتأكد على عدم شرعية مفضضة المجتمع المدني وغيرها من الجمعيات الأهلية الأخرى لعدم تأسيسها وفقاً لأحكام قانون ينظمها.
- 2- التعميم على المنافذ البرية والجوية والبحرية بعدم السماح للمنظمات غير الحكومية والجمعيات الأجنبية والعربية الدخول إلى الأراضي الليبية سيما التي منحت الإذن من قبل مفضضة المجتمع المدني، باستثناء المنظمات الدولية الممنوحة إذا من قبل وزارة الخارجية والتعاون الدولي.
- 3- إلزام المنظمات غير الحكومية وغيرها من الجمعيات الأجنبية واللجنة الدولية للصليب الأحمر بمغادرة الأراضي الليبية في أقرب الأجل.

... للتفضل بالإطلاع ... والتوجيه ...
... تفضلوا منا فائق التقدير والإحترام ...

لواء: عماد مصطفى الطرابلسي
وزير الداخلية المكلف.

السيد / م.س. 1252
بموجب إقراره
للمتابعة
التوافق: 6 - 7 - 2023

Accusations of these organizations being authorized by an ‘unauthorized’ Civil Society Commission and engaging in activities that supposedly contravene Islamic Sharia, national laws, and societal norms, like promoting atheism and homosexuality, are both misleading and dangerous. This narrative not only misrepresents the essential human rights work carried out by CSOs but it also weaponizes religious and social values to restrict CSOs’ability to operate. Such rhetoric underscores a broader strategy to suppress dissent, control the narrative around human rights, and justify repressive actions against entities perceived as threats to the Libyan state, national unity, and Islamic values.

During an interview with (Libya Al-Mustaqbal Channel) on 14 January 2024, Faraj Aqem,¹¹ the Undersecretary of the Libyan Ministry of Interior, confirmed the existence of a cyber-security team within the ministry, tasked with monitoring the online activities of Libyan citizens.¹² Aqem explicitly stated that individuals found criticizing government officials or the ministry online would be swiftly arrested and could expect to be imprisoned by the following day, without any judicial proceedings. He also claimed that the government has the authority to force the extradition of opponents of the state residing abroad with the assistance of Interpol. These actions represent a chilling crackdown on freedom of expression and a serious infringement on privacy.

¹¹ Faraj Aqem has been serving as the Undersecretary of the Ministry of Interior in Libya’s Government of National Unity since March 2021, and in the Government of National Stability since February 2022.

¹² Libya Al-Mustaqbal Channel, Interview with the Undersecretary of the Libyan Ministry of Interior, Faraj Aqem, 14 January 2024, www.youtube.com/watch?v=aKe5QwV54Kg

5. Arbitrary arrests and threats against activists based on ‘security’ justifications

CIHRS documented ten cases of activists, human rights defenders, and individuals arbitrarily arrested for exercising their fundamental rights to freedom of speech and association. Among these cases, one tragically resulted in the death of a political activist under mysterious circumstances while in detention. Additionally, four individuals remain imprisoned, their fate uncertain. In these instances, authorities justified their actions using security arguments, alleging threats to national stability or attempts to undermine governmental or military institutions. Such claims often lack transparent evidence and are used to suppress dissent and legitimate civil society activities.

On Friday, 19 April 2024, political activist Seraj Fakhruddin Dughman tragically died under mysterious circumstances in an unofficial prison located within the headquarters of the General Command of the Arab Libyan Armed Forces at Ar-Rajmah, southeast of Benghazi. Security authorities notified his family of his death on the morning of his passing, and his body was returned to them for burial the same evening. Prior to his death, Dughman was serving as the director of the Benghazi branch of the Libya Center for Strategic and Future Studies. He had been arbitrarily detained since 1 October 2023 in a facility operated by the Internal Security Agency, following his arrest with four other activists—Fathi Al-Buja, Tarek Al-Bashari, Nasser Al-Du’aysi, and Salem Al-Areibi—all of whom were not given a trial nor access to a lawyer. These detentions were based on their involvement in discussions that took place in September 2023 about Libya’s political situation and forthcoming elections.¹³ The charges against them include attempts to overthrow political bodies and the military institution, namely the General Command of the Libyan Armed Arab Forces. A family member of one of the detainees reported to CIHRS that none of the detainees have been provided with legal representation yet, and they have not been allowed any visits.

¹³ Libya Center for Strategic and Future Studies, An open letter to His Excellency Marshal Khalifa Haftar, 5 October 2023, <https://spcc.ly/category/أنشطة-المركز/>

In a video statement, the Internal Security Agency of Eastern Libya alleged that Seraj Fakhruddin Dughman's arrest was due to his participation in meetings aimed at overthrowing political bodies and military institutions, including the command led by Field Marshal Khalifa Haftar. They claim that his death resulted from an attempted escape through a bathroom window, leading to a fatal fall from the fourth floor. This official statement also includes a warning against anyone who speaks out about the case, explicitly threatening them with unspecified actions.

According to Article 175 of the Libyan Code of Criminal Procedure, detention orders issued by the Public Prosecution are initially valid for only six days following the arrest. The law requires that any extension beyond this period must be approved by the Public Prosecution and adjudicated by a competent judge, who listens to both the prosecution and the accused. This is a critical step intended to safeguard against arbitrary detention. In Dughman's case, however, there appears to have been no such hearing, or at least none that adhered to the principles of fairness and transparency. Seraj Fakhruddin Dughman and his fellow detainees were held under circumstances that violate these principles. Specifically, the absence of legal representation and the extension of detention without clear judicial review highlight a disregard for mandated legal processes. Such actions compromise the legal integrity of the detention and raise serious human rights concerns.

Furthermore, Libyan law allows for the appeal of detention orders (Article 177), providing a mechanism for oversight and correction of judicial decisions. The failure to observe these procedures in Dughman's case not only violates Libyan law but also international human rights standards, which emphasize the right to a fair trial and legal representation. The fact that Dughman died in an 'unofficial prison' within a military base is alarming and suggests the use of unauthorized detention facilities. Such facilities likely do not provide the legal safeguards or oversight required by Libyan law, leaving detainees highly vulnerable to torture, ill-treatment, and other forms of abuse.

In a related and equally disturbing incident, on Friday, 19 April 2024, Sheikh Ali Misbah Abusbeihah, a noted community leader in southern Libya and head of the

Supreme Council of Tribes and Cities of Fezzan, was arrested at his home in Sabha. His arrest occurred shortly after he expressed support for presidential elections and endorsed Saif al-Islam Gaddafi as a candidate.

Another case involves threats against and harassment of human rights defenders from March to May 2023 in a city in the South of Libya. According to M.V, on 7 March 2023, the municipality was visited by a UN delegation consisting of officials from the UN Development Fund, the Mother and Child Organization, the World Food Organization, the UN Fund for Population Support, and the International Organization for Migration. Per Libyan media, the purpose of the visit was not only to cooperate with the local municipality to work on development projects in the region, but it also included meetings with local authorities and civil society institutions.¹⁴ Following the visit of this delegation, on 6 May 2023, the General Intelligence Service (GIS) in the Eastern region issued a cautionary notice to local CSOs and all public institutions that receive funding or in-kind support from foreign entities. The warning emphasized that failure to disclose financial information, activities, and the movements of foreign employees could lead to legal prosecution and the implementation of security measures. This notice preceded the detention of CSO workers who had met with the UN Delegation. M.V told CIHRS:

“The city, which is under the control of the Libyan Arab Armed Forces, is under the command of Khalifa Haftar in the region...a communication¹⁵ made by him warned civil society, human rights activists, and any organization that carries out any activity within this city, without prior approval from the military. [Haftar declared] that anyone who opposes this decision bears legal responsibility.”

Testimony given to CIHRS by Human Rights Defender

“M.V”

¹⁴ Libyan News Agency, A delegation of heads of UN agencies visits the municipality of Sebha, March 7 2023, lana.gov.ly/post.php?lang=en&id=272763

¹⁵ According to M.V, the communication came in the form of an audio recording issued by the Libyan Arab Armed Forces in the South.

Two people were later arrested on 12 and 13 May 2023, including an INGO worker with Ara Pacis Initiatives for Peace and its legal representative in southern Libya¹⁶, under accusations of working to settle migrants in the region. Ara Pacis works with migrants and states the integration of migrants into Libya as one of their goals. The arrested employee of Ara Pacis was a Libyan national, accused of collaborating with foreign state entities, and was then coerced into giving a video statement by the Internal Security Agency confessing to working against the Libyan state and violating anti-immigration law.¹⁷

M.V told CIHRS that, after the release of the video confession of the Ara Pacis employee, he fled the country due to fear of being arrested for his safety as Touareg.¹⁸ He could not obtain a passport from the Libyan government and decided to enter Tunisia in March 2023 to escape persecution from the Internal Security Agency (ISA).

Another case is that of a journalist and human rights defender. Mansour Atti Al-Maghrabi was the head of the Red Crescent branch in Ajdabiya, and the Ajdabiya branch of the Civil Society Commission. On 3 June 2021, he was abducted near his workplace¹⁹ in Ajdabiya, in northeastern Libya.²⁰ He was held for a few days by the Internal Security Agency before being transferred to Tariq bin Ziyad Prison from June 2021 to March 2022. In an interview with CIHRS, Al-Maghrabi recounted:

“*I was kidnapped and forcibly disappeared, first to Ganfouda Prison,. Subsequently, I was transferred to Tariq bin Ziyad Prison and spent ten months there.*”

Mansour Atti Al-Maghrabi
Journalist and Human Rights Defender

¹⁶ According to information shared with CIHRS, these individuals are still detained and awaiting trial as of the time of writing this brief in May 2024.

¹⁷ ISA, A member of the Ara Paci organization was arrested, Video Confession, 12 May 2023, <https://www.isa.gov.ly/ar/arabathee/>

¹⁸ The Tuareg are nomadic pastoralist tribes inhabiting the Saharan regions of Libya, Algeria, Mali, Niger, and Burkina Faso. Due to discriminatory laws and regulations governing Libyan citizenship, some members of Tuareg communities do not have Libyan nationality.

¹⁹ AMNESTY International, Libya: Activist missing after seizure by armed men: Mansour Atti 2021. <https://www.amnesty.org/en/documents/mde19/4917/2021/en/>

²⁰ Amnesty International, Libya: Activist missing after seizure by armed men: Mansour Atti, 26 October 2021, <https://www.amnesty.org/en/documents/mde19/4917/2021/en/>

Prior to that, Al-Maghrabi was summoned for questioning on multiple occasions, specifically on 13 February 2021 and 24 December 2020.²¹

“Before the kidnapping, there was a series of summonses from the head of the Internal Security Agency in the areas controlled by Haftar. I was summoned and interrogated for twelve hours regarding my civic activities in the region. A week later, I was summoned by Major General Aoun al-Farjani, who is close to Khalifa Haftar and is the head of the Judicial and Control Authority, a military body, in Rajma. I was threatened by Aoun al-Farjani at the time.”

Mansour Atti Al-Maghrabi

Journalist and Human Rights Defender

He was questioned by the Internal Security Agency-Ajdabiya, affiliated to the Libyan Arab Armed Forces in Eastern Libya. He told CIHRS that questioning pertained to his activism and organizing efforts, for the then-upcoming election, and for election monitoring by civil society. He stated that this harassment and detention stemmed from his work preparing to monitor upcoming national elections. These include his participation on 26 May 2021 in a meeting of a joint committee of the Civil Society Commission and the High National Election Commission.²² This joint committee intended to prepare civil society organizations to monitor the national elections scheduled for 24 December 2021. In addition to this, on 31 May 2021, Al-Maghrabi led a conference in Ajdabiya aimed at increasing citizen participation in these elections.

Al-Maghrabi's apparent influence and base of support in the region was a motivating factor in his detention. According to his statement, he was told to use his influence to motivate his base of support to follow the authority of Saddam Haftar and Khalifa Haftar or to abandon any further activity. His statement of events following his detention notes what he took as intimidation from the commander of the Tariq Ben Zeyad brigade, Saddam Haftar.

²¹ Amnesty International, Libya: Activist missing after seizure by armed men: Mansour Atti, 26 October 2021, www.amnesty.org/en/documents/mde19/4917/2021/en/

²² OHCHR, Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2 July 2021, spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26525

“Three days after I was released from prison, I was summoned by the commander of the Tariq Ben Zeyad battalion, Saddam [Haftar]... [I was targeted due to] either the popular base I was working with, or the [support and network] I had built through my work with the Red Crescent and in civil society. [I was told that we must] organize [those with whom I had influence] under the instructions of the controlling authority, which is under the instructions of Saddam Haftar and Khalifa Haftar, or to abandon any activity we practice. After this interview, I immediately left and went to Tunisia.”

Mansour Atti Al-Maghrabi

Journalist and Human Rights Defender

Additionally, CIHRS has documented one case of misuse of counterterrorism legislation to silence dissenting voices. Ismail Bouzriba Al-Zoui²³, a photojournalist and activist. The charges against him included aiding terrorism and terrorist groups, along with engaging with media organizations that the General Command of the Libyan National Army (LNA), based in eastern Libya, labeled as terrorist supporters. These accusations emerged after a search of Al-Zoui’s phone revealed criticisms of the LNA’s General Command and Operation Dignity²⁴. In December 2018, Al-Zoui was apprehended by the internal security forces in the city of Ajdabiya and subsequently spent 20 months in a Benghazi military prison without a formal trial. During this pre-trial detention, he was isolated from contacting his family and legal counsel, was not allowed legal representation during prosecutorial proceedings, and was uninformed about the date of his sentencing hearing. In May 2020, Al-Zoui was sentenced by a Benghazi military court to life imprisonment. His trial proceeded in his absence, highlighting egregious procedural violations that suggest a predetermined outcome. He was released after receiving a pardon from the military authorities in the east of Libya on 11 September 2021.

The practice of prosecuting civilians in military courts, as seen in Al-Zoui’s case, conflicts with international standards that Libya has agreed to uphold, such as those outlined in Article 14 of the International Covenant on Civil and Political Rights

²³ Cairo Institute for Human Rights Studies, Libya: Photojournalist Ismail Al-Zoui sentenced to 15 years of prison after unfair Trial, August 3rd 2020
<https://cihrs.org/libya-photojournalist-ismail-al-zoui-sentenced-to-15-years-of-prison-after-unfair-trial/?lang=en>

²⁴ Operation Dignity was a military campaign initiated by General Haftar during the Second Libyan Civil War.

(ICCPR). This article asserts that all individuals are entitled to equal treatment before the law, and every person has the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law regarding any criminal or civil charges against them.

6. Threats and intimidation based on religious or moral arguments

The Internal Security Agency (ISA) in Libya has escalated its crackdown on freedom of expression, particularly targeting young individuals who work or speak about LGBTQ+ rights, minorities, or religious rights. Antonio Guterres, Secretary General of the United Nations, outlined in his April 2023 report to the Security Council on the UN Support Mission in Libya (UNSMIL) a number of instances of threats and intimidation against HRDs.²⁵ These include crackdowns on speech against actions or laws instituted by state authorities through the use of Law No. 5 of 2022, known as the Cybercrime Law, passed by the eastern-based House of Representatives. This law gives broad powers to the National Authority for Security and Information Safety to “monitor what is published and displayed via the international information network or any other technical system, and block everything that spreads strife or ideas that would destabilize the security and stability of society or affect its social peace.”²⁶ Per the Secretary General’s April 2023 report, Libyan security forces and armed groups intensified intimidation and arbitrary detentions of civil society and humanitarian actors. Women rights defenders faced increased harassment, both online and offline, post the enforcement of the 2022 Cybercrime Law on 17 February 2023. Similarly, the report notes having received reports of harassment and intimidation of human rights defenders in eastern Libya for those petitioning on the behalf of individuals who had been arbitrarily detained by the Benghazi-based Internal Security Agency. The report adds that the civic space, the rights and ability of CSOs to operate, due to an “intimidation campaign against civil society actors exercising their rights to peaceful assembly and to freedom of expression, opinion and association.”

²⁵ UNSMIL, United Nations Support Mission in Libya: Report of the Secretary-General, 5 April 2023, unsmil.unmissions.org/sites/default/files/report_of_the_secretary-general_antonio_guterres_on_the_united_nations_support_mission_in_libya_-_05_april_2023.pdf

²⁶ Libyan Law Society, Law No. 5 of 2022 regarding combating cybercrime, 27 September, 2022, lawsociety.ly/legislation/قانون-رقم5--لسنة-2022-م-بشأن-مكافحة-الجرائم/

Tanweer Case and subsequent crackdown on activists

Agents of the Internal Security Agency (ISA) have been involved in the unwarranted detention of individuals advocating for human rights and civil society, under the guise of safeguarding ‘values inherent to Libya and Islam.’

Such is the case of Tanweer, an organization targeted for their focus on issues considered by Libyan authorities to be against the state and Islam, specifically their work campaigning for women’s and LGBTQ+ rights in Libya. Tanweer’s members have endured various forms of violations and mistreatment including torture, verbal abuse, and threats. Between November 2021 and March 2022, seven young individuals, ranging in age from 19 to 29, were taken into custody without valid reason by the ISA under the Western government in Tripoli. The ISA subsequently shared videos on Facebook featuring individuals associated with Tanweer, where they appear to admit to identifying as ‘atheists,’ ‘non-religious,’ ‘secularists,’ and ‘feminists,’ and to promoting atheism and disdain for religious beliefs through social media platforms.

These confessions appear to have been coerced from Tanweer’s members. In the videos published by the ISA, these individuals’ confessions include communicating with international organizations such as Amnesty International, as well as the names and locations of diaspora Libyan activists, Libyan journalists within Libya who are ‘supportive of atheism,’ and other Libyan HRDs within the country. Due to these clear threats to the safety of the members of Tanweer, as of 13 March 2022, the organization has been dissolved and members of its board have fled the country.

In another case, a Libyan human rights defender, F.G, told CIHRS that he had an organization which brought together individuals of diverse genders and religious affiliations. Additionally, his organization was legally registered, and all its activities were authorized within Libya. At the time of the organization’s establishment, F.G appeared in interviews advocating for various social causes, including but not limited to women’s rights. F.G was compelled to leave Libya in 2022 due to being targeted by a smear campaign on social media, which occurred subsequent to the arrests of members of other civil society organizations.

F.G's account begins with the arrest of an activist who was a member of the Tanweer. On 19 February 2022, the Internal Security Agency published a video online of this member of Tanweer. In this likely coerced video confession, he stated that Tanweer promoted infidelity, atheism, and feminism. According to Human Rights Watch, these confessions were 'apparently obtained under duress.'

Following the arrest and video confession of this member of Tanweer, F.G detailed the following to CIHRS:

“After the first video of him was released... on March 15, 2022, a second video of a man named Y. was released...Afterwards, they [ISA] filmed Y. in a video questioning him and posted it on Facebook.”

Testimony given to CIHRS by Human Rights Defender

“F.G”

These videos have been shared as part of a broad intimidation scheme by the Western government's Internal Security Agency. In this instance, F.G. said that he and his organization were specifically named and identified as acting against the state. Following the release of this second video on 15 March 2022, he fled the country, as he detailed to CIHRS:

“In every video, they [ISA] ask them [members of Tanweer] if there are any people or boys who have a relationship with these things [atheism, homosexuality] in the community or any famous personalities in the community who work on these things. In [one]video, my name was mentioned and the name of my organization [as surreptitiously forming networks of homosexuals and atheists in Libya.]”

Testimony given to CIHRS by Human Rights Defender

“F.G”

ISA's involvement in the production and dissemination of these videos is a disturbing indicator of authorities' abuses. By using these videos to spread misinformation and incite hatred against civil society activists, ISA is directly contributing to the climate of fear and repression that silences dissent in Libya.



The lack of accountability in instances of harassment and intimidation implies to civil society organizations that adherence to legal protocols, filing reports with local authorities in instances of violent harassment, does not guarantee protection.

An HRD with a human rights group in southern Libya gave another account highlighting the persistent threats their organization has faced from various groups. Their headquarters in southern Libya have been attacked at different times, most recently in January 2022, March 2022, and March 2023. In March 2023 in particular, the headquarters were targeted at night in an arson attempt by unknown perpetrators. The manager of the regional office filed a report at that time with the police station closest to the organization's headquarters, but the case was closed without any culprit identified.

The HRD emphasized to CIHRS that, despite filing a report with the police, they have not received any updates on the investigation into the attack on their headquarters. The lack of accountability in instances of harassment and intimidation implies to civil society organizations that adherence to legal protocols, filing reports with local authorities in instances of violent harassment, does not guarantee protection. Threats and intimidatory tactics contribute to an environment of fear and silence, potentially suppressing dissent and impeding the activities of human rights defenders. These challenges highlight the difficulties faced by individuals and CSOs contesting established norms and advocating for human rights in Libya.

Another HRD interviewed by CIHRS, C.G, described the pressure that they and their organization faced from Libyan authorities. They were forced to provide information about activists, films, and other activities related to human rights. Their work as a photojournalist and human rights activist has been met with numerous challenges and risks, especially while covering post-war Libya. Between 2013 and 2022, C.G was arrested and interrogated more than seven times by different militias in various Libyan regions and cities. In 2022, C.G launched two projects aimed at promoting human rights. These projects, in partnership with a foreign state embassy, were intended to bring together artists, diplomats, ambassadors, cultural

activists, human rights defenders, and journalists. Following the announcement of these projects, the Internal Security Agency in the West rejected the initiative. The ISA insisted that security approval be obtained from the External Security Agency in the National Unity Government, followed by approval from the Internal Security Agency, even though such approvals were not within their scope of authorities. Nevertheless, the ISA prevented the implementation of the projects, introducing new regulations requiring any entity conducting cultural activities with foreign visitors or diplomats to obtain approval from the Ministry of Foreign Affairs and International Collaboration.

“Onerous regulations and bureaucratic hurdles hinder their ability to operate freely, even though their organization is legally registered in Tripoli under Regulation 286.”²⁷

Testimony given to CIHRS by activist

“C.G”

Their organization was required to obtain prior approval from a multitude of authorities for any activity, including the High Commission for Human Rights, the General Intelligence Service, and the Internal Security Agency. This labyrinth of approvals effectively stifled their work, demanding constant permissions for even basic operations. According to the activist’s statement to CIHRS:

²⁷ Regulation 286/2019 was issued by the Presidential Council of the Government of National Accord in March 2019. The regulation is focused on the operation of civic associations and imposes a licensing regime requiring approval from the Civil Society Commission. Regulation 286 is criticized for circumscribing the operation of local associations and restricting individuals’ freedom to form civic associations through a licensing regime. The regulation grants extensive powers to the Civil Society Commission, allowing it to freeze bank accounts, dissolve associations without judicial recourse, and impose complex procedures for obtaining legal personhood. The South Benghazi Court, in a ruling on July 18, 2022, suspended Regulation 286 pending further adjudication. The court concluded that the regulation infringes on the constitutional right to freely form associations and violates international obligations, including Article 22 of the International Covenant on Civil and Political Rights.

“[In December 2022] the Internal Security [Agency] [told us] that we must go to the Ministry of Foreign Affairs. As soon as we went to the Ministry of Foreign Affairs, the External Security [Agency] received us; they took us to the headquarters of the protocol administration. They told us that we are forbidden to work. [They asked us] how do you deal with international embassies? How do you receive funding from international organizations? This is contrary to the law that governs us, by what right do you communicate with diplomats and embassies? You are supposed to communicate with them through the Ministry of Foreign Affairs and External Security, you [tell us] the embassies that you want to invite, and we support your work.”

Testimony given to CIHRS by activist

“C.G”

Following these events, in early July 2023, C.G received warnings from acquaintances that his name had been provided to security services for monitoring with the intention of subsequently arresting him on charges related to adopting religious beliefs and ideas considered a threat to society. Charges of this type typically fall under Article 291 of the Libyan Penal Code, which criminalizes blasphemy against Islam. The OHCHR reports that this law in particular has been used since the “vague and widely drafted wording of the offences under these provisions” “allows for their arbitrary and unjust use by authorities.”²⁸ Taking these warnings seriously, the activist left Libya in July 2023.

Another instance of persons arrested on religious or moral grounds are two women who were arrested due to their online activity. On 17 February 2023, the Ministry of Interior of the Government of National Unity in Benghazi announced the arrest and detention of popular singer Ahlam el-Yamani and of blogger and content creator Haneen al-Abdali in Benghazi for “crimes violating honor and public morals, and for violating Cybercrime Law No. 5 of 2022.” The Ministry of Interior’s statement did not provide any details on the arrest on charges of “posting indecent and offensive content against the dignified status of Libyan women in our conservative society

²⁸ OHCHR, The Rights to Freedom of Expression, Association and Assembly in Libya Submitted by Lawyers for Justice in Libya (LFJL), Stakeholder Report to the United Nations Human Rights Council Universal Periodic Review - Libya, uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1861&file=EnglishTranslation#:~:text=Article%20291%20establishes%20an%20offence,one%20year%20or%20a%20fine

with foreign acts and behaviors to us and offending our customs, traditions and true religion.” There was no further information about the content they created which was thus incriminated, nor about their judicial status.

7. Repressive legal framework

Libya's legislative framework contains several vague terms and troubling punishments that can be used in order to restrict the rights to freedom of expression, assembly and association for individuals and groups. In the Tanweer case, a significant legal judgment was issued by the Tripoli Court of Appeals concerning freedom of speech and religious defamation under Libyan law. The court applied Law No. 20 of 2016, which amends Article 291 of the Libyan Penal Code, primarily enforced in West Libya. The defendants were charged with using social media to express views deemed offensive to Islam, categorizing their actions as contempt of religion and deviation from Islamic precepts. The court's decision led to varied sentences for the seven defendants, ranging from one to ten years in prison. The defendants are currently serving their sentences at Al-Rad'a Prison in Tripoli's Mitiga Airport. Another example of the application of Law No. 20 of 2016 occurred in September 2022 when the Misrata Court of Appeals of the First Criminal Circuit handed down a death sentence to Diao el-Din Ahmed Miftah Balaou. He was convicted for 'persisting in his apostasy from the Islamic religion' after he 'declined to repent and relinquish his beliefs.' This verdict, delivered in legal proceedings that began in 2019, underscores the rigorous enforcement of apostasy laws, which compel individuals to renounce their beliefs under the threat of execution.

Death penalty attached to the peaceful exercise of freedom of expression and association

Articles 206, 207 and 208 of Libya's Penal Code have been weaponized to criminalize criticism of state institutions and the exercise of the freedoms of association and expression, in general, leading to harsh sentences inclusive of the death penalty.

Articles 206, 207, and 208 were adopted in 1975 to deter journalists and civil society activists from criticizing state policy and interacting with international organizations. The continued enforcement of these articles today is tantamount to restoring the legislative framework used by the Gaddafi regime to eliminate basic freedoms and silence people.

These three articles comprise broad and inaccurate phrasing, despite the seriousness and severity of the penalties they provide for. This ambiguity was not a result of legislative negligence; on the contrary, the language of the three articles seems to deliberately expand the criminalization of free expression and association to a degree that undermines the principle of the legality of crimes and punishments, a fundamental aspect of the rule of law and international human rights norms, and a basic guarantee against the arbitrary exercise of state powers. The broad and vague wording used to identify criminal acts in these Penal Code articles enables the executive authorities and judges to qualify many acts of criticism of state institutions, and of public institutions' interpretation or use of religion, to justify restrictions on public freedoms.

Under the International Covenant on Civil and Political Rights (ICCPR), the principle of legality is closely linked to the concept of 'arbitrary interference.:' For example,

ICCPR Article 17 states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family or correspondence.”

The Human Rights Committee has interpreted the term 'arbitrary interference' as closely linked to the protection of the right provided for in Article 17, and has determined 'arbitrary interference' can include interference provided for by law, if it is not reasonable nor in accordance with the provisions and objectives of the ICCPR. In addition, the ICCPR includes specific minimum qualitative requirements for clarity, accessibility, and predictability. In particular, the Human Rights Committee explains the meaning of 'law' in Article 19 of the ICCPR (freedom of opinion and expression) as follows: “As for paragraph 3, the rule, which should be described as 'law' must be formulated with sufficient precision to enable the individual to regulate his conduct accordingly and must be made available to the public. The law may not grant unfettered discretion to restrict freedom of expression to those charged with its implementation. Laws should provide sufficient guidance to those charged with implementing them, in order to enable them to ascertain which types of expression are properly restricted and which are not.”

Article 206 of the Libyan Penal Code stipulates the death penalty for any person found guilty of calling for the establishment of any gathering, organization, or formation prohibited by law, or of establishing, joining, organizing, managing, or funding it.

It also provides the death penalty for persons found guilty of preparing a place for the organization's meetings or providing any assistance to it, as well as for any person found guilty of receiving or obtaining money or benefits of any kind (directly or indirectly and by any means) from any person or party, with the intention of establishing a prohibited gathering, organization, or formation, or preparing for its establishment. Article 206 stipulates equal punishment for the leader and subordinates in prohibited gatherings, organizations, formations, or similar, regardless of the ranking of the subordinate and the location of the entity's headquarters, whether in Libya or abroad.

Article 207 of the Penal Code stipulates the death penalty for promoting theories and principles aimed at altering the basic principles of the Constitution or the Libyan state or society, or aimed at overthrowing or demolishing any of the basic systems of society, including the state's political, social, and economic systems, through the use of violence, terrorism, or any other illegal means.

Anyone who favors or intends to favor the aforementioned illegal acts, through their possession of books, publications, drawings, slogans, or any other item, is to be punished with life imprisonment under Article 207. Anyone who receives or obtains money or benefits of any kind, directly or indirectly through any means, from any person or entity inside or outside the country, is to be punished with life imprisonment if this is done for the purpose of promoting the aforementioned illegal acts against state and society that are stipulated in Article 208.

Article 208 stipulates that: "Anyone who establishes, organizes, or manages in the country, without a license from the government or with a license issued based on false or incomplete data, associations, bodies, or systems of an international, non-political character, or a branch thereof, shall be punished with imprisonment."

Furthermore, it adds that "anyone who joins the aforementioned associations, bodies, or systems, as well as every Libyan residing in the country who joins or participates in any way without a license from the government in any of the aforementioned systems and whose headquarters are abroad" shall be punished "with imprisonment

for a period not exceeding for a period of more than three months, and with a fine not exceeding two hundred dinars.”

Continued enforcement of Law No. 19 of 2001 and its related executive decrees (1, 2, & 186) undermines protection of the right to free association

Enacted in 2001 by the General People’s Congress under Gaddafi, **Law 19 on freedom of association** and its related executive regulations (Decree 186, decrees 1 and 2) violate Article 22 of the International Covenant on Civil and Political Rights (ICCPR). In doing so, Law 19 of 2001 undermines the protection of the right to free association, as explained by CIHRS in its detailed legal commentary²⁹ and the UN Special Rapporteur on the freedoms of association and peaceful assembly in a letter published on 6 October 2023.³⁰

Law 19 does not recognize the existence of human rights groups; it only recognizes groups that provide social, cultural, sports, charitable, or humanitarian services as legitimate civil society organizations.

It places these organizations under full, strict control of the executive authorities, which have broad powers to refuse CSOs’ registration, halt or suspend their operations, and change the composition of CSOs’ boards of directors without any judicial oversight.

According to this law, the establishment of CSOs is contingent upon executive approval; executive authorities must also approve the organization’s activities, its statutes or regulations, and its membership. The executive can annul the decisions and policies of the organization, and it has the right to close or dissolve the organization, or merge it with another; or to assign a temporary management committee to run the organization -- all of this without judicial authorization. Any and all of the organization’s fundamental operations – obtaining funding, engaging in an activity,

²⁹ CIHRS, Libya: Roundtable on Freedom Of Association hosted by UN Expert, February 16, 2024 <https://cihrs.org/libya-roundtable-on-freedom-of-association-hosted-by-un-expert/?lang=en>

³⁰ Communication from UN Special Rapporteurs to Libyan authorities regarding the right to freedom of association in Libya, October 6, 2023. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28401>

or holding a meeting – were subject to the supervision, attendance, and approval of the General People’s Congress, the Gaddafi-era legislature.

In addition to Law no. 19, the Gaddafi regime used **Law No. 80 of 1975**, which amended and repealed provisions of the Penal Code to facilitate the repression of free association. It achieved this through the use of ambiguous wording to define types of behavior punishable by law, and which can bear penalties up to capital punishment, such as Article 206. By way of example, the law punishes acts that seek to ‘change the basic rules of the social structure by illegal means’ without specifying or precisely defining these ‘rules’ nor the illegal ‘means.’ The law is vulnerable to broad interpretation and overreach due to this lack of specificity or definitions. Law No. 80 contravenes international agreements ratified by Libya, especially articles 6, 7, 15, 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights.

Interim authorities since the 2011 fall of the Gaddafi regime added a host of other regulations that stifle civic work, such as regulations 1 and 2 of 2016 issued by the head of the Eastern Government, Abdullah Al-Thani, Decree No. 286 of 2019 issued by the Presidential Council in Tripoli headed by Fayez al-Sarraj. Resolution No. 5 of 2023 of the Civil Society Commission affiliated to the Presidential Council in Tripoli, headed by Muhammad Al-Manfi.

These decrees and regulations, based on Law No. 19 of 2001, have circumscribed local and international organizations’ operations and restricted individuals’ freedom to form civil society organizations by instituting a licensing regime requiring approval from administrative authorities (the Civil Society Commission) instead of a notification system. When they register, organizations are obliged to sign a pledge that they will not enter into communication with any embassy or international entity without prior authorization from executive authorities. These regulations and decisions also give the executive-led administrative authority the right to raid and ransack the headquarters of CSOs, temporarily suspend their activities or dissolve them, and freeze their bank accounts, all without a court ruling. CSOs must obtain the approval of the Civil Society Commission to receive any funding for their projects, or to implement any of their activities. Egregious overreach by the Commission into the work of CSOs is facilitated by these executive regulations, to the extent that

victims of rights violations can be put at grave risk if they interact with civil society. An organization can even be compelled by the Civil Society Commission, as the administrative authority, to disclose the names of victims of violations, violating victims' privacy and jeopardizing their safety.

Cybercrime Law

The Cybercrime Law (no. 5 of 2022) passed by the Libyan House of Representatives in the East in September 2022 and enforced in February 2023, includes broad and imprecise terminology that gives an unelected body, called the National Information Security and Safety Authority (NISSA), broad powers and discretion to limit freedom of expression on the internet.

Article 4 stipulates that the use of the internet and modern technological means is considered 'legitimate' provided that 'public order and public morals are respected,' thereby deeming illegal any use that violates these widely interpretable concepts.

This vague wording demonstrates the defects of the law in form; it represents a serious threat to many human rights that are constitutionally guaranteed, including the rights to freedom of opinion, expression, press, and publishing.

Counterterrorism legislation

Law No. 3 of 2014 on Terrorism imposes severe restrictions on freedom of expression, including stringent online censorship. This law subjects peaceful political opposition and independent voices, such as human rights defenders who are neither linked to nor supportive of terrorist groups, to the risk of prolonged imprisonment for merely exercising their right to free expression. Additionally, Law No. 3 of 2014 allows for the trial of civilians in military courts, which are often particularly devoid of international fair trial standards.

Law No. 3 is notably broad in its definition of terrorism, encompassing acts that harm the environment, as well as prohibiting or obstructing the operations of public authorities, government departments, or municipal units.

This definition allows for individuals who demonstrate in front of government facilities or stage strikes within them to be charged as terrorists.

Article 15 of the law specifies a sentence of five to ten years for ‘any person who engages in advocacy, propagation, or deception to commit a terrorist act, whether in word, writing, or any other means of broadcast, publication, letters, or online activity.’

Moreover, on 7 May 2018, the Presidential Council issued Decree 555/2018, which established the Anti-Terrorism and Organized Crime unit, known as the Special Deterrence Force (SDF). This paramilitary force, subordinate to the Government of National Accord’s Interior Ministry, was granted extensive authority under Article 4 of the decree to use censorship to intercept any information deemed a threat to national or social safety or security. Despite the Bayda Court’s annulment of the decree on 15 April 2019, following serious human rights abuse allegations against the SDF, the unit continues to operate, controlling one of the largest and most significant prisons in Tripoli. The ongoing function of this unit amidst such controversies illustrates profound issues within Libya’s approach to combating terrorism and managing organized crime, which persistently infringe on civil liberties and disregard basic human rights norms.

8. Conclusion



Libya from 2020 to 2024: Systematic abuses carried out under the pretext of national security and moral preservation

This briefing on the situation of civic space in Libya from 2020 to 2024 paints a dire picture of systematic abuses carried out under the pretext of national security and moral preservation. These cases demonstrate a concerted effort by Libyan authorities—both in the East and the West—to stifle civic engagement and suppress dissent through arbitrary arrests, coercive legal frameworks, and the manipulation of religious and security rhetoric. Such measures violate not only Libyan laws but also international human rights standards, particularly those detailed in the International Covenant on Civil and Political Rights (ICCPR), to which Libya is a party. These cases highlight orchestrated use of oppressive legal frameworks, targeted repression of civil society actors, and strategic deployment of religious and security rhetoric to stifle opposition. The utilization of legal frameworks by state apparatuses, such as the coercive use of the Cybercrime Law No. 5 of 2022, the application of articles 206, 291, and 207 of the Penal Code, and Law No. 19 of 2001 to criminalize free expression and freedom of association, show a worrying trend. Deaths under custody, notably of Seraj Fakhruddin Dughman, and the publicized forced confessions of citizens and foreigners accused of moral and religious offenses by the Internal Security Agency, illustrate the acute risks faced by those who challenge or deviate from the state-sanctioned norms.

This systematic repression is enabled by a confluence of legal, political, and social mechanisms that collectively undermine the rule of law and expose human rights defenders, activists, and ordinary citizens to egregious violations. The human rights abuses covered in this briefing reflect not only an erosion of fundamental freedoms but also a failure of the state mechanisms to protect and uphold human rights as per Libya's commitments under international agreements.

9. Recommendations

CIHRS calls on the Libyan authorities to:

I. Immediate Repeal of Specific Articles of the Penal Code

- A. The Libyan House of Representatives should immediately repeal specific Penal Code articles, particularly articles 206, 207, and 208 which permit the imposition of the death penalty and severe punishments for activities associated with freedom of expression and association.

II. Address the Cybercrime Law

- A. Amend the Cybercrime Law No. 5 of 2022, particularly Article 4, to remove broad and ambiguous terms that grant excessive power to the National Information Security and Safety Authority (NISSA). The amendment should clearly define what constitutes legitimate use of the internet and technological means, without infringing on freedom of expression and privacy.

III. Law No. 19 of 2001 on Freedom of Association

- A. Call upon the Libyan government to suspend the application of Law No. 19 of 2001, and any decision based on it.
- B. Urge the Libyan Parliament to promptly consider the October 2021 civil society law proposal by a significant portion of Libyan civil society and enact a new law that guarantees freedom of association.
- C. Issuance of a temporary Parliamentary Decree:
Urge the Libyan Parliament to promptly issue a temporary decree, which specifically adopts article 22 of the ICCPR on freedom of association as the interim framework governing associations, until a new law consistent with international standards is adopted.

IV. Investigate Arbitrary Detentions and Deaths

- A.** Call on the Supreme Judiciary Council and the Public Prosecutor to promptly initiate an independent inquiry into arbitrary detentions and deaths in custody, including high-profile cases such as that of Seraj Fakhruddin Dughman and instances of forced confessions related to religious and moral offenses. It is crucial to ensure transparency throughout the investigative process and to make the findings public, thereby upholding accountability without compromising any ongoing investigations. Urge the Libyan Parliament to promptly consider the October 2021 civil society law proposal by a significant portion of Libyan civil society and enact a new law that guarantees freedom of association.
- B.** Call upon the Libyan government for the immediate release of all individuals arbitrarily detained in Libya.