



Women Journalists Without Chains



Press Freedom in Libya:
Walking Through a Minefield



Navigating Libya's Press Freedom: A Dark Minefield

Journalists played a pivotal role in the Libyan revolution of **2011**, disseminating information and documenting violations. Following the revolution, the constitutional declaration¹ raised hopes for a multi-party system that would enshrine rights and freedoms, including press freedom. However, nearly fifteen years later, the landscape resembles the oppressive era of Colonel Muammar Gaddafi, where media served as a propaganda tool, silencing dissent and stifling critical voices.

Despite a rise in independent media outlets following Gaddafi's fall, the lack of a robust legal framework for press freedom has led to chaos and interference from armed groups and political factions. By the end of **2015**, Libya was effectively divided into rival governments, and the country's rank in the Reporters Without Borders Press Freedom Index plummeted from **134th** to **149th** place between **2014** and **2024**. As Libya continues to grapple with political instability, the future of press freedom remains uncertain, fraught with challenges that threaten journalistic integrity.

This report examines the legal and regulatory framework for press freedom in Libya, highlighting the persistent failure to advance this freedom more than a decade after the fall of Muammar Gaddafi's regime. It explores the challenges faced by journalists, the landscape of press discourse, and the prevalence of media misinformation. Furthermore, it discusses the uncertain future of Libyan journalism, noting that the decline in press freedom threatens the prospects for democracy and development in the country. The report emphasizes the lack of involvement from relevant authorities in enhancing the professional environment and supporting journalists who struggle to obtain accurate information.

Keywords: Press freedom, Libya, Legal framework, Challenges, Developments, Media, Journalists, Violations

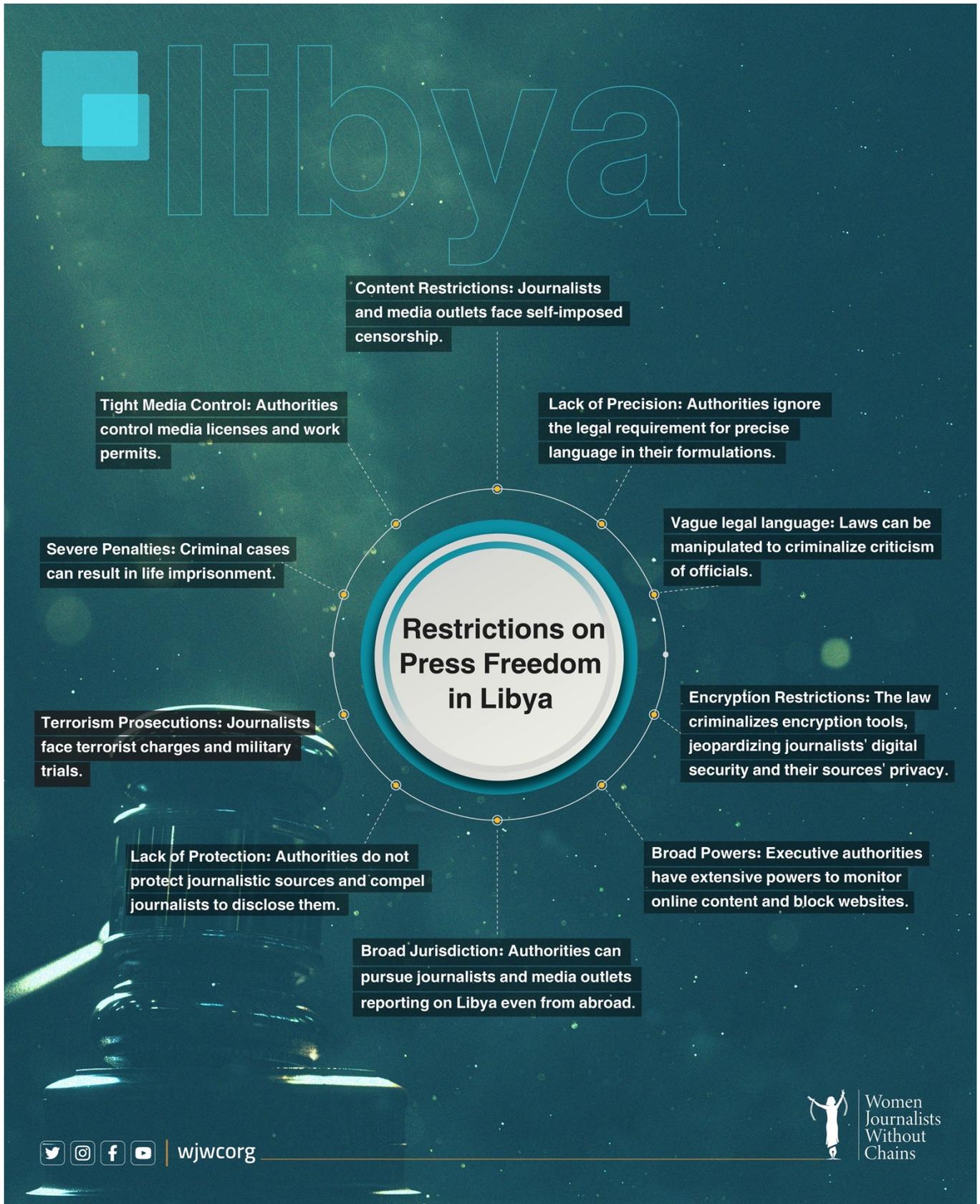
Methodology

This report utilizes desk research and analysis of Libya's legal and regulatory frameworks for press freedom, as followed in the first chapter. It also includes data

¹ Constitutional Declaration of 2011, published on August 3, 2011, accessed on September 1, 2024, at the link: <https://ls.org.ly/a/0v9f>.



from Women Journalists Without Chains and Libyan civil society organizations focused on press freedom and human rights from 2014 to 2024, offering a comprehensive overview of the media landscape's challenges and developments.





Chapter One: Legal and Regulatory Frameworks for Freedom of the Press in Libya

First: Legislative and Legal Restrictions

The end of Muammar Gaddafi's regime did not eliminate laws restricting press freedom in Libya. The 1953 Penal Code includes vague provisions that impose severe limitations on freedom of opinion and expression, potentially leading to the death penalty. Laws from Gaddafi's era, such as the Freedom Promotion Law and the Publication Law, allow for the condemnation of independent journalism through interpretations that contradict Libya's obligations regarding fundamental rights.

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Legal Frameworks and Regulations That Restrict Press Freedom in Libya

- Publications Law (1970)
- Electronic Crimes Law (2022)
- Penal Code (1953, revised in 2024)
- Anti-Terrorism Law (2014)
- Penal Code (1953, revised in 2024)

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- **The Libyan Constitution**

In 2011, following the overthrow of the Gaddafi regime, the National Transitional Council—acting as the interim legislative authority—issued a constitutional declaration. This ambiguous document was not ratified by an elected body. Nonetheless, Article 14 guarantees various freedoms, including opinion, expression, scientific research, communication, press, media, printing, publishing, movement, assembly, and peaceful protests, as long as they do not conflict with the law.²

In 2017, a new constitution was issued without a referendum,³ reaffirming the rights to expression and press freedom (Articles 37 and 38). It also includes a significant provision regarding international treaties, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which uphold press freedom. Article 13 establishes that ratified international treaties have a higher status than domestic law but are subordinate to the constitution.⁴

This implies that the official laws in the country must align with the following principles:

- Article 19 of the Universal Declaration of Human Rights guarantees freedom of opinion and expression, including the right to seek, receive, and impart information through any media without borders.⁵

² Constitutional Declaration of 2011, published on August 3, 2011, accessed on September 1, 2024, at <https://ls.org.ly/a/0v9f>.

³ In July 2017, over two-thirds of the Constitutional Drafting Assembly (elected in February 2014) approved the final draft of the constitution; however, the draft was not submitted to a referendum due to procedural issues.

⁴ In July 2017, more than two-thirds of the Constitutional Drafting Assembly (elected in February 2014) approved the final draft of the constitution; however, procedural issues prevented it from being submitted to a referendum. See: Al-Ali, Zaid, *The Final Draft of the Libyan Constitution: A Contextual Analysis* (October 2017), accessed on September 1, 2024, at [\[https://constitutionnet.org/vl/item/libyas-final-draft-constitution-contextual-analysis\]](https://constitutionnet.org/vl/item/libyas-final-draft-constitution-contextual-analysis) (<https://constitutionnet.org/vl/item/libyas-final-draft-constitution-contextual-analysis>).

⁵ Universal Declaration of Human Rights, accessed on September 2, 2024, at <https://www.un.org/ar/about-us/universal-declaration-of-human-rights>.



- Article 19 of the International Covenant on Civil and Political Rights affirms the right to seek, receive, and impart information in any form—whether orally, in writing, in print, through art, or any other medium.⁶
- Article 9 of the African Charter on Human and Peoples' Rights (1981) states that everyone has the right to receive information.⁷

While international instruments like the International Covenant and the African Charter recognize freedom of the press and expression, they emphasize that this freedom operates within the framework of local laws. These limitations, however, must be clearly defined, specific, precise, and easily accessible, as outlined in the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa. This principle is further echoed in the Libyan Constitution (2017), which guarantees press freedom and independence, prohibiting suspension or dissolution except by judicial order and disallowing pretrial detention in press cases.

- **Libya's Penal Code:**

The Penal Code (1953), amended in 2014, contains a number of vaguely worded articles that can be used to criminalize independent journalism, with penalties reaching the death penalty.⁸ These provisions directly contradict the Constitutional Declaration of 2011, the Interim Constitution of 2017, and Libya's international obligations regarding press freedom.⁹

Some of the most concerning articles include:

- **Insulting public officials:** This broad provision can be used to punish journalists for critical reporting on government officials or institutions.¹⁰

⁶ The International Covenant on Civil and Political Rights, accessed on September 2, 2024, at <https://tinyurl.com/yw29bm7e>.

⁷ African Charter on Human and Peoples' Rights, accessed on September 2, 2024, at <http://hrlibrary.umn.edu/arab/a005.html>.

⁸ Article 207 prescribes the death penalty for individuals who advocate for altering "the fundamental principles of the constitution or the basic structures of the social system," "overturning the political and social system of the state," or "economic systems."

⁹ Libyan Penal Code 1953, accessed on September 15, 2024, at <https://tinyurl.com/2cx38bqo>.

¹⁰ Article 205



- Insulting religion or religious figures: This article can be used to silence journalists who report on sensitive religious issues or criticize religious leaders.¹¹
- Harming the February 17 Revolution: This provision can be used to suppress any criticism of the revolution or its outcomes, potentially silencing journalists who question the current political system.¹²
- Inciting civil war or fragmenting national unity: This article can be used to punish journalists for reporting on conflict or social tensions, even if their reporting is objective and factual.¹³
- Promoting theories or principles that aim to change the constitution or social structures: This article can be used to silence journalists who advocate for political or social change, even if their views are peaceful and democratic.¹⁴

These restrictions are a clear violation of international law and a serious threat to press freedom in Libya. They create a climate of fear and self-censorship, hindering the free flow of information and preventing the Libyan people from accessing crucial information and perspectives.

- **Publications Law (1973)**

This law is the sole regulator of the written media, is outdated and heavily punitive. With 28 out of 51 articles focused on deterrents and discipline, it functions more like a penal code than a true publications law.¹⁵

The law, while claiming to support a free press, heavily restricts media freedom by requiring government licensing for operation and publication. It defines press freedom within the narrow confines of "societal values,"¹⁶ effectively imposing censorship by prohibiting content deemed "not beneficial" to society.¹⁷ Furthermore, it forbids publications that could negatively impact the national currency or government bonds.¹⁸

¹¹ Article 290, 291

¹² Article 195

¹³ Article 203

¹⁴ Article 207

¹⁵ Al-Asfar, Mohammed, "A Preliminary Reading of a Draft Law to Regulate the Media in Libya," published on November 16, 2022, accessed on September 16, 2024, at <https://tinyurl.com/2xnsykv>.

¹⁶ Article 1, Law No. 76 of 1972 regarding publications, Libyan Revolutionary Command Council, accessed on September 16, 2024, at <https://tinyurl.com/2xvdyxat>.

¹⁷ Articles (2, 5, 7, 9, 10, 25, 26, 28, 29, 31, 32, 38, 44, 45, 46).

¹⁸ Article 29, previous source 14



Despite the **2011** Constitutional Declaration's repeal of laws restricting freedom of opinion and expression,¹⁹ the government continued to require journalists and media outlets to register and enforced bans on books and publications under this law. This practice violates the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of expression.²⁰

- **Anti-Terrorism Law (2014)**

The **2014** Anti-Terrorism Law in Libya presents a significant threat to press freedom. The law's vague definition of "terrorist acts" leaves journalists vulnerable to prosecution for activities that fall within the broad scope of its provisions. This ambiguity, coupled with the law's criminalization of acts that "harm national unity," "disrupt public order," or "endanger the peace of society," creates a chilling effect on media reporting, particularly regarding sensitive topics related to security and political dissent.

Further exacerbating the situation is Article **15**, which punishes with imprisonment for up to **10** years "whoever promotes, publishes, or deceives in order to carry out a terrorist act, whether through speech, writing, or any other means of transmission or publication." This provision, along with Article **45** of the "Electronic Crimes" Law, which targets online content that promotes terrorist ideologies, creates a climate of fear for journalists and can easily be used to silence critical voices.²¹

The potential for journalists to be tried in military courts²² under the **2017** amendments to the "Military Law" further underscores the vulnerability of the press to arbitrary prosecution. This hinders their crucial role in informing the public about terrorism and its impact. Journalists should not be punished for doing their job.

- **Cybercrime Law (2022)**

¹⁹ Universal Periodic Review Libya (May 5, 2015) accessed on September 16, at: https://upr-info.org/sites/default/files/documents/2015-05/a_hrc_wg.6_22_lby_1_libya_e.pdf.

²⁰ ARTICLE 19, International Standards: Regulation of the Print Media, published on April 5, 2012, accessed on September 16, 2024, at <https://www.article19.org/resources/international-standards-regulation-print-media/>

²¹ Article 45

²² Ahmar, Nedaj, Freedom of the Press in Libya: The Road is Still Long, published on July 19, 2023, accessed on September 17, 2024, at <https://defendercenter.org/ar/7052>.



Libya's 2022 "Anti-Cybercrime Law"²³ was passed without meaningful consultation with key stakeholders, including press institutions, unions, and major publishers. The law is replete with ambiguous language designed to curtail freedom of expression and journalistic work, such as:

- **Broad Jurisdiction**

The law permits the use of the Internet, provided it does not violate public order or public morals, or cause insult or harm to others.²⁴ It asserts broad jurisdiction that extends beyond Libya's borders. Article 3 empowers Libyan authorities to target any individual, regardless of their location, if they believe that the consequences of specific acts could impact Libya, even if those acts are not punishable in the individual's country of residence. While universal jurisdiction can be applied to the most serious crimes to protect international order, this particular law does not aim to address such serious offenses.²⁵ The ambiguity surrounding the definitions of "public order" and "public morals" may lead to self-censorship among journalists and individuals, who may fear inadvertently violating these vague standards.

- **Far-Reaching Surveillance and Blocking Capabilities**

The law grants the National Information Security & Safety Authority (NISSA)²⁶ the authority to monitor all online activity and block "anything that spreads strife or ideas that could undermine the security and stability of society or harm its social peace."²⁷ In cases deemed "necessary for security or urgent," the agency is allowed to block websites or content without a prior judicial order. However, the law lacks clarity on what constitutes a security necessity or urgency.

Furthermore, the law penalizes anyone who publishes or distributes information that "incites racial, regional, or sectarian strife,"²⁸ as well as those

²³ Law No. 5 of 2022 on Combating Cybercrimes, published on September 27, 2022, accessed on September 17, 2024, at <https://ls.org.ly/z6xj>.

²⁴ Article 4, op. cit.

²⁵ The communication from the United Nations Rapporteur to the Libyan House of Representatives (OL LBY 3/2022), published on March 31, 2022, accessed on September 18, 2024, at <https://hrsly.com/wp-content/uploads/2022/06/OL-LBY-3.2022-DownloadPublicCommunicationFile.pdf>.

²⁶ The National Authority for Information Security and Safety was established by a government decision in 2013.

²⁷ Article 7 of the Anti-Cybercrime Law, op. cit.

²⁸ Article 29



who insult religious sanctity or rituals.²⁹ Article 37 imposes penalties on anyone who shares information deemed by the executive authority as "threatening public security and safety in the state or any other state."

These vague terms can lead to unnecessary and disproportionate interference with press freedom, as the law does not clearly define what poses a threat to societal security and safety. This lack of specificity leaves interpretation to the executive authority, which has the power to determine what constitutes state secrets, public morals, racism, and the overall safety, security, and stability of society.

- **Failure to Protect Sources**

The law imposes imprisonment and fines on anyone who is aware of what the executive authority defines as crimes but fails to report them.³⁰ Additionally, those who provide journalists with "government, security, military, or banking secrets" face life imprisonment.³¹ This effectively means that sources of information and whistleblowers are not protected, severely limiting their ability to communicate with journalists.

This provision positions journalists as potential offenders for accessing information or contacting sources, including whistleblowers, to report and share information in the public interest.³²

Whistleblowers have the right to share information, and their legal protection when disclosing information publicly is essential, particularly in light of the public's right to receive information.³³ This situation constitutes a violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which uphold the public's right to access "information and ideas of all kinds."³⁴

- **Digital Safety Amendment**

²⁹ Article 42

³⁰ Article 35

³¹ Article 47

³² Letter from the UN Rapporteurs to the Libyan House of Representatives, *ibid*.

³³ United Nations. (2015). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/2015/70/361). Retrieved September 18, 2024, from <https://documents.un.org/doc/undoc/gen/n15/273/11/pdf/n1527311.pdf>

³⁴ United Nations. (1948). Universal Declaration of Human Rights, Article 19; (1966). International Covenant on Civil and Political Rights, Article 19. Retrieved from <https://www.un.org/en/universal-declaration-of-human-rights> and <https://www.ohchr.org/en/instruments-mechanisms/international-covenants/international-covenant-civil-and-political-rights>.



The law prohibits the possession of any tools and means for encrypting information and messages,³⁵ undermining the digital safety and security of Libyan citizens. This restriction violates individuals' rights to privacy and the protection of their data and communications online.³⁶

We assert that the provisions of this law are inconsistent with the principle of proportionality, which is essential for any restrictions on freedom of expression and freedom of the press. Such restrictions must be appropriate to serve their protective function, in accordance with Article 19, paragraph 3, of the International Covenant. They must also be proportionate to the interests they intend to safeguard.

The principle of proportionality must be upheld not only in the legislation that outlines these restrictions but also in their implementation by administrative and judicial authorities.³⁷ The law permits the monitoring of online content and activities, the blocking of websites, and imposes excessively punitive penalties and fines.

Criminal penalties also represent a serious interference with freedom of expression and are disproportionate responses in all but the most egregious cases. Resorting to criminal law should be used only in very exceptional circumstances.³⁸

Second: Regulatory Restrictions

Since 2014, successive Libyan governments have issued numerous decisions affecting the media and its independence. However, these decisions typically lacked a comprehensive legislative framework to regulate the media sector, ensure its independence, and allow journalists to participate in discussions on public affairs without political interference. This situation stems from the ongoing political division in the country and the presence of numerous armed groups.

- **Libya currently has two governing authorities:**³⁹

³⁵ Article 9 of the Anti-Cybercrime Law, op. cit.

³⁶ United Nations Rapporteurs, Letter to the Libyan House of Representatives.

³⁷ Human Rights Committee - General Comment No. 34: Article 19 - Freedoms of Opinion and Expression, published on September 12, 2011, accessed on September 18, 2024, available at: <https://documents.un.org/doc/undoc/gen/g11/453/31/pdf/g1145331.pdf>.

³⁸ Letter from the UN Rapporteurs to the Libyan House of Representatives, op. cit.

³⁹ Later, the government in eastern Libya will be referred to as the "Tobruk government," while the government in western Libya was called the "Tripoli government" to distinguish between them.



- 1) Eastern Libya Authority: This authority is aligned with the "Libyan Arab Armed Forces" and its associated security services and militias, controlling the eastern and southern regions of the country. Its civil administration is commonly referred to as the "Tobruk Government."
- 2) Government of National Unity: Based in Tripoli, this government was formed following a political dialogue facilitated by the "United Nations" and governs western Libya. It is also subject to the Libyan National Army and its affiliated militias. Notably, most decisions and laws issued by the Government of National Unity originate from Tripoli.

As previously mentioned, the Press Law grants executive authorities discretionary power to license both private and public print and electronic media, as well as to issue licenses to journalists and correspondents. This has led to significant confusion among successive executive authorities. For example, in **2012**, the Transitional Council shifted the regulatory responsibility for public media from the Ministry of Culture and Civil Society to a newly established Supreme Council for Media.

However, by February **2013**, the Supreme Council was dissolved and replaced by the Ministry of Information, yet the ministry's role and structure remained ambiguous.⁴⁰ Given the proliferation of decisions, often contradictory in nature, this report will concentrate on the decisions issued between **2014** and **2024**, analyzing their impact on press freedom in the country.

- **Public Media**

Decision (597) of **2020** established the Libyan Media Corporation without consulting journalists or existing media outlets, granting the government extensive control over public institutions. This decision conferred significant powers to the corporation, which could potentially be used to suppress opposition and civil society organizations.⁴¹ Rather than reforming the legal status and role of the institution, this decision was repealed and replaced by Decision (116) of **2021**. This new decision transferred oversight of public institutions

⁴⁰ Al-Ahmar, p. 17, op. cit.

⁴¹ Libya | In an open letter to the Prime Minister of the Government of National Unity: Press freedom is the path to free and fair elections, Cairo Institute for Human Rights, published on April 15, 2021, accessed on September 21, 2024, <https://cihrs.org/libya-press-freedom-is-the-path-to-free-and-fair-elections/>



to six different ministries and government bodies, including the Council of Ministers, further entrenching government and political control over the media and facilitating the arbitrary dissolution of media outlets.⁴²

In August 2021, the Council of Ministers issued Resolution No. (301), which outlined the management of government communication and media. This resolution included provisions that placed the Government of National Unity in charge of the entire media landscape in Libya. Responsibilities included supervising media operations, monitoring content quality, proposing affiliated media outlets, and regulating the issuance of licenses for visual and print media operating in the country.⁴³

According to international standards ratified by Libya, public media should operate independently of government control, with strong safeguards to protect their independence and operational integrity. This principle is further supported by the 2011 Constitutional Declaration, which guarantees freedom of communication, opinion, and expression.

However, the Government Media and Communication Department does not adhere to these standards, as it remains under government control. This oversight threatens the independence of public media by influencing editorial lines and content to align with government interests.⁴⁴

- **Monitoring Media Content**

In 2021, Resolution No. 752 was issued to establish the General Authority for Monitoring Media Content. This authority includes an evaluation board appointed by the Prime Minister, tasked with addressing "violations" related to media content disseminated through

⁴² Al-Ahmar, pp. 17 and 18, op. cit.

⁴³ Article 2, Resolution No. 301 of 2021, establishing some provisions regarding the Communication and Media Department at the Cabinet Office, published on November 8, 2021, and accessed on September 21, 2024, at: <https://ls.org.ly/a9bv>

⁴⁴ Article 19, Libya: Latest governmental decision undermines media freedom, published on 20 August 2021, accessed on 21 September 2024 at: <https://www.article19.org/resources/libya-latest-governmental-decision-undermines-media-freedom/>.



various channels.⁴⁵ However, this resolution poses significant risks to press freedom and freedom of expression in Libya, particularly regarding public discourse. Key concerns include:

- The resolution does not provide a clear definition of "violations." Article 3 outlines that the authority will monitor issues such as "hate speech," "fake news," "media misinformation," "community peace and security," and "incitement." This vague language grants the authority broad powers to take punitive actions against media institutions, potentially leading to bans, license revocations, and program cancellations.
- The Prime Minister has complete discretion to appoint the president, deputy, and evaluation board for media institutions. Notably, there are no requirements for these appointees to have prior experience in journalism.⁴⁶
- The resolution allows the Council of Ministers to direct the authority to undertake additional tasks⁴⁷ without providing clarity on the nature, limits, or scope of these tasks.
- The authority claims the ability to monitor content broadcast from outside Libya, extending its reach beyond national borders without clear justification.⁴⁸
- Although the resolution suggests the authority is independent, its subordination to the Council of Ministers and the fact that its officials are appointed by the executive authority raise serious doubts about its actual independence.

Overall, this decision reflects an attempt by the Libyan state to impose monopolistic control over the media, undermining the rights of citizens

⁴⁵ Article 6, Resolution No. 752 of 2021 establishing the General Authority for Monitoring Media Content, published on 23 December 2021, accessed on 21 September 2024, at: <https://ls.org.ly/63s9> (<https://ls.org.ly/63s9>).

⁴⁶ Resolution No. 122 of 2022 regarding the approval of the organizational structure of the General Authority for Monitoring Media Content, published on 10 February 2022, accessed on 22 September 2024, at: <https://ls.org.ly/gibb>.

⁴⁷ Article 6 of Resolution No. 752 of 2021 establishing the General Authority for Monitoring Media Content (op. cit.).

⁴⁸ Article 3/1 of Resolution No. 752 of 2021 establishing the General Authority for Monitoring Media Content (op. cit.).



to freedom of expression and access to information. Such actions are in direct conflict with Libya's obligations under international law.

- **Conditions for Practicing Media Activity**

In 2022, Cabinet Resolution No. (811) was enacted to establish conditions and controls for practicing media activity in Libya. This legislation imposes significant restrictions on independent journalism and includes the following key points:

- The resolution empowers security authorities to control audiovisual media. Obtaining a license requires "security approval,"⁴⁹ and foreign company offices must secure approvals from the Libyan Intelligence Service, security authorities, and the Department of External Media at the Ministry of Foreign Affairs.
- Licenses can be revoked easily if media institutions violate vague "media controls,"⁵⁰ granting broad discretionary powers to the executive authority. Prohibitions include inciting sedition, tribal conflicts, spreading rumors, preserving Islamic values, and publishing information that could threaten national security.⁵¹
- The resolution excludes individual journalists by permitting licenses only for companies, violating Article 19 of the International Covenant on Civil and Political Rights. This oversight ignores the role of diverse entities, including individual bloggers, in journalism.
- The committee responsible for granting licenses lacks independence, as it is overseen by the Media and Government Communications Department at the Cabinet Office, which

⁴⁹ Resolution No. 811 of 2022 regarding the approval of the terms and conditions for practicing media activity, published on September 15, 2022, accessed on September 22, 2024, at <https://ls.org.ly/ua38>.

⁵⁰Article 4.

⁵¹Acknowledgment of the Media Controls Group, published on 15 September 2022, accessed on 22 September 2024 at <https://tinyurl.com/49w34eif>.



includes representatives from security and intelligence services.⁵²

- Licensing and renewal fees are exorbitant, ranging from **100,000 to 150,000** dinars (approximately **20,000 to 30,000** USD) for visual channels, and **35,000 to 55,000** dinars (about **7,000 to 11,000** USD) for radio stations. Such high costs hinder media continuity and growth.

This decision effectively grants extensive powers to intelligence and security services to regulate and monopolize the media landscape in favor of specific private sector entities. It facilitates significant intervention by executive authorities in Libya's pluralistic media environment, allowing control over programming, coverage of public affairs in private media outlets, and influence over their employees.

- **Code of Professional Media Conduct**

In **2022**, the General Authority for Monitoring Media Content introduced Decision No. (4) to establish a code of professional media conduct.⁵³ This code, overseen by a group of journalists, lawyers, and judges, is registered under the "Libyan Media Organization" and serves as a foundational reference for the Authority's work in monitoring media content. The rules outlined in this code align with fundamental principles of international human rights law and support the freedom of the press, providing a valuable regulatory framework for the media sector in Libya.⁵⁴

However, it is noteworthy that Article Two of the decision allows the Authority to reference prior or subsequent versions of the Code. It can also adopt decisions, memoranda of understanding, or agreements

⁵² A Libyan journalist spoke to "Women Journalists Without Chains" on September 5, 2024 via phone.

⁵³ Media Professional Conduct Code, February 2022, accessed on 9/22/2024 at: <https://gammc.ly/media-professional-conduct-blog/>.

⁵⁴ Ten years of violence and intimidation haunt journalists in Libya, p. 26, published on May 3, 2024, accessed on September 22, 2024, at <https://drive.google.com/file/d/1GVag3w9YTUy1wOKs3sxT9xNrbGfMqBrG/view>.



as supplementary references in its monitoring and evaluation processes.⁵⁵

Chapter Two: Violations Against Journalists in Libya (2014-2024)

As noted in the first chapter, Libya lacks laws or legislation to protect journalists, and no political party has offered guarantees for their safety. Consequently, journalists



<https://ls.org.ly/qn8f>.



Military leaders and armed groups claim that "independent journalists do not exist," viewing all media as partisan amid the chaos. This belief heightens risks for journalists and encourages them to seek protection from political parties, further stifling independent journalism. As a result, violations against journalists have surged over the past decade (2014-2024).

Journalists in Libya face severe repercussions for reporting on political and security issues amid ongoing political division. Violations include murder, physical assault, kidnapping, enforced disappearance, and prosecution. A director from a local media outlet reported to "Women Journalists Without Chains" that during periods of political and military tension, they receive threats via text from known security officials or see their social media flooded with threats if they publish stories that challenge any party.

First: Recorded Violations

In Libya, journalists are often directly targeted to intimidate their colleagues and send warnings to their media outlets that they could be next.

Perpetrators of these violations include the very parties that journalists expect to protect them. A Libyan journalist shared with "Women Journalists Without Chains" that several journalists have faced attacks from their own affiliated parties, especially after criticizing officials from those parties or their allies. They received threats against reporting or seeking assistance from the media or human rights organizations.⁵⁶

A total of 550 violations against journalists and media outlets were recorded in Libya from 2014 to 2024. The highest number of violations occurred between 2014 and 2017, primarily due to security chaos and escalating political divisions.

⁵⁶ Annual report of Women Journalists Without Chains, 2022.



Table (1) displays the violations monitored by year in Libya⁵⁷

The repression and targeting of independent journalism in Libya over the past decade is clearly reflected in the country's declining position in RSF's World Press Freedom Index.

Table (2) displays Libya's ranking in RSF's World Press Freedom Index over the past decade

Table (1)

Year	No. of Cases
2014	96
2015	96
2016	104
2017	50
2018	76
2019	41
2020	25
2021	14
2022	22
2023	26
Total	550

Table (2)

Year	Ranking
2014	137
2015	154
2016	162
2017	163
2018	162
2019	162
2020	164
2021	165
2022	143
2023	149

⁵⁷ The table is based on statistics from the Monitoring Unit of Women Journalists Without Chains (2022-2023), as well as annual reports from the Libyan Center for Freedom of the Press (2014-2020) and the Libyan Organization for Independent Media (2021).



The situation for the press during Muammar Gaddafi's era was similar. In **2010**, Libya's ranking was **160**, while in the preceding decade (**2002-2010**), it reached a low of **162** and a high of **129**.

According to the Libyan Center for Freedom of the Press, **41%** of violations against journalists are perpetrated by official entities, including government and security forces. Furthermore, **40%** are attributed to tribal and unidentified groups, **15%** to irregular armed factions, and **4%** to the Islamic State (ISIS). Notably, over **54%** of these violations specifically target independent journalism.

Second: Killing of Journalists and Incidents of Assault



Libya ranks among the most dangerous countries for journalists in the MENA region. Between **2014** and **2020**, the Libyan Center for Freedom of the Press documented the killings of **20** journalists, while **82** others experienced threats or attempts on their lives. A notable incident occurred in **2019** when photojournalist Mohammed bin Khalifa, working for the

Associated Press, was killed while covering militia clashes in Tripoli.⁵⁸ Additionally, in **2018**, journalist Musa Abdul Karim was kidnapped in Sabha and was found dead the same day.

While some may perceive an improvement in the situation since **2021**, this is misleading. The apparent change is not due to a decrease in violations; rather,



authorities in both the east and west have intensified their efforts to intimidate and silence media professionals. This includes threats of violence and imprisonment. For instance, on April **19, 2024**, political commentator Siraj Daghman died under suspicious circumstances in the General Directorate

⁵⁸ A photojournalist was killed while covering clashes between militias in Tripoli, published on January 22, 2019, accessed on September 26, 2024, at: [<https://tinyurl.com/2aeb5o9b>]
(<https://tinyurl.com/2aeb5o9b>).



of Internal Security in Benghazi,⁵⁹ following his arrest in October 2023 alongside writer and politician Fathi Al-Baja.⁶⁰ Additionally, in March 2022, 22-year-old blogger Jaballah Al-Tayeb Al-Shariri was killed after being tortured by members of the Joint Forces in Misrata,⁶¹ following his outspoken criticism of his detention.

Over 100 cases of assault on journalists, both male and female, have been documented while they were performing their duties. In February 2022, Mabrouka Al-Masmari, a correspondent for Channel 218 in Benghazi, was attacked and beaten by a group of eight individuals.⁶² Those in power have utilized their militias and forces to intimidate journalists, resulting in a significant decline in independent journalism, heightened polarization, and many journalists seeking alternative professions outside of journalism.

Third: Abduction and Prosecution

In Libya, the kidnapping, arrest, and detention of journalists by armed groups have become commonplace. Over the past decade (2014-2023), many independent journalists, regardless of gender, have faced arrest or detention. A total of 151 cases of kidnapping, arbitrary arrest, and detention of journalists and media professionals have been documented,⁶³ with most individuals being released after varying periods, from days to several months.



Notably, there have been eight prosecutions related to these incidents. One significant case involved photojournalist Ismail Bouzriba, who was sentenced to 25 years in prison by a military court in Benghazi in May 2020, following his arrest in December 2018 on

⁵⁹ Libya: Arbitrarily Detained Political Analyst Dies, published on May 24, 2024, accessed September 27, 2024, at <https://www.hrw.org/ar/news/2024/05/24/libya-arbitrarily-detained-political-analyst-dies>.

⁶⁰ Women Journalists Without Borders. *2023 Annual Report*.

⁶¹ The killing of blogger “Al-Tayeb Al-Shariri” and the mutilation of his body in Misrata, published on March 6, 2022, accessed September 27, 2024, from <https://tinyurl.com/22fughkg>.

⁶² Summary of the human rights situation in Libya during the year 2022, published on February 13, 2023, accessed on September 27, 2024, at: <https://defendercenter.org/6888>.

⁶³ Monitoring Unit of Women Journalists Without Chains (2022-2023); Libyan Center for Freedom of the Press (2014-2020); Libyan Organization for Independent Media (2021).



charges of "collaborating with media outlets that support terrorism." He was ultimately released in September 2021 after receiving a presidential pardon.⁶⁴

Chapter Three: Information Disorder in Libya

Amid the ongoing attacks on Libyan journalists, the rise of hate speech and misinformation poses a significant threat to society's right to access information. The media finds itself at the center of a turbulent landscape that exacerbates political and social divisions, contributing to increasing instability in the country.

Despite Libya's membership in international conventions that prohibit hate speech, the legal framework remains inadequate. Although the law criminalizes hate speech, discrimination, and misinformation, the Libyan legislature has failed to provide clear and specific definitions for these terms, as discussed in Chapter One.

The United Nations defines hate speech as "any type of communication in speech, writing, or behavior that attacks or employs derogatory or discriminatory language against a person or group based on their identity, including religion, ethnic origin, nationality, race, color, descent, or any other identity factor."⁶⁵

Journalists and media outlets in Libya report feeling compelled to align with one side of the ongoing conflict, compromising their editorial independence.⁶⁶ This pressure has fueled extremist rhetoric that exacerbates tensions, deepening societal divisions rooted in hatred and discrimination. The consequences are severe, resulting in real harm, including deaths, enforced disappearances, and the silencing of civil society and human rights defenders.

First: Hate Speech and Misinformation

Hate speech and misinformation are interconnected phenomena. Often, the cycle begins with misleading news, which can escalate into hate speech directed at individuals targeted by such misinformation. Misinformation involves the manipulation of facts, frequently initiated by fake accounts on social media—some

⁶⁴ Al-Zailiq, Ahmed. Why Do Journalists' Killers Escape Justice in Libya?, published on September 23, 2022, accessed on September 27, 2024, at: [\[https://tinyurl.com/23cv33t3\]](https://tinyurl.com/23cv33t3)(<https://tinyurl.com/23cv33t3>).

⁶⁵ What is Hate Speech? (United Nations), accessed September 28, 2024, at: <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>.

⁶⁶ Al-Fellah, Kholoud. When Will Hate Speech Stop in the Libyan Media?. published on December 8, 2023, accessed on September 28, 2024, at: [\[https://tinyurl.com/2dfloek9\]](https://tinyurl.com/2dfloek9)(<https://tinyurl.com/2dfloek9>).



of which may originate from outside the country but use Libyan identities.⁶⁷ This fabricated information can then be disseminated through various media channels as supposedly verified news, thereby amplifying hate speech and contributing to rising violence within the country.

In Libya, the media landscape has devolved into a propaganda tool for the various factions embroiled in the ongoing political conflict. Some channels have gone so far as to broadcast live interrogations of defendants conducted by individuals posing as "media professionals." Weekly programs air testimonies and confessions of detainees,⁶⁸ despite international laws prohibiting the presentation of defendants in the media. One such program, hosted by a prominent journalist who claims to be a war correspondent, has garnered particular attention. The United Nations Mission in Libya has documented several instances of these broadcasts, particularly concerning the confessions of individuals who are below the legal age. Tragically, the bodies of some defendants featured in these episodes have been discovered discarded in garbage dumps, highlighting the grave consequences of such practices.

Lack of Legislation

The interplay between hate speech and freedom of opinion underscores the need for clear, unambiguous legislation that defines their relationship without room for interpretation.⁶⁹

In **2021**, the Government of National Unity established the General Authority for Monitoring Media Content to enhance Libyan media quality and combat hate speech, incitement, and misinformation. However, its independence is questionable, as the Prime Minister appoints its leadership and evaluation board (Articles 4 and 5) and holds broad powers that can restrict press freedom through media license

⁶⁷ Shehata, Al-Sayed. Libya and Information Disorder: Misinformation and Combating It Between Causes and Results, published on November 26, 2021, accessed on September 28, 2024, at: <https://tinyurl.com/28jfbtv3>.

⁶⁸ Al-Madwali, Imad. Media in Libya: From a Beautiful Dream to a Terrifying Nightmare, published on November 23, 2017, accessed September 28, 2024, at: <https://institute.aljazeera.net/ar/ajr/article/406>.

⁶⁹ Al-Fellah, op. cit.



access limitations. Reports show a decline in hate speech, with 1,527 violations in 2023 compared to over 20,000 in 2022.⁷⁰

The Code of Conduct established under Resolution 811 of 2022, which media outlets must sign to obtain or renew licenses, primarily serves as a tool to restrict media content rather than regulate it effectively.

There is a lack of legislation protecting press freedom and journalists' work, leaving the media unprotected and vulnerable to political conflicts. This hinders the development of journalism, which has shifted from the "dictatorship of an individual" under Muammar Gaddafi to a multi-party dictatorship.

Both sides of the conflict neglect press freedom, with authorities in the East and West prioritizing media control to reinforce their narratives instead of addressing hate speech and misinformation. This creates a challenging environment where civil society organizations, lacking authority and resources, struggle to establish organized procedures for press freedom. Although they have proposed drafts for media regulation and codes of conduct to combat hate speech, these efforts have yet to yield significant results.



The Rise of Hate Speech and Misinformation in Libyan Media (2014-2024)

- Media as a Battlefield: The fractured political landscape has turned media outlets into powerful propaganda machines, fueling hate speech and escalating violence across Libya.
- Legal Gaps: The absence of clear and decisive legislation leaves room for interpretation, failing to adequately criminalize hate speech and misinformation in the media.
- Vulnerable Voices: Without robust protections for press freedom, journalists find themselves at the mercy of political strife, rendering the media susceptible to



Chapter Four: Recommendations

Libya has a troubled history of restricting freedom of opinion and expression, as well as press freedom. The overthrow of Muammar Gaddafi's regime in 2011 and the announcement of a democratic system raised hopes for the development of journalism and media in Libya. However, after over a decade, press freedom in the North African country remains stagnant and increasingly unstable.

First: Executive and Legislative Authorities

- Establish a constitutional framework that explicitly protects press freedom, journalists' rights, and privacy, in line with agreements and covenants signed by Libya.
- Prosecute crimes against the press to ensure that offenders, including those guilty of murder, kidnapping, and torture of journalists, face punishment and accountability.
- Develop a clear legal framework that safeguards press freedom, review outdated laws for alignment with international standards, and legislate protections for journalists' work, including measures for their safety. (Refer to Chapter One for identified shortcomings.)



- Repeal or amend any legal provisions that unjustifiably restrict freedom of expression, in accordance with international standards. Eliminate laws that criminalize criticism of public officials, government representatives, and security or military personnel, as well as provisions that grant the executive authority the discretion to interpret the actions of journalists and the media.
- Abolish and reevaluate the classification of press-related offenses as criminal penalties, as they significantly interfere with freedom of expression. Criminal law should only be applied in exceptional circumstances that are clearly defined in legislation. Additionally, remove press offenses from anti-terrorism laws and put an end to the prosecution of journalists in military courts.
- Enact a dedicated law to regulate public and private media, developed with input from stakeholders and experts, aligning with international law; remove unnecessary licensing requirements and barriers to entering journalism, while ensuring media institutions remain independent from executive and security influences.
- The legislative authority must establish a supervisory role to enhance transparency and accountability of the executive regarding press freedom, in line with international standards. It should not collaborate with the executive in enacting laws that undermine the fight against corruption and freedom of opinion and expression. Additionally, it should hold accountable any officials who exceed their authority in this regard.
- Ensure equal media access for all segments of society and their affiliations, allowing journalists to cover government events without discrimination.
- Enhance the safety of journalists and media outlets from armed groups and authorities by implementing a comprehensive public policy framework to address hate speech:
 - Establish a clear government strategy to promote pluralism, diversity, and critical media engagement.
 - Support Libyan community initiatives focused on human rights and intergroup dialogue.
 - Train government and security personnel in media relations, emphasizing transparency and the right to access information.
 - Ensure inclusive access to public media for all, empowering women, minorities, and vulnerable groups to exercise their freedom of expression.



Second: Civil Society Organizations

- Ensure legal protection for freedom of expression by drafting laws that regulate media, uphold press freedom, and protect journalists in Libya.
- Participate actively in shaping policies and laws related to the press.
- Support press freedom as a fundamental value of pluralism and democracy.
- Monitor media performance and report violations of press freedom, providing assistance to journalists facing prosecution, harassment, or pressure.
- Initiate a strategy to prosecute individuals who kill or kidnap journalists, ensuring accountability and justice.
- Enhance communication among media entities to address issues of hatred, discrimination, and violence.
- Facilitate dialogue between groups to establish a shared vision for preserving press freedom and the integrity of journalism.
- Encourage dialogue between media and citizens, fostering community involvement in press-related concerns.
- Support journalist training on international standards for independent journalism and collaborate with regional and international organizations to share expertise in promoting press freedom in Libya.
- Advocate for international support for accountability regarding violations against journalists, whether through local mechanisms, security sector reforms, or international accountability measures.