



Media Freedom Violations in
Libya from May 2021 to May
2022

2021/2022



Annual Report 2022

40% of assaults are in Sirte city and 10% of assaults are against female
journalists

29% Arbitrary Decisions and Actions

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Methodology

This report about Media freedom in Libya was prepared by the Libyan Organization for Independent Media (LOFIM) after investigating the matter through conducting a series of face-to-face, email and phone interviews with activists, journalists, media outlets owners, relatives and friends of the victims and government officials, as well as monitoring government policies, resolutions and the actions taken by the Libyan authorities regarding the journalistic work between May 2021 and May 2022.

Summary

One of the organization's main objectives is to protect journalists against the violations they face due to the critical aspect of their job; therefore, LOFIM has prioritized the monitoring, documenting, and following up of these violations that are considered the greatest threat to Libyan journalists and their families.

The recurrence of media freedom violations in Libya from May 2021 to May 2022 remained at the same level and context for the past years. The total number of media freedom violations documented by LOFIM team during that period 14 violations, ten violations were attacks against journalists in five Libyan cities, which varied from enforced disappearances and arrests. Arbitrary and physical assault. 40% of these violations happened in city Sirte, then Tripoli and Benghazi with 20%, then Surman and Ajdabiya with 10%.

In Libya, women journalists are still being attacked, in which 10% of the total violations are recorded against women journalists.

Table (1) Violations committed against journalists in Libya from May 2021 to May 2022

City	No. of Violations	Percentage
Sirte	4	40%
Tripoli	2	20%
Benghazi	2	20%
Surman	1	10%
Ajdabiya	1	10%
Total	10	100%

Unfortunately, lawsuits for defamation, publishing secret news, inflaming public opinion, and other lawsuits that exist in the articles of the Libyan Penal Code and related to media freedom are still filed against journalists despite the international condemnations of these articles and the necessity of amending them so that the method of dealing is limited to civil lawsuits in these cases, with fines rather than imprisonment unless they are incitement to racial or religious hatred, or incitement to discrimination, aggression, violence, war or hate speech, which is criminalizes by International conventions.

Through the issuance of this report, LOFIM intends to affirm its role in monitoring and documenting these violations and to demonstrate the seriousness of the safety and the lives of journalists as well as the safety of their families, which requires from the public and all sections of society including legal, human rights, and media institutions to have a serious and immediate action to stop these abuses.

The organization also has documented four violations against Media freedom in Libya, mainly arbitrary decisions and actions by both the legislative and executive authorities.

Table (2) Violations against Media Freedom in Libya from May 2021 to May 2022

Violation	Number	Percentage
Attacks on Journalists	10	%71
Arbitrary Decisions and Procedures	4	%29
Total	14	%100

Details of the Violations:

These are the details about the violations committed against journalists that were monitored by the organization from May 2021 to May 2022.

3 June 2021

The kidnapping of the civil activist and journalist “Mansour Aati” near the headquarters of the Red Crescent office in the city of Ajdabiya by three unknown cars. He was arbitrarily kidnapped, in which it became clear later on that he was transferred to a prison belonging to Tarik Bin Ziad battalion in Benghazi. He was released on 4 April 2022 after several domestic and international claims.

31 July 2021

The arrest of the journalist Ahmed Al-Sanusi by the Central Bank security officers in front of the Central Bank’s headquarters in Tripoli after his call for a demonstration against the policies of

Central Bank's governor. The detention lasted for hours before Al-Sanusi posted that he was in the Internal Security Office, and he was in good health.

22 August 2021

The Government of National Unity (GNU) issued Resolution 301 of 2021, which would increase the government's influence on the entire media landscape and threaten the freedom of the country's media and pluralism. Resolution 301 of 2021 contains several articles that would put the government's hand on Libya's entire media system. The decision follows another decision on 15 June 2021, in which supervision of 10 public media organizations was distributed to six government agencies, including the Council of Minister, which now oversees four media organizations.

The decision posed a real threat to the freedom and independence of the media in Libya, where very broad powers were given to an administrative body under the prime minister to oversee the media sector without any respect for international standards.

This decision is contrary to Article 15 of the Constitutional declaration, which provided for the State's guarantee of freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the Media, printing, publication, and mass media.

Also, the resolution contradicts Article 19 of the International Covenant on Civil and Political Rights ratified by Libya. Under international standards, public media should be independent of the government, as well as there should be strong guarantees of their administrative and functional independence. The Department of Information and Communication lacks the above-mentioned safeguards because it is under the presidential authority of the Government, which would threaten the independence of the public media by interfering with its editorial line and employing media content to serve the government's interests.

9 September 2021

Libyan journalists representing international media agencies and television channels were deliberately ignored by the German Foreign Minister at a Media conference on Thursday morning, 9 September 2021, after being invited by the Information Office headed by the Government of National Unity (GNU) to cover the German Foreign Minister's visit to Tripoli.

LOFIM called on those responsible for inviting journalists to cover events to coordinate effectively in order to ensure the right to equal participation of the journalists with other representatives of media organizations without any form of discrimination.

11 September 2021

LOFIM welcomed the release of photojournalist Ismail Bouzriba Al-Zwia on Saturday, 11 September 2021, after being held for nearly two years and nine months in the Benghazi military prison.

The security authorities in Ajdabiya arrested Al-Zwai in December 2018 after he was accused of working with channels accused of supporting terrorism.

In May 2020, a military court sentenced Al-Zwai to 25 years in prison in a secret hearing that did not meet the fair trial's requirements.

LOFIM and its partners, led a campaign to denounce the unjust sentence against Al-Zwai, demanding that the authorities in the eastern Libya to release him and drop criminal charges against him.

LOFIM appeals to the Libyan authorities to release prisoners of conscience and to disclose information about the forcibly disappeared, and asserts that the trial of citizens, whether civilians or military, before military courts in cases of opinion and expression is a serious violation of Libya's international obligations to protect freedom of opinion and expression and violates the Libyan constitutional declaration and international conventions.

20 September 2021

Following a defamation complaint filed by a Surman city official, the anchor "Hamza Fawzi" was arrested and held in a prison in Surman police station. After a Media conference, Hamza Fawzi posted on the COVID-19 National Coordination Committee's page in which he discussed the challenges Covid-19 patients are facing due to the lack of oxygen that led to several deaths in the city, blaming the hospital's director for this failure. Therefore, the Director of Surman Medical Center filed a defamation complaint against the media worker "Hamza Fawzi."

The journalist was summoned and appeared before the prosecutor, who then ordered a six-day extension of his detention pending investigation into the charge of defaming the hospital director.

Hamza remained at the police station's prison from 20 September 2021 and went on a three-day hunger strike to be transferred on 24 September 2021 to the Great Surman Clinic after his deteriorating health condition. On 27 September 2021, he was transferred to Joudaym prison in Az-Zawiya city, where he remained for five days to be released on 30 September 2021, after the complainant waived off.

After Hamza attended two sessions with his lawyer Mr Wael bin Ismail, the first was on 7 November 2021 and the second on 25 November 2021, the court decided on 4 December 2021, drop the case and close the file with the plaintiff's waiver.

Hamza's case shows that defamation cases that are punishable by article 439 of the Libyan Penal Code continue to be used against journalists and bloggers to silence their critical voices and that the pre-trial detention of journalists and bloggers in cases of opinion and expression is still in place. Hamza has worked as an anchor in Al-Oula Radio in Surman, Libya and Al-Rassmya TV channel, and was one of the volunteers in the Covid-19 committee in Surman.

3 October 2021

Photojournalist Saddam Al-Sakt went missing Saturday, 23 October 2021. He disappeared while he was covering an immigrant protest in Janzour, Tripoli. Saddam's fate remained unknown for a long time until he was released on 31 January 2022. Saddam has chosen not to talk about his imprisonment in Tripoli for safety reasons.

22 November 2021

The kidnapping of journalist Siraj Abd Al-Hafid Al-Meqasbi at noon on Monday, 22 November 2021, in Benghazi by an armed group, which stormed the headquarters of Al-Hayat Libyan newspaper, and intimidated employees and journalists, refusing to make any official summons or show official papers explaining why they were taking journalist "Siraj al-Meqasbi", who works as a journalist cooperating with a branch of the Authority in Benghazi.

Siraj al-Meqsabi was released on 29 December 2021, without explanation from the security services for reasons of his arrest and the enforced concealment for more than 36 days.

24 November 2021

On Wednesday 24 November 2021, Journalist Mohammed Al-Amyal was arrested and interrogated by security agencies in Sirte and released on 25 November 2021. Information received by the organization confirmed the arrest of two other journalists in Sirte but did not receive any detailed information about them because of the major threats that journalists are experiencing in Sirte. Al-Ameel is a correspondent for the Libyan News Agency in Sirte.

5 December 2021

The Foreign Media office at Ministry of foreign affairs in Tripoli internally delayed issuing approvals/accreditation to representatives of foreign media in Libya to cover the elections, which were planned for 24 December 2021.

Representatives of foreign media organizations registered in Libya complained that The Foreign Media office deliberately delayed issuing the necessary approvals within appropriate deadlines to cover the elections, where they applied for approval to cover the elections since October 2021; yet they did not receive a response until 3rd December 2021.

17 December 2021

The Libyan House of Representatives (HOR) passed Law No. (8) of 2021, which made the Libyan News Agency (LANA) under the presidency of the House of Representatives, in an extraordinary step to control and dominate the public media.

By going through the texts of the law in question, they were found to be unconstitutional and pose a real threat to the freedom and independence of the media in Libya, as some articles

relating to the appointment of members of the Agency's Board of Directors had been amended in a politically dominated manner, with the uniqueness of the Presidency of the House of Representatives and the Speaker of the House of Representatives. There were no indications of the involvement of political and professional parties and civil society organizations, and standards of competence, integrity, and independence in the appointment of members were absent.

Media legislation contrary to international principles of media and Media freedom, integrity and independence is leading to a decline in Libya's Media freedom index.

This step shows the struggle of the legislature (HOR) and the executive (GOV) over the sharing of public media between the prime minister and the ministries of the "executive branch" and the House of Representatives "the legislature" in clear violation of international conventions on media and Media freedom.

12 February 2022

On Saturday, 12 February 2022, an armed group of eight people attacked and harassed the female photojournalist "Mabrouka Al-Masmari" in Benghazi while driving her car. Mabrouka works as a field reporter and photographer for Channel 218 in Benghazi. They harassed and verbally assaulted her with insults and accusations while she was going for a Media mission. Miss Mabrouka had to leave Libya after the incident.

26 March 2022

On Saturday evening, 26 of March 2022, Mr Al-Rifawi was arrested in city of Sirte by an armed group that describes their action as a result of Al-Rifawi's media reports that fuel the public opinion against the work of the municipality of Sirte. His fate and whereabouts remain unknown.

End of violations details

LOFIM clarifies that this report does not mean monitoring all media freedom violations in Libya , as many violations have been kept secret for a number of reasons, including the unwillingness of victims to make them public and document them for fear of reprisals by the aggressors. Also, LOFIM stresses that the State with all its relevant institutions is obliged to provide protection to journalists and media institutions as an interpretation of its commitment to respect the relevant charters, respect for the application of Article 19 of the Universal Declaration of Human Rights, and to promote Media freedom, which requires legal cover and constitutional protection for Media workers during the course of the Media of the daily events for the sake of their lives.

Recommendations:

- Urge Libyan authorities to take further steps to protect Media freedom and provide a media-friendly environment through which they can operate freely, indiscriminately, and without fear of reprisals or arbitrary punishment.

- Call on the Libyan authorities not to complicate the practice of journalistic work through a body tasked with giving permissions to practice journalism in accordance with international standards and ensuring that journalists have access to possible facilities to obtain information
- Demand the Legislative authorities to pass a new law regulating the media in Libya and repeal legislation that punishes crimes related to peaceful expression and international conventions on the protection of Media freedom signed by the Libyan state.
- Demand the authorities criminalize the trial of journalists before military courts and amend the anti-terrorism law and that the trial of citizens, whether civilians or military, before military courts in cases of opinion and expression is a serious violation of Libya's international obligations to protect freedom of opinion and expression as well as violates the constitutional declaration and international conventions.
- Urge Libyan authorities to conduct immediate and serious investigations to find practical and effective mechanisms that will decisively end impunity for crimes against journalists in Libya and to end incitement and hatred campaigns.
- Call on the Libyan authorities, the international community, and other relevant actors to work vigorously to hold accountable those who have committed crimes against journalists and that the perpetrators of these violations do not remain unknown.
- Call on the Libyan authorities to adopt the recommendations of the UN Plan of Action on the safety of journalists and the issue of impunity.

The Libyan Organization for Independent Media (LOFIM)

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