



## Stakeholder report

United Nations Human Rights Council

Universal Periodic Review 2019

Libya

Freedom of Press- Submitted by the Libyan Center for Freedom of Press

### Key concerns

- Libya's domestic laws fail to safeguard or guarantee freedom of press in compliance with international human rights laws and standards.
- The Libyan state has adopted new laws and regulations that undermine freedom of press and democratic accountability by unjustifiably restricting and criminalising forms of legitimate expression.
- State regulation of the press is currently not transparent and lacks any mechanism to ensure its independence or accountability.
- Media professionals are actively targeted by militias and armed non-state actors for the nature of their work. The Libyan state has not taken sufficient steps to investigate or prosecute the perpetrators of such offences or better protect the fundamental human rights of media professionals.

### Introduction

1. The Libyan Center For Freedom Of Press (**LCFP**) is a Libyan independent organisation established by a group of journalists dedicated to the protection of the freedom of the press and media, the promotion of a free press and the development and capacity building of new young journalists.
2. This report focuses on the most serious concerns and violations related to the right of freedom of expression, as it relates to the press, to be used by the Human Rights Council in its Universal Periodic Review of Libya in 2020.

3. During the last UPR cycle Libya accepted ten recommendations related to freedom of expression and the right of journalists to carry out their work without hindrance.<sup>1</sup> However, the Libyan state failed to implement the recommendations and freedom of expression is still hindered and undermined in law and practice. One of the major concerns during the last four years is the restrictions journalists imposed on themselves in producing media materials that is critical of all sides to the conflict. This is mainly to avoid attacks and violence on the hands of all parties to the conflict.
4. Militias and armed groups enjoy total impunity and many journalists fear to report the attacks against them because of the threats they receive from the different militias and armed groups that carried out these attacks and violations.
5. The media sector in Libya is completely biased and not independent. It mainly serves people with personal interests and is being used to incite hatred and violence.
6. Since 2015, the LCFP documented 328 attacks on journalists because of their journalistic work.

### **Killing of journalists**

7. The LCFP documented 15 cases where journalists were killed because of carrying out their journalistic work particularly when covering the armed conflict in Libya. Most of the journalists were because there holding a camera.
8. Sufian al-Sharaby and Nazir Al-Katary, two Tunisian journalists, were believed to have been abducted in March 2014 on the hand of ISIS in al-Brega, in East Libya while they were covering the armed conflict there. In April 2015, the Ministry of Justice of the Interim Government announced that the two journalists alongside another five Libyan journalists that worked in Barka TV, were killed on the highway between Tobruk and Ajdabia, East Libya. The Public prosecution office of the interim government published pieces of the investigations with some of the ISIS members that were arrested later confessing that they killed the seven journalists.
9. On 21 July 2016, ISIS killed Raed TV correspondent Abdel Qader Fsouk with a sniper gunshot during the battle of Sirte.
10. On 2 October 2016, ISIS killed Dutch journalist Jeroen Oerlemans in the city of Sirte where he was covering the self proclaimed Libyan National Army offensive against ISIS in the city. He was transferred to Misrata hospital and dies on 3 October 2016 as a result of gunfire in the chest.
11. The LCFP has also documented 40 cases of the attempted murder of journalists for carrying out their journalistic work. Most of the attacks happened in Libya's biggest cities of Tripoli, Benghazi and Sabha. The attacks were carried out either by militias or armed groups.
12. In almost all the above incidents, the Libyan state has not conducted sound investigations into these attacks to bring those responsible to justice, while perpetrators enjoyed total impunity.

### **Arbitrary detention and enforced disappearances**

13. Most of the incidents of arbitrary detention and enforced disappearances are carried out by direct orders from the different militias affiliated with both governments in east and west Libya.
14. The self proclaimed Libyan National Army (LNA) headed by Field Marshal Khalifa Haftar, routinely abduct independent journalists and detain them in notorious prisons such as the Gernada and al-Kuwaifeya prisons in Benghazi. For example, photojournalist Abdallah Talouba

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<sup>1</sup> Recommendations number 137-37, 137-116, 137-117, 137-151, 137-152, 137-152, 137-153, 137-154, 137-173, and 137-177 can be accessible on <https://www.upr-info.org/en/review/Libya/Session-22---May-2015/Responses-to-Recommendations#top>

remains detained under conditions of enforced disappearance after he was abducted by the LNA on 13 February 2017. He remains disappeared until the date of writing this report. The case of Abdallah Talouba is one among many cases that face the same in east Libya.

15. Similarly, in west Libya, militias affiliated with the Government of National Accord (GNA) commits notorious violations against independent journalists for merely carrying out their work as journalists. For example, on 25 September 2016, blogger Jaber Zain was abducted for participating in a conference about women's rights in Tripoli. He was taken to an undisclosed location where he was subjected to torture and other forms of ill-treatment including starvation and psychological torture. Zain was held for 14 months under detention and the General Intelligence deported him to Sudan.

### **Kidnappings, torture and other forms of ill-treatment**

16. Militias integrated under national institutions in both governments are responsible for systematic kidnappings linked to torture and other forms of ill-treatment against journalists. Over the last four years, the Libyan Center for Freedom of Press documented 56 cases of kidnappings, torture and other forms of ill-treatment against journalists. One of the well-known cases is of journalists Ali al-Asbaly and Ahmed al-Hawaz, who were kidnapped and then tortured in Gerneda prison that is controlled by militias affiliated to the LNA. The two journalists were kidnapped in March 2016 and taken to Gernada prison where they were tortured including by stripping naked before they were released in June 2016 after the intervention of many tribal leaders.
17. On the other side, the GNA and its security agents increased their repression against journalists specifically those covering the migration crisis. For example, in July 2018, four Libyan journalists working for Reuters and some French outlets were kidnapped for covering the disembarkation of migrants in Tripoli. The four journalists were held in a military prison run by the maritime forces for 12 hours before they were released. Later, it appeared that the GNA had given orders to its external media department to restrict any Libyan journalists working for foreign outlets.

### **Blocking and hindering the work of journalists**

18. LCFP documented 130 cases of blocking and hindering the work of journalists while they were covering specific incidents. In some instances, militias and government forces raised their weapons in the face of journalists for carrying out field coverage of certain incidents. Holding cameras in the streets became very risky as it could expose the camera holder to questioning, kidnappings and torture and other ill-treatment.
19. There are repeated incidents where the GNA government and its militias have restricted and blocked journalists from covering incidents in Tripoli and confiscated their equipment.
20. The International Media Department of the Ministry of Foreign Affairs of the GNA routinely put obstacles to block and hinder the work of Libyan journalists working with international outlets. Further, it routinely blocks the access of foreign journalists to Libyan soil through putting obstacles to their visas.
21. During the celebration of the 2018 Eid al-Fitr, many journalists were arrested by the GNA government for merely holding a camera and recording the celebrations. The GNA justified these arrests by stating that the journalists did not possess permission for the coverage of these celebrations.
22. Between 2017 and 2018, there was a spike in the pattern of hindering the work of journalists and blocking their work.

23. In January 2019, GNA security forces responded violently and beat journalists who tried to video record trainings of forces in a camp that belonged to the Ministry of Interior. The GNA security forces even raised their weapons in the face of the journalists and threatened they will shoot them. The incident was widely reported and many journalists boycotted GNA press conferences. The head of the GNA government apologised and promised that he will not tolerate such attacks on journalists and perpetrators will be held to account. However, these promises were never implemented.
24. In the east of Libya, the interim government imposes severe restrictions on the work of freedom of press and independent media and journalists. Further, it issues decrees and decisions with the sole purpose of hindering the work of independent journalists or banning publications or live streaming. For example, on 17 July 2019, the Interim Government confiscated the equipment of [11 news agency](#) under the pretext that these outlets are loyal to the GNA government. Further, the interim government confiscated the equipment of five radio channels under the pretext that their permission expired. Moreover, the al-Wasat newspaper was banned by the interim government without reasonable justification.
25. These violations, threats and intimidations have led dozens of media outlets, TV channels, and newspapers to close their offices in Libya. Further, the LCFP have documented that 82 independent journalists were forced to leave the country between 2014 and 2018 due to these violations and threats against the journalists.

#### **Attacks on women journalists**

26. Since 2015, LCFP has documented 29 cases of attacks on women journalists including beatings, confiscation of equipment, and the blocking and hindering of journalistic work. LCFP has carried out a survey that showed that two thirds of women journalist preferred to leave their jobs given the intimidations and harassment they face because of carrying out their jobs.
27. On 9 October 2017, Presidential Guard Agents of the Interim Government severely beat journalist Fatma al-Ebeidy before confiscating her equipment and destroying it. The woman journalist was trying to cover the protests of civil servants in front of the House of Representatives in Tobrouk, east Libya. The civil servants protests were calling on the government to pay their delayed salaries.
28. Woman journalist Rimyas al-Kassam was threatened with killing in October and November 2016 for covering the conflict in the city at the time. She was forced to leave her job as a journalist because of these threats.