Internet governance and digital rights in Libya
Access Now (https://www.accessnow.org) is an international non-profit organization that seeks to defend the digital rights of users at risk around the world. Access Now strives to promote human rights in the digital age through direct technical support, participation and policy-making, global lobbying and advocacy, financial grants to local organizations and the organization of the Global Forum on Digital Rights (RightsCon).

DAAM centre is an independent regional non-governmental organization established in 2015. It aims to create a climate conducive to the advancement of democratic construction based on the principles of human rights in its comprehensiveness. It seeks to support and promote participatory democratic paths on the basis of civility, equality and sustainable development, through capacity development, support for efforts to reform policies and legislations to suit the principles of democracy and contribute to the production of knowledge about the realities and paths of democratic transition in the countries concerned.
Introduction:

With the upcoming 10th anniversary of the 2011 revolution and the taking down of ex-president Moamer Al-Qadhafi that ruled Libya for 42 years, Libyans are still suffering from anarchy and instability due to the absence of a united authority endowed with the necessary sovereignty and control over the whole country\[1\].

Indeed, since 2014, Libya has been divided into two rivalry political and military divisions based in Tripoli and Benghazi.

The two conflicting parties in Libya involve chief of government and president of the presidential council Faiez Al-Sarajj, the internationally recognized government in Tripoli, and the leader of the armed general commanding forces (AGCF) Khalifa Haftar that controls a major prominent part in eastern Libya.

As a result of the intervention of multiple regional forces and the failure of international efforts to unite the conflicting parties and place them under the same national united government, crime networks, extremist groups, armed and quasi-military groups prospered and put an end to security in the country.

In the context of the on-going political crisis and the absence of the sovereignty of the rule of law, the anarchic situation reflected poorly on the daily practicing of rights and liberties including the freedom of access and expressing on the internet in Libya. Also, the internet infrastructure has been badly compromised and internet shutdowns have become recurrent. meanwhile the distortion campaigns increased along with false information, hateful speech against opponents and human rights defendants continued due to chained freedom of expression. \[2\] auto-supervision over the internet was widespread too because of harassment and revengeful violent acts that Libyan activists were subjected to by the conflicting parties.

The 2020 Freedom house report points out that internet freedom in Libya is decreasing because of the political nature of the conflict where internet users and journalists still face challenges as per the substance that is being published on the net. That is especially true when the content concerns the political conflict. Libya is raked 17 out of 20 countries in the index of internet freedom in the Arab world and classified as a partially free country as such. In this sense, Libyans are living in a state of general frustration because of this situation particularly because of the outreach of the political and military crisis on the digital world. Indeed, it affected its management which compromised the rights of Libyans.
It seems opportune to point out that social media means are now rendered an alternative for Libyans to express their opinions and a source for traditional media either the press or television. Indeed, the digital world became content for them. Additionally, Libya is ranked 10th worldwide in internet users amongst its population, Facebook users count at around 5 million per month. As for the use of Facebook application, 74% of the Libyan population are users (per year).\[^3\]

Internet freedom is nowadays considered a genuine challenge to support civil society locally and internationally and defend human rights principles against abusive practices that tend to silence activists and opponents and harass them. Libyan activists on the internet face arrests, abusive incarceration and kidnappings from armed groups and their allies every time they attempt to cover the news related to the conflict or the cases related to human rights violations. \[^4\]

The freedom of internet is defined to mean the potential to access the content of the web without restrictions or limitations. The UNESCO points out in a research study it published under the title “Freedom of connection, freedom of expression: the changing legal and regulatory ecology shaping the Internet” to the fact that legal frameworks play an important role in structuring the digital world. Yet, even though this side is prominent as it created the obligatory rule to be applied generally, it is insufficient to paint the current state of this open space. The laws to participate is establishing the norms and setting the references that would eventually structure the digital world but as a space and an environment the latter is always subjected to factors/powers like big tech companies, security authorities and armies. All combined, each use a different set of tools that surpass the rule of law which is the case in Libya. This is particularly why, being attentive to the practices of these parties is advised while evaluating and tracking the situation of the digital world in the country.

Nevertheless, it seems important to say that, despite the almost pessimistic overview as aforementioned, the efforts of internet users in creating multiple social powers and a digital movement to demand real improvements on different levels including guaranteeing the freedom of communication, expression, diversity is still on-going. It is part of a collaboration between the civil, the local and the international to try and ease the authoritarian control over the internet of today.

Throughout this report we opt for an analysis of the image of the digital world in Libya and its structure. It presents as well the situation of the freedom of internet in Libya and the difficulties encountered by the Libyan activists of human rights, journalists, and cultivated layers of society along with the opponents in their efforts to opening
the horizons to establish a democratic alternative that dwells well with the ambitions of the Libyan people and their pursuit for the establishing of a state and a democratic society based on efficient participation.

In addition to that we present practical recommendations to official institutions in order for them to launch the reform and a serious building of the internet sector that enhances the principles of freedom and democracy in Libya.

1/ Internet governance in Libya:

Libya is living a technical and legislative gap loophole that is filled with armed groups and dominant parties in reality. This led to the facilitation of the abusive practices and attracted attention to it to avoid its recurrence. Resulting from the institutional division and the absence of stability in its functioning, legislative work that is capable of building a legal coherent and whole structure is now a complete fail.

Even though the texts and norms that are relative to the internet sector are numerous, the loophole persists. It will be further explained within the different sections of this report.

1/ the infrastructure and the telecommunication sector

The telecommunications sector is described to be a public one primarily. That is in the context of the absence of a private sector. Looking at the institutional division and the deterioration of the state of law, internet is under the control of dominating powers. Technically speaking, the most important factors of infrastructure are based upon governmental authorities including the security institutions.

At the same time, armed groups related to the Government of National Accord (GNA) as an example, control devices, wiretap and spying devices to interfere with private communications and phone calls.

The technical gap that exists because of the vulnerability and the ambivalence of the state in Libya led to an ease of acquiring the techniques and the devices that are used in spying and control. For instance, the French company “Amesys” that previously sold devices that were used by the Qadhafi system to collect sensitive information about users notably about opponents. [5] The company issued that these devices still function today but that they also ignore where they are located at.

The management of the internet sector is linked to the administration that supervises it as well as to the regulatory organisms that oversee it, evaluate it and have the ability to hold it accountable. Management and oversight together lead to an extremely positive governance. The relative institutions suffer from acute divisions because of the political conflict. In fact, institutions of authority linked to certain persons including the presidency of the GNA in Tripoli are working to include the most important private companies especially the Libyan company for telecommunications and information technicity within their reach. Despite the interference of the judiciary in numerous dossiers involving this particular company, the judgements remain unexecuted. It is due to the vulnerability of this authority and its branches as well as the breaches and the political and armed groups pressures it is subjected to.
Posterior to the revolution, the decision n°31 of the year 2012 was issued. This decision is relative to the adoption of an organizational structure and the competences of the ministry of telecommunications and informatics as well as the organization of the administration and the adjudication of judgements. These details were transferred in 2015 to a commission that was named the general instance of telecommunications and informatics that is located primarily in Tripoli. It is as its name indicates competent in those matters and represents the highest authority responsible for the telecommunication sector in Libya.

The Libyan company of telecommunications is considered one of the most important companies that are part of the instance in addition to a few other intervening institutions in the sector of telecommunications like the national instance for information security, the qualitative telecommunication, Libya for telecommunications and technicities, Libyatna for mobile phone, the international Libyan company for telecommunications, Al jil al jaded company for technicities, Libya phone, Libya post, and finally, the company of infrastructure for investment and services.

Because of the political division, the internet management knows division too. This could be noticed especially as regards a few companies including “Libya Telecom & Technology”. This company is a live example about the level of internet management and its complexities in Libya.

This company was founded 1st in 1997 as a private one. Later on, the consensus government owned it pursuant to the presidency of ministers’ decision n°63 for the year of 2005. Pursuant to this decision the government owned other companies in the field including Libyanta, Al madar, Libya for telecommunications, and technicities, Al jil al jaded for technicities and international telecommunications, and Libya phone. Moreover, the company still dominates the internet supply sector. In fact, an important part of internet services is provided by this company in Libya.

The consensus government chief Faiez al sarraj is president of the association of this company which is something that the Libyan courts considered to be contrary to Libyan laws. The judge issued his decision after hesitation and fear with regards to the surrounding circumstances. However, the unexecuting of judgements and many other administrative decisions affected the consecration of the respect of laws, the principles of transparency, the financial and administrative independence to the most prominent internet institutions in the country.

This company is considered of pioneer prominence especially since it is responsible for creating the nation-wide database in Libya and the intensive capital it enjoys. Additionally, it is the main supervisor upon the leasing of satellites and all telecommunications which affects the management of the internet sector and the securing of non-interference of public authorities in internet users’ rights, the public opinion and its guidance negatively.

Libyan Post Telecommunications & Information Technology Company is not the sole company that suffers from these predicaments. This company has known acute divisions between the east and the west of Libya. In fact, a branch was created in the east to try and dissociate from the main one in Tripoli. Yet, it practically failed since most international relations pass through the capital as well as the main company
paperwork. In addition to that, the military transformation that happened in Libya that led to the control of the GNA over Tripoli in the west was a step to further stability of the company responsible for the internet sector yet it does not exonerate it from its politically aligned nature. Which leads to a number of interrogations about its role, the volume of breaches that occur and could occur on the rights of the digital world’s users.

In addition to the aforementioned, the security alignment along with the political over the internet management in Libya is quite noticeable. The danger consists in the giving of a governmental arm wide prerogatives directed to armed parties that are initially militia with territorial dominance.

It seems important to mention that the decisions of the presidential council of the consensus government n°555 for the year of 2017 stipulates the creation of “an organism to deter in order to fight crime and terrorism” under the supervision of the ministry of interior affairs. This decision was published in the context of restructuring the special deterrence power and including all its members in the new security organism.

This decision endowed the security organism with wide prerogatives to oversee social media website and telecommunications without a specific authority to control its efficiency. Moreover, it gave its members the quality of “law enforcement officers” and the authority to confiscate belongings and financial assets and make it a source of financing for this organism. This method is considered to be a logical and evident
result of a politically aligned administration that fails to meet any criteria of financial and administrative independence. In order to unite Libya this matter must be resolved and Libyan institutions restructured to become law abiding, rights and freedoms abiding and independent towards internet use.

The constant turmoil and division that became so inherent to Libyan institutions are affecting severely the quality of the services they provide. In this context, even though internet wiring in Libya has reached 75% as of January 2020\(^7\), internet speed is still a huge hurdle for users to access internet.

The speedtest global index classified Libya 152nd out of 175 states. In fact, the fastest internet can get in Libya is 11.77 mega bites.\(^8\) Also, despite Libyana company launching recently 4G services in Tripoli and Benghazi and a few other cities in the east which participated in creating an atmosphere for competition and let to lessening of the costs of internet, the real hurdle consists in the dominance of the government over the information technology and telecommunications market.

2/Weakness of control mechanisms and absence of regulators

In Libya, there are no specialized control and supervision mechanisms as far as overlooking the work of internet institutions. The only exception concerns judiciary institutions.

With the increasing circulation of fake news, very far from any concrete or efficient control, the need for regulators consecrated for media supervision. To this day, it hasn’t been established yet.

Pursuant to Libyan activists, 52% of the population trust the internet as an alternative to traditional media. They believe it is so due to the fact that media in general is politically aligned. Added to the aforementioned, the lack of trust between citizens and the Libyan government, along with the absence of official and unofficial initiatives to put an end to a variety of issues like hateful speeches, fake news, defamation campaigns that faces activists in general.

In addition to the widespread systematic censorship, the judicial control is inefficient particularly in evaluating public interest on account of the vulnerability of the legal framework. Moreover, security services and armed groups pressure the judicial branch and often intervene in its work. In this sense, the joint statement of 2020 inherent to the human rights’ situation in Libya points out the intervention of the executive branch, its armed arm and groups in the work of the judiciary. Added to that, its representatives are subjected to threats and sometimes these threats go as far as...
concretisation through murders.

The Libyan judiciary is considered to be inapt to guarantee interrogation and accountability against human rights’ offenders especially freedom of speech offenders. These persons who aggress journalists and civil society activists not only still elude responsibility but also intervene with police work, investigation, searches and even trials. Since 2015, public prosecution offices and courts in Libya have been targeted at least 7 times while kidnappings and illegal incarceration of judges following particular cases remained of high prevalence. In 2020, 3 judges have been killed while others were tortured. Advocates (lawyers) persist to be the weakest among all. One of the cases of violence against lawyers is the unknown fate of Siham Sarquioua. Moreover, lawyer and civil society advocate Hanan Al boraassi was killed following her audacious criticism against the offences committed by the mercenaries active across her town. The latter was shot in broad daylight in the streets of Benghazi.

3/Internet shutdowns in Libya

Internet shutdowns is not a new issue in Libya. In fact, it has been increasingly repetitive over the last few years. This is due to several reasons including the wide spread of violence, sabotage, theft, the dominance of armed groups, the vulnerability of the infrastructure as well as electricity shutdowns.

Libya occupies the 19th place with regards to crime index and statistics point out 70 thousand penal crimes since 2011. Under such a security situation, internet companies find it specifically challenging to establish its needed infrastructure because the latter is subject to recurrent sabotages and thefts.

For instance, in February 2017, the southern district faced a total shutdown of internet following theft operations that targeted internet equipment in Abu Najim station. Assaults did not stop nor decrease to this day. In the same vein, an anonymous person intentionally tampered with the internet cables linking local internet to the marine cables coming from Italy to use it to burn garbage.

This eventually led not only to an internet shutdown but also to the cease all types of communications.

Even though authorities are making an effort to protect and reinforce it, attempts of sabotage and theft still occur. Some people took advantage of the cross fire in Sirt to take over the internet cable in the end of November 2019. This interruption reoccurred later in June 2020 when garbage gatherings and burnings caused internet cables to damage in the area. This led to internet shutdowns from “lamloude” that is localised east of the city of “al baydha” in the western part of Jebel Akhdar (The green mountain) to “emsaad” that is localised in the east. These incidents cover all parts of Libya from east to west where Tripoli witnessed repetitive shutdowns since the 2011 battle.

Much like water, petrol and electricity, the internet became a political and military pressure point between the two conflicting parties. Based on testimonials from Libyan activists, armed groups intentionally broke into internet companies and threatened its employees to cut internet connexion on a particular area. It’s a method that is used
to win points against the adversary on the detriment of the Libyan citizens.

In western Libya, security institutions dominate the administration of internet providers. This is a highly dangerous matter considering the already wide prerogatives that the “organism of terrorism and organised crime prevention” enjoys. Originally, the aforementioned organism was a militia of wide territorial dominance. The decision of the GNA n°555 dated in 2018 that came in the context of restructuring deterrence force, consecrated wide prerogatives including “spreading security consciousness among all segments of society and sensitize about the dangers of terrorism while working with competent authorities. It is done through introducing sensitization programs either audio-visually, via social media, conferences, seminars and lecture to promote knowledge about the dangers of organized crime, the ways to cure it and eliminate it.”

What makes things worse is the lack of evaluation and follow up as far as restructuring the security organism with regards to the wide prerogatives that it is endowed with including controlling social media platforms and tracking suspects” communications in public interest matters. Indeed article 4 of the aforementioned decision stipulates that “in exceptional cases of public interest, members of the organism can use technical modern equipment to track communications and social media platforms which users are possible suspects. They could be suspected for compromising national security, tampering with social peace and national security and endangering it. This is solely done under the knowledge and the supervision of the judiciary.”

This text is considered to be dangerous because of its use of vague concept such as public interest, social peace, and national security. In fact, due to the inexistant unity of prevalent powers (parties), this text could it subject of misuse against opposition and activists to subject them and the content they produce and share to a high degree of control.

Control practices start from the supervising institutions to the get to the content shared on social media which leaves room for fear and allows for rights and liberties’ threatening.

II/Restrictions on practicing fundamental rights and liberties on the internet

For years, political degradation and the anarchy of governance between the two conflicting parties affected deeply and let to the poor structuring of the concepts of rights and liberties in Libya. The practicing of these rights, and especially freedom of speech and the right to privacy, is inexistant.

To enter the public sphere, the ability to communicate freely and safely is of prominent importance.

This ability relies on the capacity to provide a space where the right for privacy is guaranteed in order for internet users to be able to build up their ideas and opinions away from restrictions and hurdles.

Following this reason, individual freedom is built gradually out of the personal space
to reach the public one which leads to admitting the need for a sane legal framework that organizes these practices and guarantees rights. However, in the absence of one, Libya is suffering from several restrictions and systematic practices subject of recourses from the conflicting parties to chain freedom of speech and violate the right of users to privacy.

freedom of speech: freedom of expressing one’s opinion.

The freedom of expressing one’s opinion is considered to be a fundamental human right consecrated in several international human rights conventions like the international covenant on civil and political rights and the universal declaration of human rights. Moreover, practicing this right doesn’t only concern the real world but also extends to the digital one i.e., the internet.

The latter, with regards to the opportunities that it provides people in expressing themselves, is an important factor to enable practicing this right especially with regards to the increasing number of internet users in Libya.

More that 9 years after the 2011 revolution, Libya still lives a gross deficiency in organizing the digital world and implementing internet freedom. Following this lack, violations reoccurred during the daily lives of Libyans and continue to reduce their rights to a free speech just like it did to most of the rights. These violations contributed as well in chaining these rights through control and systematic supervision either on the content or on the individual practices without any regard to shielding their freedoms and fundamental rights. As such, rights and freedoms are intermingled strongly and undividable which means that an attempt to limit one right affects necessarily the others.

1.1 the absence of the legal framework:

The legal framework which is inforce and applicable currently, could be described as being paradoxical and inconsistent with the local legislations and the human rights agreements which were ratified by Libya that has become a party in it. As it includes several provisions that give broad power to the authorities in order to restrict and criminalize freedom of expression of opinion unlike the provisions of the international treaties. The majority of the legal texts which restrict the freedom of expression of opinion that were approved before the 2011 revolution, are still in force and no priority has been given to amend it in order to establish a post-revolution democratic society.

Despite the issuance of the constitutional declaration of 2012 after the revolution that was supposed to set regulations that prevent violating the basic rights and freedoms and on top of which is freedom of expression of opinion, it has become broad and loose terms. Article No.14 of the declaration stipulated that the state guarantee the collective and individual freedom of expression and opinion, freedom of scientific research, communication, press, mass media, printing and publishing, transport, assembly, protest and peaceful sit-in, with regard to conflict of law principles. In addition, Regulating freedom of expression is left to the legislative authority without accurately introducing the conditions which justify restricting freedom of expression or the minimum limits that shouldn’t be violated by the legislative authority in order
to achieve the effective practice of freedom of opinion and expression.

In the same context, the legal framework which is currently in force and applicable, didn’t introduce protecting freedom of expression of opinion but rather focused in their principles on restricting it and putting more obstacles against journalists and human rights defenders in Libya. Often they are subjected to trials and charged in cases related to spreading false news and rumors that carry a maximum penalty of life sentence imprisonment. Or being accused of spreading theories or principles that aim at overthrowing the economic, social and political regimes that are punishable by death in the same law.

One of the laws that represents an obstacle against freedom of expression of opinion as well, is the publications law of 1972, the associations law of 2001 and the terrorism law of 2014. Despite the demands of the Libyan civil society and the UN to change them, the Libyan authorities didn’t respond.

1.2 the policy of silencing

As a result of lacking the rule of the law and the absence of the legal frameworks that provide a safe space for activists, journalists and internet users to express their opinions and share information, the militias used to impose control over social media platforms through censorship over their activities and personal accounts. These practices appeared clearly during the last three years through establishing “the troll armies” and fake accounts that publish the activists’ names and accounts who largely criticize the militias, thus they are threatened by death due to their anti-militia’s publications. Often these campaigns target women on the basis of gender due to the negative stereotypes of women or what is associated with social stigma. This matter contributes to the spread of hostile situations against women due to practicing their activity, reaching to enforcing them to withdraw from the public space and digital space in particular.

For example, in 2018, a group of girls organized a meeting in “Kaza Cafe” in Benghazi for dating and creating a space for women in Libya to talk. The girls used the hashtag #Twitter_girls_group, shared it on social media pages and invited more girls to join it. After sharing the hashtag largely, the security forces broke into the cafe and arrested a number of workers in the case under the pretext of “Indecent exposure”. Then the Ministry of Interior published a statement, alleging that this meeting was “a mixed indecent party”, that must be intervened to stop it. As a result, the girls faced an unprecedented defamation and slander campaign on social media platforms and the matter reached threatening them and their families with assassinating.
Another example of the widely used techniques at the framework of silencing, is the defamation campaigns and the call for closing the opposition accounts “Mass reporting”. These campaigns focus on forming closed groups on Facebook that contain a large number of users and calling them for intensely reporting the activists or opposition accounts in a timeline, so that Facebook manages to close the accounts and limit the content which they publish. Although these practices and mechanisms weren’t regulated by a legislative framework in order to limit the censorship over the internet, they have become customarily accepted and practiced by the parties of the conflict periodically and continuously.

Regarding the freedom of press and media, the Libyan journalists work under threat and suffer from difficulties and several and various problems from the parties of the conflict that go beyond the mere threat to reach the enforced disappearance and abduction. This is what recently happened recently to Mohamed Omar Ba’ayo, the head of “the Libyan Media Foundation››, and the appointed head of programmes at the Libya al-Wataniya TV channel, Hind Ammar. As one of the armed forces “the militias› forcefully abducted and arrested them due to their editorial policies and directions that aim at preventing the hatred speech and promoting violence in the media outlets affiliated to the institution. In the contrary, Hind Ammar faced a defamation campaign on Facebook and Twitter which is based on forged news and false information, describing her by being “blasphemer” and “morally indecent” Several fake pages together with some tv channels, such as “Libya Al Ahrar channel”, attacked the media personality and accused her of “blasphemy” in order to defame her reputation, which makes her at risk of being targeted by the extremists in Libya as well.

Thus, the role of the media has become limited to being a propaganda tool on the hands of the active official and military bodies in the Libyan conflict. As a result, it could be said that the Libyan journalists, bloggers and activists through the internet, have practiced more self measures for protection due to the continuation of instability, the raised threats, violence and enforced disappearance over the past years.

1.3 The internet as an alternative cultural space

The Libyan Cultural arena experiences a severe restriction since the events of the February revolution of 2011, and this was further strengthened due to the inner conflict especially from 2015. Thus this culture has become marginalized for the benefit of politics, but the direction of an important part from the young activists in the cultural field towards the digital space, contributes to the appearance of several encouraged initiatives under the stagnation of the cultural scene as a whole.

Technically, some persons have failed in obtaining “a domain name” in Libya, while (.org) for the organizations remains the easiest currently. Often, self-help efforts are relied upon to design and launch websites under a limited digital service space. The social websites are considered the easiest spaces to launch cultural initiatives, in addition to Youtube concerning publishing video clips, as under the recent health and security conditions, it has been impossible to organize any kind of cultural events. In parallel to that, the crisis of electricity has increased the difficulties of cultural initia-
tives with all their kinds. Some persons confirm that using the internet doesn’t exceed 10% as they prefer using the electricity in saving other living necessities.

Based on these testimonies from activists, some of them prefer not to mention their names, in 2015, a group of young people established a cultural institution in Libya. Its aim was to create a cultural and breathing space for citizens in general and for those persons who are interested in culture in particular. The institution tried to depend on the internet in the first years as most of the civil activists in Libya stopped in this period, especially in 2015, however the experience was very weak. This is due to several reasons, including the weak internet and the fragility of infrastructure. In this context, activists notify that once the sound works, the image is absent, as any follower of the page of the cultural institution, tries to view the content of a video, would find difficulty in understanding the content clearly due to the lack of clarity of its image. This had led to cancelling the idea of recruiting specialists in presenting “online courses” for the participated or interested youth in Benghazi.

Also, the attempts of discussing the books during the cultural sessions offered by the foundation at the book club were not entirely successful. The reason again is the weak internet that prevents the participants from viewing the available content and theus commenting on it. This has led to few activities of the club in the pre-2020 period, according to the persons who are in charge of the foundation’s affairs.

Under the global health crisis and the spread of Coronavirus (Covid-19), the majority of institutions sought to close its doors. According to the activists, some activities continued in the digital space but they described them as “primitive activities”. For example, regarding both the books and movies, the whole process is limited to downloading the book or movie. The discussion and exchange of views on it takes place among the members through exchange messages. However, the spokespersons for the Foundation report that even with the improvement of using the internet with the beginning of 2020, the Corona crisis coincided with the electricity crisis that has recently worsened in the western and eastern regions, have led to the continuation of these difficulties.

The poor infrastructure and declining quality of the services have led to limit the role of digital reality in enhancing the Libyan cultural scene. The internet hasn’t changed yet a real alternative space for the Libyan cultural activists and artists. With the exception of the two young ‘rap’ artists, there isn’t a significant impact for writers and poets. But there is a frequent appearance of the youth pages that are interested in rap art. The managers and members of some cultural and artistic pages on Facebook report that there are difficulties in reaching and accessing the internet, however, there is individual effort from the youth in creating content, spreading and publicizing it via phones. And many youth build their own studios or by using available technologies. It could be noticed that the digital reality has become an alternative space for a category of youth, however the problems related to the bad quality of the internet service remain an obstacle to its development in order to provide a space for expression, communication and participation.
2. Violating of privacy and Secrecy of correspondence

Highlight They asked me for my password, opened my account and started searching through it Highlight

The constitutional declaration stipulated clearly in the section related to rights and freedoms in Article No.12 and 13, on the inviolability of citizens’ private life, the guarantee for the secrecy of correspondence, personal conversations and other means of communication. It considered that any violation of this right except for obtaining a judicial order, represents a blatant violation for the constitution. Similar to this text, no other legal legislation has dealt with the issue of providing effective protection for the right to privacy, and the provisions of the constitution in this regard remained useless and without any actual application on the ground.

Testimonies of activists in the Libyan civil society reported that they were subjected to permanent and systematic violations of privacy, which often happened by militias and armed groups. In the crossing, check points and the regions which are under the control of the armed groups, Libyan citizens are stopped, then asked about the password of their personal accounts on social media platforms (especially ‘facebook’) to view their personal texts on ‘Messenger’. The aim is to collect information about the persons and use it as evidence in determining the political loyalties.

These groups tend to log into the individuals’ accounts by force in order to text others whom they are searching for, through taking the advantage of the relation of the owner of the phone with the other party. According to the testimonies of activists, these violations are not limited to militias only, as several parties affiliated with the GNA adopted similar policies within the framework of restrictions on activists and opponents in the country. It is noted that the photojournalist and the Libyan activist, Ismail Bouzriba Al Zoe, was sentenced for 15 years in prison in August of 2020, and the sentence was based on text messages and tweets that criticized the General Command of the Libyan Army in the East and the military Operation Dignity. A lawsuit was filed against him and he was arrested after seizing his personal phone and viewing its content by force. In parallel to that, he was arbitrarily detained in a military prison without letting him to call his lawyer or family, then he discovered his sentence after three months of its issuance.

III. Conclusion and recommendations for making progress

Despite the hopes that were built by the Libyan citizens after the 2011 revolution and the ambition by raising the human rights demands and building a democratic state that enhances the principles of human rights and the public freedoms, the individuals’ enjoyment with legal protection to practice their rights remains in a critical and almost non-existent situation. As in a deteriorating situation and the absence of legislations that protect bloggers, activists and their freedom in expressing their opinions especially with the growing authoritarian tendency of the parties to the conflict, the increase in censorship and the incitement of the hate speech on social media, the
human rights activists find themselves in isolated in the face of these obstacles.

During the past years, the parties to the conflict in Libya depend increasingly on social media platforms in order to launch attacks through the internet and to use a variety of technologies and practices to suppress activists and the opposing voices. As a result, the internet users in Libya are not capable of finding a safe space to express their opinions or protecting their privacy due to the increase in the cyber attacks and censorship of content. In this framework, we recommend the following:

The GNA has to take serious steps to protect freedom of expression of opinion and put an end to the abusive practices which create self control over individuals and weaken pluralism and participation in the society. The state has to put on trial and hold accountability against the bodies that target and attack activists and opposition, in addition to provide the reparation for the victims of these violations.

The Libyan government has to fill the gap of the constitutional vacuum, introduce reforms and amend the inherited laws from the era of the previous tyrannical regime. In Libya, the legal system must be reformed and the punishable laws inherited from the previous regime, which are still in force today, must be abandoned. It is not correct in Libya to deal with the digital space based on the old penal code or the terrorism law, considering the complicated technical aspect, the evolution of the type of crimes and violations that could occur on the internet. Also, the confusion between them could lead to a blatant aggression on the freedom of expression and all human rights.

The new Libyan constitution should include provisions that strengthen freedom of expression of opinion, media and the free access to information, and restrict any illegal and unjustified assault on these freedoms, including the systematic censorship which is practiced against the human rights defenders and opposition in particular, and the rest of the society in general.

Libya needs to ensure and impose the independence of the judicial system, together with removing the hand of the executive authority and armed groups from its work and preventing interference in it.

It is necessary to leave the security direction for the benefit of the human rights approach regarding the internet. This would be achieved by establishing independent All parties, whether official or non-official must combat hate speech and put a clear and legal framework without affecting freedom of expression, in addition to facing the false news and malicious rumors that increase tension inside the Libyan society.

It is necessary to continuously document the violations that occur in the digital space due to the lack of resources and documentations which introduce the issue of internet freedom in Libya. Although the Libyan government, technology companies and social media platforms have the responsibility for finding an effective solution to prevent the violations which are practiced against the internet users, activists and opposition, The internet users could contribute to confronting and mitigating the negative impacts of these violations by documenting and sharing in order to contribute gradually in creating a safe place for individuals to express their opinion and overcome the self-censorship.
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[4] Libyan centre for freedom of press, “journalists protest the rising violence against them”, 2019. Available at: https://lcfp.org.ly/%d8%b5%d8%ad%d9%81%d9%8a%d9%88%d9%86-%d9%8a%d8%b8%d8%a7%d9%87%d8%b1%d9%88%d9%86-%d8%a5%d8%ad%d8%aa%d8%ac%d8%a7%d8%ac%d8%a7-%d8%b9%d9%84%d9%89-%d8%aa%d9%86%d8%a7%d9%85%d9%8a-%d8%a7%d9%84%d8%b9/

[5][5] Middle east online, investigation about the sale of a French company for spying devices to Qadhafi,2020. Available at: https://middle-east-online.com/%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D8%AD%D9%88%D9%84-%D8%A8%D9%8A%D8%B9-%D8%B4%D8%B1%D9%83%D8%A9-%D9%81%D8%B1%D9%86%D8%B3%D9%8A%D8%A9-%D9%85%D8%B9%D8%AF%D8%A7%D8%AA-%D8%AA%D9%86%D8%B5%D8%AA-%D9%84%D9%84%D9%82%D8%B0%D8%A7%D9%81%D9%8A-%D9%8A%D8%B1%D8%A7%D9%88%D8%AD-%D9%85%D9%83%D8%A7%D9%86%D9%87#off-canvas .


[7] Id.

[8] Speedtest global index, 2020. Available at: