

LIBYA'S CIVIC SPACE: REPRESSIVE FRAMEWORKS; CONTINUED ATTACKS

QUESTIONS
AND ANSWERS

October 2023



1. BACKGROUND: THE EVOLUTION OF THE CIVIC SPACE IN LIBYA



1969 - 2011

Muammar Gadhafi's regime (1969-2011) strictly controlled civil society organizations (CSOs) through repressive laws, curtailing their role and effectiveness and bringing them under the executive's complete control. There were nearly no officially registered CSOs.

Both article 3 of Law No. 71 of 1972 "on criminalizing partisanship" and article 1 of Law No. 80 of 1975 "amending and repealing certain provisions of the Penal Code" criminalized advocating or calling for the establishment of assemblies or organizations prohibited by law, as well as founding, organizing, managing, funding, or providing meeting places for them. Article 206 of the Penal Code, created by Law No. 80 of 1975, punishes with the death penalty the participation in an unlawful CSO. It is still in force today.

These provisions violate Libya's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), which guarantees, among other rights, the right to freedom of association under article 22. They also run counter to international standards and best

practices, including the African Commission on Human and Peoples' Rights' Guidelines on Freedom of Association and Assembly in Africa (hereinafter "ACHPR Guidelines")¹ and the UN Special Rapporteur on the Freedom of Assembly and Association's Best Practices on Promoting and Protecting the Right to Freedom of Assembly and Association (hereinafter "UNSRFAA Best Practices")², which provide that even unregistered organizations should be allowed to operate freely, without having to register.

Muammar Gadhafi's regime further restricted CSOs' activities through Law No. 19 of 2001 "on the reorganization of non-governmental organizations." The law, which allowed unprecedented levels of control by the executive over the work of CSOs, had not been enforced since the 2011 uprising until recently, when, as detailed further below in section 2, the Libyan authorities have reverted to enforcing it. Law No. 19 of

1. African Commission on Human and Peoples' Rights, Guidelines on Freedom of Association and Assembly in Africa, May 2017, ¶ 11.

2. Special Rapporteur on the Freedom of Assembly and Association, Best Practices on Promoting and Protecting the Right to Freedom of Assembly and Association, UN Doc. A/HRC/20/27, 21 May 2012, ¶ 96.

2001 does not meet domestic and international human rights law and standards on the right to freedom of association, as seen in section 3 below.

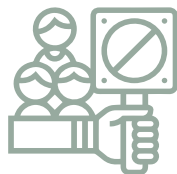


2011 – 2014

Following the 2011 uprising and the ouster of Muammar Gadhafi, the number of CSOs increased drastically. During the revolution, CSOs engaged in charitable and relief work. Rapidly, however, they started working on reforming Libya in the aftermath of the revolution, focusing on, among other issues, political awareness and participation, the role of women and young people in society, human rights violations, transitional justice and national reconciliation.



After the ouster of Muammar Gadhafi, the National Transitional Council, Libya's government at the time, passed the 2011 Constitutional Declaration, which is supposed to remain in force until a permanent Constitution is adopted. Article 14 of the Constitutional Declaration guarantees the rights to “freedom of opinion, individual and collective expression, ... communication, ... assembly, demonstration and peaceful sit-in.” In addition, article 15 enshrines the right to freedom of association, guaranteeing “the freedom of forming ... societies and other civil society organizations.” The Constitutional Declaration specifies that a law shall further regulate CSOs. However, since 2011, successive Libyan legislatures



have failed to pass any such new legislation on CSOs.

Complementing this Constitutional Declaration, the General National Congress (GNC), the first post-revolution legislative body, adopted Law No. 29 of 2013 “on transitional justice.” Article 6 expressly guarantees the invalidity of all “unjust legislation” adopted prior to 2011, and provides that, “the legislation issued ... as an expression of [the Gadhafi regime’s] desires and without any legal or constitutional basis is unjust and shall be considered invalid and unconstitutional. Such legislation may not be used against established rights.”

In the absence of a legal framework regulating the activities of civil society organizations, the executive issued five decrees between 2012 and 2019, as will be further developed below under section 2. Until 2014, the range of activities and focus of CSOs attested to the civic space being relatively free.

2014 – today

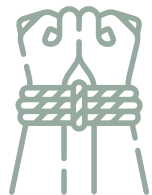
In 2014, an armed conflict broke out between, on the one hand, the Libya Dawn coalition of militias aligned with the National Salvation Government (NSG) and later the Government of National Accord (GNA) located in the West of the country, and, on the other hand, another coalition of militias led by Field Marshal Khalifa Haftar's Libyan National Army (LNA), aligned with the House of Representatives (HoR),



the newly elected legislature which relocated to the East. Libya has since been fragmented politically and institutionally. With this fragmentation, both the western and eastern authorities, together with non-State actors, started cracking down on CSOs, committing a range of serious human rights abuses against civil society actors, including abductions, holding people captives, torture, unlawful killings and enforced disappearances.



In March 2022, the UN High Commissioner for Human Rights expressed concern about the “aggressive campaign” against Libyan civil society, citing the continued arbitrary arrests, vilification campaigns, and hate speech on social media directed against civil society actors. The attacks perpetrated by the Internal Security Agency (ISA) against CSOs illustrate such an aggressive campaign. The ISA is an armed group whose reach covers the whole country but operates under the influence of either the western or eastern authorities depending on its location. It has often been behind attacks on CSOs, accusing civil society actors of spreading “atheism”, “immorality” or “homosexuality.”



For example, in June 2021, unidentified men suspected of being affiliated to the eastern ISA abducted and held Mr Mansour Mahmoud Atti, the head of the Red Crescent Committee in Adjabiyah, in the East of Libya, captive. His abduction occurred shortly after Mansour

held a conference to mobilize citizens to participate in the elections planned for the end of 2021. The ISA had already abducted and interrogated Mansour a month earlier when he had organized another conference on the elections. His family was only informed that he was held captive in August 2021. He was eventually released in April 2022.

Further, between November 2021 and December 2022, the western ISA abducted seven members of the Tanweer movement³, a human rights and cultural organization, in Tripoli. The ISA published videos of the members confessing to being “atheists”, “feminists” and “infidels” on its Facebook page. The confessions were apparently extracted under coercion. Fearing for their safety, the remaining members of the Tanweer movement fled abroad, dissolved the movement and deleted the group’s social media account. In a final statement, in March 2022, they denounced the arrest of their colleagues and called for their release. In December 2022, a domestic court in Tripoli sentenced four of the seven Tanweer members to three years in prison with hard labour for “promoting atheism.” The three other members remain in pre-trial detention. The charges against them are unclear.

More recently, in February 2023, the Criminal Investigation Department raided the office and detained the staff of international CSOs in Sabha,

3. Tanweer means “enlightenment” in Arabic.

in the South of the country. Working for CSOs has become increasingly dangerous, especially for women, who are disproportionately targeted by defamation and libel cases.

Further, the Libyan authorities marginalize CSOs in political and legal processes, by failing to consult them during the constitutional-making process and the adoption of laws, and by not taking into account their recommendations and proposals. For instance, the HoR failed to consult CSOs while drafting Law No. 5 of 2022 “on combating cybercrime.” Such consultation would have been particularly important since, as noted by the UN Human Rights Council mandated Fact-Finding Mission (FFM) on Libya, the law could “exacerbate an already constricted and heavily monitored civic space online.”⁴ The law criminalizes the use of internet when “it does not respect public order and morality” or “threatens public security and peace.” Under the law, for example, on 17 February 2023, the Ministry of Interior of the Government of National Stability (GNS), the rival eastern government created in March 2022, ordered the arrest of popular singer Ahlam Al-Yemeni and blogger and content creator Haneen Al-Abdali, in Benghazi, purportedly for violating Law No. 5 and violating “honour and public morals.” No details about the supposedly objectionable content they posted online were identified.

4. Fact-Finding Mission on Libya, Report of the Independent Fact-Finding Mission on Libya, UN Doc. A/HRC/52/83, 3 March 2023, ¶ 72.

2.

HOW HAS THE LEGAL FRAMEWORK REGULATING THE RIGHT TO FREEDOM OF ASSOCIATION IN LIBYA BECOME MORE RESTRICTIVE RECENTLY?



In the aftermath of the 2011 uprising, in the absence of a legal framework regulating civil society organizations, the Council of Ministers issued [Decree No. 12 of 2012](#) and [Decree No. 649 of 2013](#), creating a Civil Society Commission (first called the Centre to Support Civil Society Organizations) in Benghazi, in the East of the country. The Benghazi Commission is affiliated to the Ministry of Culture and Civil Society, which has to approve the Commission's general policy, plans, programmes and establishment of new branches, and therefore lacks independence from the executive. Moreover, the decrees task the Commission with registering and approving CSOs and their activities but do not specify the conditions for such registration, therefore giving the Commission discretionary powers to decide which organization is allowed to register.



Since the 2014-armed conflict and the emergence of two competing governments, the GNA issued

[Decree No. 1160 of 2018](#) and [Decree No. 1605 of 2018](#), creating a parallel Civil Society Commission, in Tripoli, in the West. Decrees No. 1160 and 1605 subordinated the Tripoli Commission even more to the executive and its Prime Minister by affiliating it to the Council of Minister, chaired by the Prime Minister. The Council of Minister nominates the Commission members, who report to the Council. In practice, the Tripoli Commission is under the Council's [direct supervision](#) and therefore lacks impartiality, in contravention of the ACHPR Guidelines.⁵

The GNA further issued [Decree No. 286 of 2019](#), which detailed how the Civil Society Commission should operate. The decree required CSOs to register with the Commission, giving it discretionary powers to decide whether it should grant a licence to CSOs. Pursuant to such discretionary powers, the Civil Society Commission in Tripoli imposed [arbitrary](#)

5. ACHPR Guidelines, ¶ 21.

conditions on CSOs, including requiring them not to “interact” with foreign States or foreign CSOs without the Commission’s approval before granting them a licence, making it particularly difficult for them to register officially. For instance, in April 2022, the Tripoli Commission issued a circular prohibiting CSOs from participating in any activity outside Libya without its approval. This practice is in contravention of the ACHPR Guidelines⁶ and the UNSRFAA Best Practices,⁷ which provide for a simple process of registration based on notification and not authorization.

Further, CSOs sometimes had to re-register under the threat of dissolution. With the April 2022 circular, the Tripoli Commission obliged CSOs to re-register according to Decree No. 286 of 2019. If they failed to do so, the Commission would suspend them and consider them illegal. In addition, according to Decree No. 286 of 2019, CSOs had to ask for the Commission’s approval to organize any activity, manage their funds or even to open a bank account. Finally, the Commission could dissolve a CSO if it exceeded its declared objectives or violated statutory laws, without the possibility of judicial review. Again, these provisions contravened the ACHPR Guidelines⁸ and the UNSRFAA Best Practices,⁹ both of which recognize that CSOs should be able to work without State interference, and that only an impartial and independent court can pronounce their dissolution.

6. ACHPR Guidelines, ¶ 13.

7. UNSRFAA Best Practices, ¶ 95

8. ACHPR Guidelines, ¶¶ 29 and 58.

9. UNSRFAA Best Practices, ¶¶ 97 and 100.

In June 2022, Libyan CSOs filed an appeal with the South Benghazi Trial Court challenging the validity of Decree No. 286 of 2019. On 18 July 2022, the Court suspended the decree, holding that it violated article 15 of the 2011 Constitutional Declaration since the exercise of the right to freedom of association should be regulated by legislation adopted by the legislature, instead of by decree enacted by the executive. The Court referred to a precedent set by the Libyan Supreme Court in its Administrative Appeal ruling 49-163/2005, where it held that, “if the administrative decision is tainted by a lack of jurisdiction, it becomes non-existent.”

On 29 November 2022, in response to the South Benghazi Trial Court’s decision, the Tripoli Civil Society Commission requested the Law Department of the Supreme Judicial Council, the body in charge of organizing the affairs of the judiciary, to clarify the applicable legal framework to CSOs. On 8 March 2023, the Supreme Judicial Council found that “it shall be categorically prohibited to set up non-governmental organizations or any other types of civil society organizations unless a law has been promulgated.” Therefore, “all the organizations and associations that have been set up based on organizational regulations from the executive authority with no legal foundation shall be null and void. Moreover, the State’s supreme authorities shall proceed to take the necessary measures to dissolve them except for the CSOs that were set up in keeping with Law No. 19 of 2001 on the reorganization of non-governmental organizations.”¹⁰ Law

10. Supreme Judicial Council, Law Department, Decision No. 2/6/37, 8 March 2023, p. 2.

No. 19 of 2001 was in force during the Gadhafi era but that had not been implemented since the 2011 uprising.

In the meantime, on 19 February 2023, the western Government of National Unity (GNU), the provisional government formed in March 2021, issued [Decree No. 138 of 2023](#) establishing a Committee for the Study of the Registration of Civil Associations. However, the scope of the Committee's prerogatives remains unclear as the Tripoli Civil Society Commission continues to operate and both bodies have similar prerogatives.

On 13 March 2023, in application of the Supreme Judicial Council's decision mentioned above, the GNU issued Decree No. 5803 of 2023, revoking the licences of all CSOs established in Libya since 2011. In response to the decree, on 20 March 2023, Libya's national human rights institution, namely, the National Council for Public Liberties and Human Rights in Libya, [called](#) on the Libyan authorities not to comply with the Supreme Judicial Council's decision as its decisions are not legally binding.

On 21 March 2023, the GNU issued another decree, Decree No. 7 of 2023, allowing local and international CSOs to continue their work temporarily, until they regularize their status in line with Law No. 19 of 2001. On 6 April 2023, 22 Libyan CSOs [denounced](#) Decrees No. 5803 and 7 and called for an end to the crackdown on civil society.

In March 2023, members of the House of Representatives [proposed](#) amendments to Law No. 19 of 2001, namely,

renaming the registration body as the General Commission of Civil Society and placing it under the authority of the HoR, which would select its members. However, the HoR has yet to adopt the proposed amendments.

On 23 May 2023, the GNU issued a decree, [Decree No. 312 of 2023](#), replacing Decree No. 138 of 2023, and creating yet another Committee for the Regulation of the Work of Civil Society Organizations, which operates under the direct supervision of the Prime Minister. The decree is based on Law No. 19 of 2001. Meanwhile, the Tripoli Civil Society Commission continues to operate, and, on 11 July 2023, [called](#) on CSOs not to undertake any activity without coordinating with the Commission first.

On 9 August 2023, delegates of the Benghazi and Tripoli Civil Society Commissions [announced](#) they were merging as a single Civil Society Commission, based in Benghazi. However, other members of the Tripoli Commission denied that their delegate represented the Commission and refused to unify the two Commissions.

While both the authorities in the West and the East are enforcing Law No. 19 of 2001 as the current legal framework applicable to CSOs, the International Commission of Jurists (ICJ) is of the view that such law was abolished by Law No. 29 of 2013 "on transitional justice", which guarantees the invalidity of all "unjust legislation" adopted prior to 2011, read in conjunction with the 2011 Constitutional Declaration and its article 15, guaranteeing the right to freedom of association.

3. DOES THE LEGAL FRAMEWORK CURRENTLY ENFORCED BY THE LIBYAN AUTHORITIES MEET DOMESTIC AND INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS ON THE RIGHT TO FREEDOM OF ASSOCIATION? ||

International human rights law recognizes and protects the right to freedom of association. For instance, article 22 of the ICCPR, to which Libya is a party, requires States to guarantee the right to freedom of association and limits restrictions on its exercise to those “prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” Further, international standards such as the ACHPR Guidelines and the UNSRFAA Best Practices elucidate the scope of the right to freedom of association. According to international human rights law and standards, the right to freedom of association is composed of four key guarantees, which are all undermined by the legal framework currently enforced by the Libyan authorities.

First, States should set a simple, easily accessible, non-discriminatory and non-onerous or free of charge process to register CSOs. The registration should only be based on notification and not authorization. The registration body should provide a detailed and timely explanation if it denies registration. Such body should be impartial and independent.

CSOs should be able to challenge refusal of registration before an impartial and independent court.¹¹

Although freedom of association covers all types of CSOs, including human rights focused CSOs, article 1 of Law No. 19 of 2001 states that only CSOs working on “social, cultural, sports, charity or humanitarian services” can register. A strict interpretation of this provision led to a de facto ban of human rights-related work, as Libyan CSOs monitoring and documenting human rights violations could not register as legal entities. Further, Law No. 19 of 2001 sets out a burdensome procedure for CSOs to register, requiring that 50 of the founding members sign the by-laws. The current decree, Decree No. 312 of 2023, provides that the Committee for the Regulation of the Work of Civil Society Organizations issues licences to CSOs that “wish to operate at the domestic level,” without specifying the criteria or conditions for these licences to be obtained. As a result, there is a risk that the Committee may impose arbitrary conditions on registering CSOs, as it has been the case with the Tripoli Commission. Furthermore, the Committee is not independent, as the Prime

11. ACHPR Guidelines, ¶¶13 and 21; UNSRFAA Best Practices, ¶95.

Minister appoints its members, the Committee works under the Prime Minister's direct supervision, and no remedies are available to challenge the rejection of registration.

Secondly, only an impartial and independent court can suspend or dissolve a CSO, "in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law."¹²

However, Law No. 19 of 2001 does not specify which entity is competent to dissolve CSOs, only referring to "the bodies competent." The law does not define the grounds for dissolution strictly enough. The grounds are numerous and include vague and undefined concepts, such as "decency." Moreover, in case of dissolution, the members of the CSOs found to be responsible for the breach of domestic law are ineligible for any leadership positions in other CSOs for five years following the dissolution. Finally, the law does not provide for any possibility of judicial review of decisions pertaining to dissolution grounds and procedures.

Thirdly, CSOs should be able to determine their statutes, structure and activities without the State's interference; they enjoy the right to privacy and should be able to operate freely and safely.¹³

Under the legal framework currently enforced by the authorities, the executive can interfere excessively in the

12. ACHPR Guidelines, ¶58; UNSRFAA Best Practices, ¶100.

13. ACHPR Guidelines, ¶29; UNSRFAA Best Practices, ¶¶97-98.

activities of CSOs as these, in turn, are to notify the executive of all their meetings and send them their minutes. The executive can oversee CSOs' activities and even suspend their decisions – subject to review by a court. It can go as far as assigning an interim committee to manage the CSO or merge two organizations together. The penalty for breaching the law is particularly harsh as article 206 of the Penal Code punishes the participation in an unlawful CSO with the death penalty. The newly enforced Law No. 5 of 2022 "on combating cybercrime", which states that internet users have to respect "public order and morality", could also be used to monitor CSOs' activities, block their publications and place their communications under surveillance.

Fourthly, CSOs should have access to adequate resources, including domestic and foreign funding without prior authorization.¹⁴

Law No. 19 of 2001 prohibits donations or gifts from foreign entities without the approval of the executive, and conditions funding to obtaining a permit from the executive, which is also empowered to examine the source of the donation, the method of obtainment and the objects of expenditures. The legal framework currently enforced by the authorities, especially Law No. 19 of 2001 and article 206 of the Penal Code, therefore, run counter to international human rights law and standards, best practices and the Libyan Constitutional Declaration.

14. ACHPR Guidelines, ¶¶ 37-38; UNSRFAA Best Practices, ¶99.

4.

WHAT ARE THE IMPACTS OF SUCH RESTRICTIONS ON FREEDOM OF ASSOCIATION, ON THE RULE OF LAW AND HUMAN RIGHTS?



The right to freedom of association is a fundamental guarantee for the establishment of the rule of law, democracy and the respect of human rights. As determined by the UN Human Rights Committee, the right to freedom of association is a “cornerstone of a democratic society.”¹⁵ Similarly, the UN Human Rights Council (HRC) recognized “the importance of freedoms of peaceful assembly and association, and of civil society, to the promotion of good governance, including through transparency and accountability.”¹⁶ As such, unwarranted and unlawful restriction of the right to freedom of association negatively affect other human rights necessary in a democratic society, namely the right to freedom of opinion and expression¹⁷ and participation in public



15. Human Rights Committee, *Zaidov v Tajikistan*, UN Doc. CCPR/C/122/D/2680/2015, 20 September 2018, ¶9.9.

16. HRC, Resolution 24/5, The rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/RES/24/5, 8 October 2013, p. 2.

17. HRC, General comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, 12 September 2011, ¶ 4.

affairs,¹⁸ as protected by articles 19 and 25 of the ICCPR respectively. Specifically on Libya, the UN High Commissioner for Human Rights stated in March 2023 that, among other factors, “an increasingly restrictive civic space continue[s] to destroy lives and severely harm rights.”

The right to freedom of association is also linked to the right to truth and the right to an effective remedy and reparations for human rights violations as CSOs have played a leading role in documenting human rights abuses. In the specific case of Libya, a climate of impunity reigns as the Fact-Finding and Reconciliation Commission provided for in Law No. 29 of 2013 “on transitional justice” was never created and the FFM mandate to “establish the facts and circumstances of the situation of human rights throughout Libya” ended in March 2023, after

18. HRC, General comment No. 25, Article 25: The right to participate in public affairs, voting rights and the right of equal access to public service, UN Doc. CCPR/C/21/Rev.1/Add.7, 12 July 1996, ¶ 8.

the HRC refused to renew it. The Libyan criminal justice system has failed so far to ensure accountability for past and ongoing human rights violations and serious crimes under international law. CSOs' work at the forefront of promoting the rule of law and documenting and challenging human rights violations can only effectively be carried out if all Libyan authorities respect their ability to work freely and independently, and stop interfering with their work and intimidating their staff.

As Libya is preparing for presidential and parliamentary elections, the UN Special Representative of the Secretary-General for Libya, Mr Abdoulaye Bathily, further noted in June 2023 that “new restrictions on civil society and on women’s freedom of movement are particularly alarming in a country working towards inclusive elections and national reconciliation where women and civil society have an essential role.” Similarly, in its Resolution 2656 (2022), the UN Security Council called upon “the relevant Libyan institutions and authorities to implement confidence-building measures to create an environment conducive for successful national presidential and parliamentary elections, including

by ensuring the full, equal, effective and meaningful participation of women, and inclusion of youth and civil society representatives, in all activities and decision-making relating to democratic transition and reconciliation efforts.”¹⁹ The FFM also reiterated these concerns in its final report in March 2023, and concluded that attacks against certain groups, including human rights defenders and CSOs “created an atmosphere of fear that prompted people to practice self-censorship, hiding or exile at a time when it is necessary to create an atmosphere that is conducive to free and fair elections for Libyans to exercise their right to self-determination and choose a government that represents them to run the country.”²⁰

19. Security Council, Resolution 2656, UN Doc. S/RES/2656 (2022), 28 October 2022, ¶ 6.

20. Fact-Finding Mission on Libya, Report of the Independent Fact-Finding Mission on Libya, UN Doc. A/HRC/52/83, 3 March 2023, ¶ 68.

5. RECOMMENDATIONS

The legal framework currently enforced by the authorities on establishment, registration, funding and functioning of CSOs needs a complete overhaul, including in light of the Draft Association Law submitted by the Libya Platform, a coalition of 20 Libyan civil society actors.


In light of the above analysis, the ICJ calls on Libyan authorities to ensure that:

1. All existing laws and decrees on CSOs be abolished, and new ones be adopted in accordance with Libya's obligations under international human rights law and standards. Until then, the authorities shall ensure that any frameworks by the Government of National Unity or the Government of National Stability on the registration, functioning and funding of CSOs be fully in line with articles 14 and 15 of the 2011 Constitutional Declaration;
2. CSOs be able to register swiftly via a self-declaratory notification procedure rather than a prior authorization procedure;
3. The administrative body overseeing registration be independent, impartial and fair and that the procedure

for selecting its members be transparent, merit-based and gender-representative;

4. The criteria and procedures for refusing registration, suspension or dissolution of CSOs be clearly prescribed by law, necessary in a democratic society in pursuit of a legitimate aim as defined in international human rights law, and subject to independent and effective judicial review;
5. Any discretionary powers the executive might have in determining which acts or omissions could amount to grounds for suspension or dissolution, including those related to "decency" and "public morals", be removed, and, to that end, ensure that the laws and decrees related to the registration and work of CSOs be clear, precise and in full compliance with the principle of legality;²¹

21. The principle of legality - *nullum crimen sine lege* – means that in order to criminalize a behavior as a penal offense, the specific conduct that is sought to be punished must be strictly defined by law as a crime and its definition as a criminal offense must be precise and unambiguous. ICJ, International Law and the Fight Against Impunity, A Practitioners Guide, 2015, p. 392.

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6. CSOs be able also to seek, receive and use funding and other resources from domestic, foreign, and international sources;
 7. CSOs be able to effectively play their watchdog role and act in defence of the rule of law and human rights, without political interference, intimidation, harassment or undue restrictions;
 8. All ongoing prosecutions and other arbitrary proceedings against civil society actors in relation to their legitimate work be terminated, and all those arbitrarily detained solely for their civil society work be immediately and unconditionally released;
 9. Accountability for all the human rights abuses that civil society actors have been subjected to; and
 10. CSOs be able to provide inputs in, and be meaningfully consulted in ongoing political processes, including those related to constitutional, electoral and transitional justice reforms.

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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Questions and Answers

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