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Item 5: Report of Chairperson of the ACHPR on activities of the Chairperson & Special Rapporteur on Human Rights Defenders and Reprisals in Africa

Honourable Chairperson and Special Rapporteur, Honourable Commissioners,

The International Commission of Jurists (ICJ) looks forward to your regional study to assess the conformity of national laws in Africa with the Guidelines on Freedom of Association and Assembly in Africa. The ICJ deplores that repressive laws on associations and their practical application allow for sustained attacks on civil society, as reflected by the ongoing crackdown on civil society organizations (CSOs) in Libya.

In Libya, the authorities further restrict civic space by implementing older repressive laws, such as Law No. 19 of 2001, which imposes tight control over their activities. For example, only CSOs working on "social, cultural, sports, charity or humanitarian services" can register, effectively excluding human rights CSOs. CSOs are required to notify the executive of all their meetings and send them their minutes, allowing the State to interfere in their activities, and they are required to obtain executive approval to receive funding from abroad, in contravention of international law and standards on the right to freedom of expression, association, peaceful assembly and participation in public affairs as enshrined in the Charter and, in particular, this Commission's Guidelines on Freedom of Association and Assembly in Africa.

Moreover, both the eastern and western authorities relentlessly suppress CSOs peaceful activities, creating an environment of fear and intimidation. They have subjected civil society actors, including human rights defenders, to gross human rights violations, including arbitrary arrest and detention, enforced disappearances and torture and other ill-treatment, making it almost impossible for CSOs to carry out their work freely, leading many to leave the country or suspend their activities.

In an escalating move, on 2 April 2025, the Tripoli-based Internal Security Agency "closed the headquarters" of ten international humanitarian NGOs, based on allegations that they conspire to "settle illegal migrants of African origin in Libya".

Furthermore, the Libyan authorities marginalize CSOs in political and legal processes, by failing to consult them and ignoring their recommendations during the constitution-making process and the adoption of laws. For instance, the eastern House of Representatives failed to listen to CSOs while drafting Law No. 5 of 2022 "on combating cybercrime," despite warnings that it could "exacerbate an already constricted and heavily monitored civic space online," as noted by the UN Human Rights Council mandated Fact-Finding Mission on Libya. Similarly, civil society is not involved in the ongoing discussions on the draft reconciliation law on transitional justice.

We call on the Commission to urge Libya to protect CSOs and adopt a legal framework that guarantees freedom of association in accordance with international law and standards, including the Charter and this Commission's Guidelines on Freedom of Association and Assembly in Africa.

Thank you.