

International Day to End Impunity for Crimes against Journalists

*"If we do not protect journalists, our ability to remain informed and make evidence-based decisions is severely hampered. When journalists cannot do their jobs in safety, we lose an important defense against the pandemic of misinformation and disinformation that has spread online."*ⁱ

The world observes today, 2nd November, the International Day to End Impunity for Crimes against Journalistsⁱⁱ, adopted by the UN General Assembly in its resolutionⁱⁱⁱ of 18th December 2013, to address the phenomenon of a culture of impunity^{iv} for crimes against journalists, which the UNGA considered it to "constitute one of the main challenges to strengthening the protection of journalists".

In its resolution, the UN General Assembly noted that journalists and media professionals in areas of armed conflict shall be considered as civilians and shall be respected and protected under international humanitarian law and relevant conventions and treaties obligating the protection of civilians.

In the past fourteen years (2006-2019), close to 1,200 journalists have been killed for reporting the news and bringing information to the public. In nine out of ten cases the killers go unpunished^v. Impunity leads to more killings and is often a symptom of worsening conflict and the breakdown of law and judicial systems. UNESCO expressed its concern that "impunity damages whole societies by covering up serious human rights abuses, corruption, and crime."

In Libya, journalists and media workers have been suffering for decades from the lack of an enabling environment to work independently and with no interference by the authorities.

After February 2011, Article 14 of the Interim Constitutional Declaration guaranteed freedom of expression and press freedom and repealed laws restricting press freedom. During the early years of the February Revolution, Libya witnessed a remarkable development in press freedom and freedom of expression.

Journalists in Libya are subjected to many violations. According to a report by the Libyan Center for Freedom of the Press^{vi} "from May 1, 2019 to April 30, 2020) 70 attacks of varying severity were documented, some amounted to threats and

attempted murder, in addition to a host of other serious violations such as enforced disappearance, arbitrary arrest, beatings, abuse, arbitrary dismissal, restrictions, attacks and escalation against the media, leading to prosecution and legal actions". Though, the number of violations dropped during this period, compared to previous years, however, many journalists were forced to either leave the profession or leave Libya in search of a safer place, because of threats to their lives and freedoms.

Human Rights Solidarity (HRS) calls for the implementation of the recommendations of the report by the Office of the United Nations High Commissioner for Human Rights on "the Safety of Journalists"^{vii}. The report described many good practices to promote the protection of journalists, practices which were identified thorough review of State practices submitted by, which included many good practices in the field of the safety of journalists, a summary of a comprehensive review of State practices in this area, conducted by OHCHR in cooperation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Applying these practices will help create a safe environment for journalists to work. Unequivocal political commitment is the cornerstone of the protection of journalists, which will result in a package of laws and legislative measures that protect freedom of expression, ensure accountability for attacks on journalists, end impunity, and train and raise awareness among law enforcement officials and citizens at large.

HRS also supports the UN's recommendations on the role of free media in rooting out racism and xenophobia and urges journalists to uphold the highest values of their profession and combat hate speech.

HRS calls on the Government of National Accord to stop the trials of civilians before military tribunals. Mr. Mohamed Baaio, who is unlawfully detained, must be released or referred to the Office of the General Attorney, while ensuring all his basic rights.

Human Rights Solidarity Tripoli – Libya

Violations against journalists in the period November 1, 2019 to October 31, 2020:

- Misrata, November 18, 2019: the blogger and activist Jawhar Al-Jazawi, an IDP from Derna, was arbitrarily arrested. He was severely beaten, and his mobile phone was burned by gunmen in Misrata, after he filmed the bombing of military depots by foreign military planes, supporting Haftar. He was accused of mockery and aiding the enemy by locating targets for them,

- Tripoli, December 14, 2019: journalist and human rights researcher, Reda Fhail al-Boum, was arbitrarily arrested at Mitiga Airport upon his arrival from Tunisia. Reportedly, the arrest was ordered by the Libyan General Intelligence Agency, which declined to disclose the charges against him. He was taken to al-Jdaidah prison for interrogations. Reda was released from his after 12 days by orders from the Public Prosecution Office in Tripoli,
- Tripoli, December 18, 2019: journalist Asiyah al-Jaafari was subjected to arbitrary arrest and detention by the General Intelligence Agency without any charges. She was held for more than 12 hours, then she was released,
- Tripoli, January 14, 2020: journalist Mohamed Abu Ras was subjected to enforced disappearance by an armed group who took him from his workplace in the Libya National Channel to an unknown destination. He was released on Sunday, January 19, after 5 days of disappearance. Other sources reported that Abu Ras was abducted by the Special Deterrence Force, affiliated with the Government of National Accord,
- Sirte, January 16, 2020: the head office of the Culture and Information Authority in the city was completely burned and deliberately sabotaged, by militias allied with the retired Major General Khalifa Haftar. The building consisted of three floors, housing two radio stations: Radio Amwaj [Waves] and Radio Culture, in addition to a large library containing hundreds of books and a cultural salon,
- January 30, 2020: the broadcast of the Libya Al-Ahrar on the NileSat satellite, was subjected to unprecedented deliberate interference. The channel's management believed that it was implemented with technologies that only states, not amateurs, possess,
- March 15, 2020: the photographer Hamza Ben Turkiya, based in Tripoli, was subjected to a campaign of defamation and incitement of violence by Mahmoud Al-Misrati [a pro Haftar journalist]. Al-Misrati accused Ben Turkiya of treason,
- Al-Qarhabouli, April 3, 2020: the director of al-Qarhabouli Radio, Muhammad al-Said al-Ghwail, was subjected to forcible disappearance after being led by an unknown armed on the coastal road in al-Quai'ah area. His fate is still unknown. This area witnessed several attacks and ambushes by militias affiliated with Haftar, known as al-Kaniyat. It controlled Tarhuna before it fled from it on June 4, 2020, and
- Ajdabiya, June 1, 2020: journalist Ibrahim Eshwiagi was threatened and accused of terrorism and dealing with the Government of National Accord by the Salafi militia, because of his previous work as a correspondent for Al-Jazeera Channel. He reported that he has been, more than once since 2014, subjected to physical and verbal assaults and arbitrary arrests by the same militia.

The above incidents adapted from the report of the Libyan Center for Freedom of the Press for the year 2019/2020.

In May 2020, a military court in Benghazi sentenced the Libyan photojournalist, Ismail Abu Zeriba al-Zwuai to 15 years in prison, on charges of "supporting terrorism and terrorist groups" and communicating with satellite channels accused by Haftar's militias of supporting terrorism. There were, on his confiscated phone, text messages and opinion blogs critical of Haftar's militia and the so-called Operation Dignity. Elements of the Internal Security Agency in the city of Ajdabiya kidnapped al- Zwuai 20 months ago, and arbitrarily detained him in a military prison in the city of Benghazi since December 2018. He was not allowed to contact his family or meet with his lawyer. Although the verdict was issued in May, his family and lawyer became aware of the verdict around end of July 2020.

On October 21, 2020, militias affiliated with the Government of National Accord arrested the head of the Libyan Media Foundation, Mohamed Omar Baaio, and his two sons, Omar and Ahmed, for his alleged involvement in sparking strife, and according to information received, he was brought before the military prosecutor accused of treason.

The fate of the photographer, Ahmed Muftah Abu Snaina, who surrendered himself on July 31, 2019, to the Internal Security Agency in Benghazi after they took his cousin hostage. The cousin was released after Ahmed Abu Snaina surrendered himself. Ahmed Abu Snaina used to work as a cameraman for Al-Nabaa TV, then he quit in 2015.

Endnote:

ⁱ United Nations: "[Secretary-General's Message for the International Day to End Impunity for Crimes against Journalists, 2020](#)".

ⁱⁱ United Nations: "[International Day to End Impunity for Crimes against Journalists 2 November](#)".

ⁱⁱⁱ United Nations General Assembly, Resolution 163/68: "[The safety of journalists and the issue of impunity](#)", 18th December 2013.

^{iv} When attacks on journalists remain unpunished, a very negative message is sent that reporting the "embarrassing truth" or "unwanted opinions" will get ordinary people in trouble. Furthermore, society loses confidence in its own judiciary system which is meant to protect everyone from attacks on their rights. Perpetrators of crimes against journalists are thus emboldened when they realize they can attack their targets without ever facing justice.

^v United Nations: "[International Day to End Impunity for Crimes against Journalists](#)".

^{vi} the Libyan Center for Freedom of the Press (LCFP): "[Libyan media is Hostage to the Military Raging Clashes](#)", annual report (2019/2020).

^{vii} Human Rights Council: "[The safety of journalists](#)", Report of the Office of the United Nations High Commissioner for Human Rights 1st July 2013.