

World Book and Copyright Day

Regress in Freedom of Writing and Publishing,
and the Threats the National Archives

(23 April)



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April 23 of each year is the World Book and Copyright Dayⁱⁱ, which was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), starting in 1995 in appreciation of books and their authors, and spreading the culture of reading and acquisition of books. Through advocacy of books and copyright, UNESCO defends creativity, diversity, and equality in the benefits of knowledgeⁱⁱⁱ.

The book market, events and activities related to book and authorship in Libya since the summer of 2011 witnessed great demand from all ages, since the right of freedom of expression and creativity was one of the main demands of the popular uprising. Immediately, various types of books were available that were not easily accessible or available during the period of the Qaddafi regime, which imposed tight control over publications, and placed numerous restrictions on freedom of expression and creativity^{iv}. Before the February 2011 uprising, it was not possible to publish a novel or print a short story, for example, except after it passes censorship, once before printing, and again before publication, under to the provisions of the Publications Law^v No. 76 of 1972.

The Transitional National Council (NTC) responded to the demands for freedom of opinion and expression, which is considered one of the fundamental human rights^{vi}, by including this right in the Constitutional Declaration^{vii},

Libya's transitional Constitution since August 3, 2011. The Ministry of Culture at that time abolished the Department of Publications, to open the way for printing and publishing books with only a registration number from the National Library. As a result of these human rights gains, the years 2011 and 2012 witnessed a boom in printing and publishing, so many books and novels were printed without restrictions, bookshops imported titles that were prohibited during the Qaddafi regime, and cultural events were organized to celebrate the book, and the number of book clubs and markets for new and used books increased significantly^{viii}.

However, this momentum did not continue and began to diminish, and numerous obstacles to freedom of expression and creativity emerged on the surface, in some cases were imposed by State institutions, other cases by none-State armed or religious groups. Groups taken advantage of the weakness of the State and its inability to protect its citizens. In March of 2015, the famous el-Ferajani bookshop in Tripoli was raided by heavily armed criminal police and tampered with its contents, confiscated some of its books, and took an employee into custody. He was interrogated twice by followers of a "Salafi" group. The police said they raided the bookshop after receiving a citizen's complaint against the bookshop for selling a novel by the Turkish writer Nedim Gürsel^{ix}. Al-Tejwal Library, a mobile library, condemned, in a press statement, the confiscation of literary novels and books at a military checkpoint near Ajdabiya, 160 Km South of Benghazi. The armed group, affiliated with the so-called "Operation Dignity", claimed the books were espousing disbelief, atheism, pornography, and Shiism^x.



On January 23, 2017, the General Authority for Culture issued a statement^{xi} condemning and strongly denouncing the confiscation of a truck, in al-Marj (100 Km East of Benghazi), carrying a load of books, claiming that they were books advocating terrorism and sectarianism^{xii}. The General Authority for Culture described the incident as a violation of the freedom of opinion and expression. Libyans were angered when a visiting Saudi Sheikh, Osama bin Attaya Al-Otaibi^{xiii}, praised the seizure of the shipment of books^{xiv} by al-Marj Security Directorate. A Friday Prayer sermon, circulated by the Islamic Endowment Authority in eastern Libya, on secularism, also received angry reactions from Libyans. The sermon called for the need to "confront the advocates of secularism, confiscate their books, and monitor their personal accounts [on Social Media Networks]", according to a statement by this authority on its official account on Facebook. The title of the sermon^{xv} was: "The role of secularists in corrupting the society through publishing books of falsehood and vice."

In September 2017, an armed group loyal to the "Madkhali" movement, which is influential in the Special Deterrence Force, affiliated with the Ministry of Interior, closed the historic "Dar Hassan Al-Faqih", which was turned years ago into a venue for organizing seminars, conferences, and cultural gatherings. The head of the Libyan Society for Literature and Arts, Ibrahim Humeidan, stated that the "reasons for the closure came is the malicious defamation campaign on social media against Ahmad Al-Bukhari's novel "Kashan", of which two chapters were published in the book "Sun on Closed Windows," claiming that this content is inconsistent with the values of Libyan society"^{xvi}. In November 2017, the "Special Deterrent Force" closed an

exhibition of comic stories called “Libya Comic Con” in the capital, because of what it described as a violation of "public decency" in the country^{xvii}.

In November 2017, the “Special Deterrence Force” closed a comics exhibition of “Comic Con” in the capital, Tripoli, due to what it described as a breach of “public morals” in the country.

In the same context, a civil society organization^{xviii}, the Tanarout Group for Creativity (TGC), announced at the beginning of December 2020 the suspension “of all its cultural activities until further notice ... out of concern for the safety of its members and guests, and to ward off any harm that may result from the continuing campaign of defamation and incitement”. This announcement was preceded by a statement^{xix} published TGC complaining about the campaign of "defamation and incitement against the gathering and its members" perpetrated by the "General Authority for Endowments and Islamic Affairs" in Benghazi^{xx}. In September 2017, TGC suspended its activities after repeated incidents of attacks on its center and its members in the city of Benghazi, and then resumed its activities after changing its location^{xxi}.

The campaign was not limited to books that some of the followers of the Madkhali^{xxii} group consider "secular and atheist" books, it also targeted religious and history books written by authors considered by the same group as deviant. A video posted on Facebook, June 2017, showed police officers, in Benghazi, burning more than six thousand books^{xxiii} which were confiscated from the home library of Sheikh Mohamed al-Tayeb, who was an elected member of the first elected Local Council of the city of Benghazi after the February

2011 revolution. Hundreds of books of Islamic Fiqh (jurisprudence), Tafseer (interpretation of the Quran) and history were also confiscated from Public libraries in the cities of Benghazi and Derna by forces loyal to "Operation Dignity" of Haftar^{xxiv}. Also, in Ajdabiya, the Security Directorate of the town announced that it confiscated a collection of books intended for sale by a book distributor^{xxv}. The list of confiscated books included several names alongside renowned Muslim social scientist and historian Ibn Khaldun, among them two titles written by the Libyan historian al-Taher el-Zawi, "The History of the Arab Conquest in Libya" and "The Struggle of Libyans in Diaspora" were confiscated. The latter book chronicled the Libyan rebel effort in diaspora against Italian colonialism.

Also, the campaign was not limited to books, publications, and cultural forums, it also targeted the public archives and Libya's historical archives. In January 2021, the Libyan Center for Archives and Historical Studies (Center) received a notification^{xxvi} from the General Authority of Endowments (al-Awqaf), which is controlled by the followers of the Madkhali group, giving the Center 72 hours to vacate the premises because the Center was behind in rent payments^{xxvii}. The fact that al-Awqaf gave the center 72 hours to vacate the building^{xxviii}, which is a safe for more than 27 million documents of Libyan history, is evidence of irresponsibility and lack of appreciation of the value of the National Archives. The intervention of the Presidential Council of the Government of National Accord, which came as a result of a campaign launched by civil society, historians, and researchers, temporarily resolved the crisis^{xxix}, by paying the "accumulated rents". What is needed is to implement the legal opinion of the Department of Legal Cases of Tripoli^{xxx}, which rejected al-Awqaf's ownership claims of the property, once and for all.

These infringements on the freedom to circulate, sell and print books in Libya and attacks on cultural activities and events related to the book and author raise concerns and fears about the future of freedom of expression, opinion, and creativity in Libya. Legislations and laws are not sufficient to protect rights, the authorities need to enforce these legislations.

Human Rights Solidarity
Tripoli - Libya
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i United Nations: “World Book and Copyright Day (23 April)”.

ii 23 April is a symbolic date for world literature. It is on this date in 1616 that Cervantes, Shakespeare and Inca Garcilaso de la Vega all died. It is also the date of birth or death of other prominent authors, such as Maurice Druon, Haldor K.Laxness, Vladimir Nabokov, Josep Pla and Manuel Mejia Vallejo.

iii United Nations: “World Book and Copyright Day, 23 April”.

iv There are many examples of censorship during the 4 decades of the Gaddafi regime. One example is the Libyan poet Mohamed Shaltami, who was a frequent guest in Gaddafi’s prisons, imprisoned more than once for his revolutionary poems calling for the fall of tyrannical and despotic regimes and glorifying people’s revolutions. Novelist Mansour Bushnaf was imprisoned 14 years for writing a play titled “When the Rats Rule”, and his novel “In the Mirage of the Night” was banned in 2008. Hisham Matar’s novel “In the Country of Men” was also banned in Libya. The Libyan novelist Najwa bin Shatwan, was interrogated by the Office of Press Prosecution because of her novel "The Luxury of the Void". In 2010, the Office of Censorship did not allow the printing of the novel “Sajeenat [Women Prisoners]” by Omar al-Kekli. It was a collection of narratives of life inside prisons. Al-Kekli himself, a writer and translator of literature, was a prisoner of conscious for almost 10 years during the Qaddafi era. Libya Tribune: “Freedom of expression, opinion and creativity in Libya: a legacy shackled by restrictions, an anxious present and an unknown future”, December 1, 2017.

v Article (1) of Law No. (76) of 1972 “On publications”, stipulates “Press and printing are free. Every person has the right to freedom of expression of his opinion, and to broadcast opinions and news by different means in accordance with the constitutional right in accordance to this law and within the framework of society’s principles, values and goals”. So, it assured the freedom of the press and printing, and the right of every person to express his opinion and to publish those opinions, but

restricted them by a general and vague expression "within the framework of society's principles, values and goals", to unleash the executive authority in its interpretation and use of this restriction as it wishes.

vi Article (19) of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers", and Article (19) of the International Covenant on Civil and Political Rights: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

vii Geneva Centre for Security Sector (DCAF) Libyan Security Sector Legislation: "Constitutional Declaration of 2011- Consolidated". Article (14): "Freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful sit-in shall be guaranteed by the State in accordance with the law".

viii Jazeera Net: "The book breathes freedom in Libya", Mohamed al-Asfar, July 17, 2012

ix Al-Wasat: "In photos, "ibn Taymiyyah" saves "el-Ferajani bookshop" in Tripoli from closure", Nahla Al-Arabi, March 19, 2015.

x Libya al-Mostakbal news website: "A military check-point in Ajdabiya confiscated novels and literary books for a Mobile Library", April 9, 2017.

xi The General Authority for Culture: "Statement by the General Authority of Culture regarding the confiscation of books in Al-Marj", 23 January 2017.

xii Among the confiscated books were novels by the famous Brazilian novelist Paulo Coelho. He expressed, on his Twitter account, his strong anger at the confiscation of the truckload of books by al-Marj security authority in Libya, while it was on its way from Tobruk to Benghazi.

xiii Sheikh Osama bin Ataya Al-Otaibi, a follower of Sheikh Rabee al-Madkhali, came to Libya in the winter of 2016/2017 at an invitation by retired Major General Khalifa Haftar. He toured the cities and areas under the control of Haftar's militia, giving seminars and lectures. Haftar's relationship with Osama Al-Otaibi dates back to the beginnings of the so-called Operation Dignity. There is a recording of a phone call between Haftar and Al-Otaibi on 28 Ramadan 1435 H, corresponding to 25 July 2014.

xiv Al-Wasat: "A Saudi sheikh praises the confiscation of books in a sermon in a mosque in Ajdabiya", January 27, 2017.

xv Al-Wasat: "Friday sermon by the "Endowment Authority of the Interim [Government]" provokes wide-spread criticism by Libyans on Facebook", January 28, 2017. The Islamic Endowment Authority in East Libya is controlled by followers of the Saudi Sheikh Rabia al-Madkhali, and it reports to the self-proclaimed "Interim Government", not recognized by the United Nations.

xvi Al-Araby website: "'Dar Hassan al-Faqih" closed at gunpoint", Abdullah Al-Sharif, September 4, 2017.

xvii BBC Arabic: "Libyan militia closes an exhibition of comics for" insulting public modesty", November 5, 2017.

xviii Tanarout Group for Creativity (TGC): "Tanarout Group for Creativity announces the suspension of all cultural activities until further notice", December 3, 2020.

xix Tanarout Group for Creativity (TGC): "Statement by the Tanarout Group for Creativity on what the General Authority of Endowments and Islamic Affairs is up to", November 25, 2020.

xx On November 29, 2020, the General Authority of Endowments and Islamic Affairs (GAEIA) of the self-proclaimed Interim Government countered with a statement on its Facebook Page under the title "The Smear Campaign waged by the Tanarout Gathering" in which it repeated the accusations directed against the members of the TGC, stating: "based on the tasks assigned to the Benghazi Office of En-

dowments and Islamic Affairs, one of which is preserving religion and morals from destructive morals and ideas, and incompatible norms: calling for polytheism, contesting the religion of monotheism, praising Buddhism and Christianity, and from concerts with Satanic rituals, publishing books sponsored by the Hebrew University of Jewish writers, detailed descriptions of sexuality, calls for marital infidelity, and other shameful things). The [GAEIA] office sent official letters to several security agencies, affiliated with the Ministry of Interior, alerting them of all the ideological, intellectual, moral, and behavioral infractions which this gathering [TGC] calls for, which corrupts the religion and way of life of the people. The [GAEIA] office provided detailed evidence and proofs, from the [Facebook] page (of the Tanarout Gathering) itself, on all what it mentioned in its correspondence with these security agencies. After reviewing the advertised books and reading them extensively, the office sent photocopies of the religious and moral corruption contained in those books and submitted them to these competent authorities responsible for preserving the country's physical, intellectual, and social security, which in turn raised the matter to the Ministry of the Interior and the Public Prosecution”.

xxi Al-Wasat: ““Tanarout Group” suspends its activities after coming under attack in Benghazi”, September 7, 2017. TGC statement said: "It became clear to us after the closure of Dar al-Faqih Hassan in Tripoli , and these attacks on Tanarout, that the culture in our country is going in one direction, and it is not resonating with the society, because the society is responding with violence to culture. It is not a coincidence that we find this war on culture everywhere and simultaneously".

xxii The Madkhali group dominate the Islamic Endowment Authority, affiliated to the self-proclaimed Interim Government in eastern Libya, and hold sway in the security agencies affiliated with the Government of National Accord in Western Libya.

xxiii Jazeera Net: “Haftar police burn thousands of religious books in Benghazi” June 18, 2017.

xxiv Libya al-Ahrar TV Channel: “Pro-Dignity authorities launch campaign to confiscate books in Derna”, August 17, 2018.

xxv Al-Araby website: “Confiscation of Books in Libya: Ibn Khaldun on the List of Takfiris” Abdullah Al-Sharif, June 27, 2018.

xxvi Libya al-Ahrar TV Channel: “Calls for an investigation into the endowment’s demand to vacate the headquarters of the Libyan Center for Archives and Historical Studies”, January 8, 2021.

xxvii In October 2010, a court in Tripoli ruled in favor of the General Authority of Endowment (al-Awqaf). The court ruled that al-Awqaf owned the land, on which The Center is built, and set the rent value at 2,000 Libyan Dinars per month. However, in February 2017, the al-Awqaf changed the rent to 96,000 Libyan Dinars per month after it obtained an administrative seizure order in December 2016. The Center, with its bank accounts frozen, it could not pay the salaries of its employees and carry out its work, which threatened documents and archives with damage and loss. Ewan Libya (News Site): “al-Awqaf threatens to evict the Libyan Center for Archives and Historical Studies from its premises”, February 12, 2017. According to the report, “In December 2016, a group from al-Awqaf (the General Authority for Endowments) surrounded the Center from outside, and Mohamed Tektik [the head of al-Awqaf at the time] entered the Center accompanied with a group of people, wearing military and police uniforms, and some in civilian clothes, and forced their way into the office of Dr. al-Jarrari, the head of the Center. They gave him the choice between paying the [inflated] rents or vacate the building and hand it over. Al-Jarrari refused, as the center contains millions of historical documents. Al-Awqaf changed its demand, either al-Jarrari signs a document acknowledging the debts owed by the Center or vacate the premises. Faced with the difficult situation, frozen assets, and the fear to lose the archives, Dr. al-Jarrari signed the document.

xxviii Human Rights Solidarity: “HRS Statement on the Libyan Center for Archives and Historical Studies”, January 7, 2021.

xxix Ean-Libya (news website): “Calls for setting up a mechanism to solve the problem of the Libyan Center for Archives and Historical Studies”, January 9, 2021. The report indicated that the President of the Presidential Council requested “from the Ministry of Finance in his government to pay the value of the rents owed by the Libyan Center for Archives and Historical Studies in favor of the General Authority for Endowments and Islamic Affairs (al-Awqaf) for the Center’s use of the property leased from al-Awqaf”, and that the Investigation Department at the Office of the General Attorney “assigned a force affiliated with the Ministry of Interior to protect and secure the headquarters of the Libyan Center for Archives and Historical Studies, until the dispute over it is resolved by legal means”.

xxx Libya al-Ahrar TV Channel: “The Department of Legal Cases settles the dispute over ownership of the property of the Libyan Center for Archives”, January 11, 2021.

HUMAN RIGHTS SOLIDARITY

منظمة التضامن لحقوق الانسان

i n s t i t u t i o n a l

Libya Tripoli Office, P.O. Box : 3139, General Post Office, Algiers Square
Switzerland Geneva Office, c/o, Rue des Savoises 15, 1205 Genève

+41 22 550 81 23 +41 76 234 57 78 +41 22 593 14 77
www.hrsly.org hrsolidarity@twitter Info@hrsly.org

منظمة التضامن لحقوق الإنسان مسجلة كمنظمة محلية غير حكومية في ليبيا تحت رقم قيد 589 - 01 - 20160327

