

Libya

Status: Partly Free

Legal Environment: 15

Political Environment: 27

Economic Environment: 17

Total Score: 59

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	94,NF	94,NF	94,NF	94,NF	60,PF

Following the civil war and a dramatic opening in the political and media environments in 2011, conditions for press freedom remained stable in 2012. The National Transitional Council (NTC), formed soon after the start of the armed conflict in February 2011, steered the country to its first democratic elections in July 2012. In August, the NTC disbanded after handing power to the new legislative assembly, or General National Council (GNC). The GNC then selected a prime minister and cabinet. However, these accomplishments were marred by the failure of the new authorities to establish security and rule of law in the country. Various semiautonomous militias controlled different parts of the country, and while some either disbanded or attached themselves to the nascent national army, others became less formal proxies for the government or acted without any official oversight, contributing to an unstable operating environment for journalists.

The GNC had yet to begin appointing a committee to draft a permanent constitution by year's end. The governing legal document during 2012 remained the Draft Constitutional Charter for the Transitional Stage, adopted during the 2011 conflict, which guarantees several fundamental human rights. For example, Article 13 stipulates "freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of press, printing, publication and mass media." While these provisions are a positive start, they do not fully reflect international standards for freedom of expression. The charter does not explicitly abolish censorship or include the right to seek, receive, and impart information and ideas. It does not cover all types of expression and methods of communication, nor does it grant the rights in question to every person.

In May 2012, the NTC introduced Law 37, which criminalized "false news and information" and "propaganda" that "endanger(s) national security, terrorize(s) the public or undermine(s) public morale." Any comments counter to the 2011 revolution became criminal offenses, including remarks glorifying ousted dictator Mu'ammr al-Qadhafi, his sons, or his regime. Insults against the Libyan people, their flag, or Islam were also criminalized. Offenses under the new law could be punished with a maximum sentence of life in prison. Law 37 caused public outrage and mobilized national human rights organizations to campaign for its repeal. In its first review of a law passed by the NTC, the Supreme Court ruled in June that Law 37 violated the Draft Constitutional Charter, and it was consequently nullified.

Journalists face uncertainty regarding defamation charges, as there is no new legal framework for libel or slander. In the first high-profile defamation case involving a journalist since the fall of the Qadhafi regime, Amara Abdallah al-Khitabi, editor of the newspaper *Al-Umma*, was detained in December 2012 for publishing a list of 84 judges who were allegedly involved in corruption. He was still being held in Hudba Prison in Tripoli at year's end.

In the absence of clear rules regarding media licensing and regulation, responsibility for state media passed through the hands of multiple institutions during the year. Supervision of state media assets was first transferred from the Ministry of Culture and Civil Society to a newly formed body called the High Media Council. However, by the end of 2012, the GNC had dissolved both institutions and reestablished the Ministry of Information. Meanwhile, the Agency for Support and Encouragement of the Press was tasked with organizing and “supporting” state-owned media.

Libyan journalists have organized a number of competing associations and unions, such as the General Union for Libyan Journalists, which aims to become the main umbrella group for all media professionals, and the Libyan National Media Union, a Misrata-based organization founded in May 2012 with more than 140 members. Journalists who entered the profession during or after the conflict complained that they were being treated unequally and excluded by those who worked under the previous regime, and some new journalists were allegedly barred from joining the unions.

Under the Qadhafi regime, journalists worked in a climate of fear and self-censorship. After the revolution, Libyan media experienced unprecedented freedom, without clear regulations or set “red lines.” The NTC declared that it would not attempt to control content—including criticism of its own performance—and access to officials has been less restricted than under the old system. There was pressure to self-censor and show a united front during the civil war, but local media have since been free to produce more critical content.

Although journalists are able to cover the news much more freely than under the Qadhafi regime, they still faced many challenges in 2012. There were restrictions on reporting of particular events and in sensitive locations, such as Bab al-Aziziya, the former compound of Mu’ammar al-Qadhafi in Tripoli. Many local journalists claimed that militias physically stopped them from filming or accessing certain areas, often without an official explanation. Journalists were prevented by security forces from reporting on the destruction of Al-Sha’ab, one of the oldest mosques in Tripoli, during a campaign by a conservative Salafi Muslim group to destroy Sufi Muslim religious monuments that they deemed heretical. At least three journalists from the independent television channel Al-Asema were detained. Meanwhile, international journalists attempting to report in Libya complained about the unpredictable, cumbersome visa process, which often entailed long delays. Once inside the country, foreign journalists reported being followed and observing security agents loitering in the lobby areas of their hotels.

In contrast to 2011, no journalists were killed in Libya in 2012, according to the Committee to Protect Journalists. However, there were several reported incidents of threats, intimidation, and extrajudicial detentions of reporters, both local and international. In February 2012, two British freelance journalists working for Iran’s Press TV were detained in Tripoli by a militia from Misrata. They were accused of being spies for either the Iranian or Israeli governments. After much negotiation between the British government, the NTC (which repeatedly called for the journalists to be released), and the militia, the journalists were finally repatriated, having spent a month in captivity. In July, a British freelance filmmaker and journalist was held for almost a week by Libya’s Supreme Security Committee after being arrested while filming in a displacement camp for former residents of Tawergha. The inhabitants of the town were driven out of their homes in 2011 as retribution for their purported support of the Qadhafi regime, and their forced displacement has been one of the main human rights abuses in post-Qadhafi Libya that the new authorities have failed to address.

There was a proliferation of new print outlets in the wake of the revolution. As Libya does not have a recent history of independent media, the quality of the journalism has frequently been criticized, and few newspapers have enough content to establish a daily edition. Many of the publications founded in 2011 have closed, mostly because wartime activists have returned to their normal lives or their enterprises lacked equipment, funding, and experience in the media industry. Nevertheless, a large number were still functioning in 2012. There are two public dailies—the official state paper *February* and the state-sponsored *Libya*—along with nearly a dozen prominent private weeklies and monthlies covering news and current events, published in Tripoli, Benghazi, and Misrata. Over 50 smaller publications, including outlets focused on news and special interests, were reportedly in print in 2012.

Libyan Radio and Television operates the three main public radio stations, including Radio Libya. Local councils fund various other radio stations, and there are over a dozen private stations, including Egypt-based Libya FM. The state operates four television stations, one of which, Libya al-Wataniyah, regularly broadcasts current events, news, and discussion shows as well as GNC sessions and press conferences. There are five main private television news stations and a number of smaller special-interest channels. In some cases, the ownership of these outlets remains unclear. One of the leading private stations, Libya al-Hurrah, was founded as a web-based channel during the 2011 revolution by Mohammed Nabbous, a citizen journalist who live-streamed the beginning of the uprising in Benghazi before being killed while filming in March 2011. After his death, Libya al-Hurrah expanded and now broadcasts live from several locations in the country. Libya al-Ahrar, known as Libya TV, was launched in April 2011 with support from the Qatari government and Libyan businessmen. Although it is a private channel, it is increasingly seen as a mouthpiece of the government.

The internet penetration rate remains relatively low, with about 17 percent of the population accessing the medium in 2011. The telecommunications infrastructure inherited from the previous regime has yet to be refurbished, and internet users struggle to secure a reliable, high-speed connection. According to Akamai, a U.S.-based internet content delivery network, Libya touts the world's lowest average connection speed at 0.5 megabits per second. Despite this obstacle, social media have experienced constant growth. Libyans' use of online social networks, microblogs, and video- and photo-sharing sites was instrumental in the dissemination of information about the 2011 protests and ensuing conflict, and these platforms continue to be a key source of news for many residents. According to Social Bakers, which provides usage statistics for social media, the number of Libyan users of the social-networking site Facebook reached 802,500 in 2012, or around 13 percent of the population. There were no reports in 2012 of the resumption of internet filtering, which had been prevalent during the Qadhafi era.