

8 April 2010

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Language: **English**

**Human Rights Council – Universal Periodic Review
Ninth session – 2010**

**Contribution of Reporters Without Borders (a non-governmental organisation
with special consultative status) about press freedom in LIBYA**

Overview of press freedom situation

Libya's chairing of the UN Security Council last month was the latest step in its reintegration into the international community, a process that began with the lifting of an international trade embargo in 2004. It has been accompanied by a relative improvement in basic freedoms, including media freedom, although progress remains fragile. After a series of moves to open up the media sector in the past two years, the government has started to pull back. A legislative stranglehold on the media continues.

Progress clawed back

A privately-owned Libyan company, al-Ghad, obtained permission to launch two newspapers, *Oea* and *Quryana*, and a satellite TV station, *al-Libeyya*, in August 2007. Although al-Ghad is controlled by Seif al-Islam Gaddafi, one of Muammar Gaddafi's three sons, this decision to create Libya's first privately-owned media raised hopes that the country would finally be allowed a degree of media freedom. Al-Ghad's three media were certainly permitted greater freedom of expression than the state-run media.

Three months later, in November 2008, *Agence France-Presse* was allowed to open a bureau in Tripoli, with a foreign journalist officially accredited as its full-time correspondent. Then, in February 2009, al-Ghad announced that permission had been obtained for 90 Arab and other foreign publications to be sold again in Libya, ending a 25-year ban on such sales.

Although there have been other positive changes in recent years, most of them promoted by Seif al-Islam Gaddafi, the new openness did not last. The nationalisation of *al-Libeyya* in June 2009, and another new TV station, *al-Wasat*, signalled the start of the regime's clawback, even if it was possible to read articles critical of this decision in *Oea*. In January 2010, *Oea* and *Quryana* both ceased publication after the General Press Authority banned them from printing on the pretext of non-payment of certain bills. These newspapers have continued to appear online.

Although independent news websites based abroad such as *Libya al-Youm*, *al-Manara* and *Jeel Libya* have long been accessible in Libya, and their correspondents allowed to work in the country, the authorities began censoring the Internet in January 2010, blocking YouTube from 24 January onwards. This followed the posting of videos of demonstrations by the families of prisoners in the city of Benghazi, and of footage of members of Gaddafi's family attending parties. Other independent and opposition websites were also blocked on 24 January 2010. A protest campaign has been launched on Facebook by Libyan netizens, journalists and human rights activists with the aim of getting the sites accessible again.

The authorities have also recently set up a new regulatory body (Niyaba As-Sihafa) responsible for monitoring journalists who do investigative reporting on corruption cases in Libya.

Four journalists working for the *Radio Benghazi* programme *Massaa al-Kheir Benghazi* (Good Evening Benghazi) were arrested on 16 February 2010 and were held overnight. Their programme specialised in exposing local government and private sector corruption in the city of Benghazi. It also focused on politically sensitive issues such as the Abu Salim prison massacre in June 1996. The station's director, who took the programme off air, dismissed the four journalists and banned them from the station's premises.

Repressive legal stranglehold continues

Article 13 of the 1969 Constitution guarantees the right to freedom of expression but "within the limits of public interest and the principles of the Revolution." The 1972 press law is also very restrictive. Article 178 of the criminal code provides for life imprisonment for the dissemination of news or information that could "tarnish the country's reputation or undermine confidence in it abroad." Article 207 provides for the death penalty for "whoever disseminates within the country, by whatever means, theories or principles aiming to change the basic principles of the Constitution or the fundamental structures of the social system or to overthrow the state's political, social or economic structures or destroy any of the fundamental structures of the social system using violence, terrorism or any other unlawful means."

Reform of the criminal code has been in preparation since 2003, with the latest draft produced in 2009. While containing a number of improvements, it still includes many measures that considerably restrict press freedom. These measures conflict with Libya's international obligations since it signed seven international treaties on the protection of human rights.

In an August 2007 speech, Seif al-Islam Gaddafi spelled out the four subjects that are off-limits for freedom of expression in Libya: 1) the application of Islamic law, the Koran and its obligations 2) Libya's security and stability 3) Libya's territorial integrity and 4) Muammar Gaddafi. Seif al-Islam Gaddafi stressed several times that he himself was not off-limits. Judges are free to interpret the scope of these "red lines" as they see fit.

This repressive grip necessarily fosters a considerable degree of self-censorship among journalists.

Reporters Without Borders still has no information about the investigation into the disappearance of journalist Abdullah Ali al-Sanussi al-Darrat since his imprisonment in 1973.

Libya was ranked 156th out of 175 countries in the Reporters Without Borders press freedom index.

Recommendations

Reporters Without Borders is very concerned about the press freedom situation in Libya and urges the authorities to lift the General Press Authority's ban on the printing of the privately-owned newspapers *Oea* and *Quryana*, reverse the nationalisation of the TV stations *al-Libeyya* and *al-Wasat*, and stop censoring the Internet.

Reporters Without Borders recommends legislative reforms, including reform of the 1972 press law. The reform of the criminal code that was drafted in 2009 contains provisions that violate Libya's international obligations. It is vital that the international community be vigilant on this point and press Libya to adopt a criminal code that complies with the international treaties it has signed and ratified.

The press freedom organisation also calls for light to be shed on the fate of Abdullah Ali al-Sanussi al-Darrat, the journalist who has been missing since 1973.

The information in this report was gathered and checked by Reporters Without Borders, which has a network of correspondents in 130 countries and partner organisations in about 20.

There are countries where journalists can spend years in prison because of a word or a photo that offends. Reporters Without Borders has been working tirelessly to defend press freedom since 1985 because it believes that imprisoning or killing a journalist eliminates a vital witness and threatens everyone's right to be kept informed.

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