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LIBYA

After two years of cautious optimism, this year saw marked decline in conditions for independent media in Libya, the MSI panelists reported. The country's brief experiment with private media came to an abrupt end in 2009, with the nationalization of the satellite television channel and newspapers owned by Al Ghad Media Corporation, a company that Saif al Islam al Qadhafi (Muammar Qadhafi's son) supports. While they existed, the private newspaper *Oea* in Tripoli, *Quryna* newspaper in Benghazi, and satellite television channel Al Libeyya challenged the government's longstanding monopoly on media. Unlike their state-run peers, these outlets addressed corruption and under-performing government officials and institutions—although certain issues, including the Qadhafi regime itself, remained sacrosanct.

In June 2009, it became clear that the government was no longer interested in tolerating even mild criticism. Authorities announced that private outlets would continue to operate but the National Center for Media Services would control them. In January 2010, after the panelists submitted their scores, the General Press Authority banned *Oea* and *Quryna* from publishing, on the grounds that the newspapers had failed to pay a series of bills. The outlets continued to operate online.

As in previous years, the panelists reported that the government uses the country's opaque legal system to persecute journalists and eliminate dissent, while ignoring sections of the law that protect the freedom of speech and the rights of journalists. In 2009, multiple writers, commentators, and journalists were arrested for insulting public officials. The *Good Evening Benghazi* radio program continued to face government pressure; authorities summoned host Ahmed Khalifa and several guests for questioning. Although draft legislation has existed for years, once again in 2009 the government failed to implement new laws on the press and civil society.

While the Libyan government lifted its 25-year embargo on foreign publications in February 2009, the panelists reported that this decision has yet to make a significant impact. Publications from other Arab countries and the West are hard to find and prohibitively expensive. Additionally, the government still enforces restrictions on the distribution of Libyan pro-reform magazines, such as *Arajen* and *Libyan Forum*, which are printed outside the country.

The Internet remains the sole venue for Libyans to express themselves openly and access impartial news and commentary. News sites and blogs run by Libyans continued to expand in number and improve in quality, in spite of the Qadhafi regime's attempts to censor content and threaten authors. The government has specifically targeted websites run by Libyans living abroad, and has even carried out personal attacks on the journalists that run the sites, hacking their email addresses and stealing personal information.

According to the panelists, hope for the "Libya of tomorrow" (a phrase that Saif al Islam al Qadhafi uses often) has dimmed significantly over the past year. It is clear that the Qadhafi regime is not interested in pursuing genuine reforms and reformers within the government are powerless to implement their agendas.

LIBYA AT A GLANCE

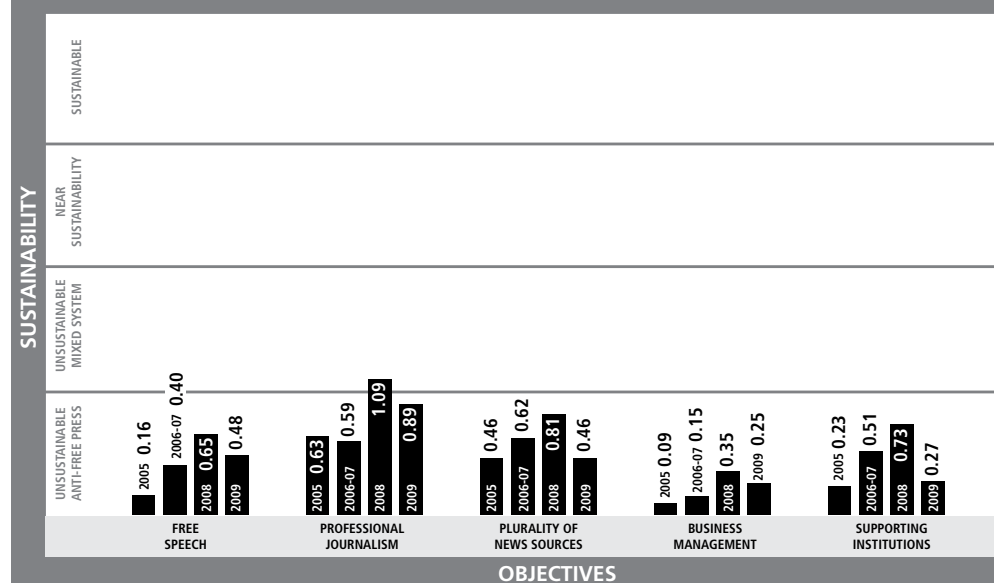
GENERAL

- > **Population:** 6,310,434 (July 2009 est., *CIA World Factbook*)
- > **Capital city:** Tripoli
- > **Ethnic groups (% of population):** Berber and Arab 97%, other 3% (includes Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians, and Tunisians) (*CIA World Factbook*)
- > **Religions (% of population):** Sunni Muslim 97%, other 3% (*CIA World Factbook*)
- > **Languages:** Arabic, Italian, English; all are widely understood in the major cities (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$ 77.18 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$ 16,400 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 82.6% (male 92.4%, female 72.0%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** Revolutionary Leader Col. Muammar Abu Minyar al Qadhafi (since September 1, 1969)

MEDIA SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 4 daily newspapers; Radio: 24 stations; Television: 12 stations (www.pressreferences.com)
- > **Newspaper circulation statistics:** 13 per 1,000 people (www.pressreference.com)
- > **Broadcast ratings:** N/A
- > **News agencies:** Jamahiriya News Agency, Jamahiriya Broadcasting, and Voice of Africa (www.pressreference.com)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 353,900 (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: LIBYA



Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Libya Objective Score: 0.48

The Libyan government fails to ensure freedom of expression. From a strictly legal standpoint, ensuring such freedom is hampered by the country's lack of a formal constitution and by a tortuous system of public decrees and ambiguous legal standards. Article 13 of the Constitutional Proclamation, issued by Muammar Qadhafi after he seized control in 1969, only guarantees the freedom of speech "within the limits of the public interest and the principles of the revolution." Subsequent media and human rights laws (including the 1977 Declaration of the People's Authority, the 1988 Green Charter for Human Rights, and the 1991 Law 20 on Enhancing Freedom) all reaffirm limits on speech when it violates the "public interest" or the "people's authority," standards that inevitably the Qadhafi regime defines.

In reality, Libya has "no viable legal framework to support the existence of a competitive, independent media industry," said Mohammad Mlitan, a blogger and professor at Misurata University. Ashour Shamis, editor-in-chief of the Libya News website, added that legal protections of freedom of speech are "trotted out only when the authorities think they need to strengthen their position, never to actually protect of the freedom of expression."

In 2007, Saif al Islam al Qadhafi gave a speech stating that there are four untouchable issues for Libyan journalists and citizens. They include the application of Islamic law and the Koran, the security and stability of Libya, the country's territorial integrity, and Muammar Qadhafi himself. Mahmud Annakoua, a Libyan writer living outside of the country, said that a prevailing culture of fear perpetuated by years of oppression prevents journalists from approaching these topics. Noman Bin Othman, a media personality and expert on extremist movements, concurred and added that the dominance of the government's domestic intelligence service is a major deterrent to open expression.

Although the government has formally suspended the Publications Act of 1972, the panelists reported that authorities continue to enforce the limiting aspects of the statute while ignoring the sections of the law that allow for a private press. The Department of Publications refuses to accept license applications from private entities, preventing the formation of an independent media sector. Journalist Eisa Abdul Qayyum reported that language for a new press law has been around for years, but it will be implemented only if Qadhafi enacts a new constitution—which appears increasingly unlikely, other panelists said.

In 2009, authorities detained Ahmed Khalifa, the host of Good Evening Benghazi—a popular radio program in that eastern Libyan city—after a guest on the show criticized Libya's human rights record. Early in 2010, the authorities shut down the show completely and arrested members of its staff.

The Libyan penal codes place restrictions on free speech and mandate stiff penalties for those convicted of violations. Journalists convicted of slandering Libya's reputation abroad can face life imprisonment under Article 178 of the code, and Article 207 orders the death penalty for Libyans convicted of "spread[ing] 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." Libel and defamation are criminal offenses punishable by jail time, although in practice, accusers often choose to file civil cases against journalists. Generally, a special press prosecutor handles cases brought against journalists.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The few skilled journalists that continue to work in Libya are under extreme pressure to parrot the government line. As a result, major local and international events often go unreported or are reported through the Qadhafi regime's prism.

Hesham Abdalhameed al Shalawy, a journalist blogger living outside of Libya, reported that since 2006, government officials have become slightly less strident in enforcing Libya's legal prohibition of independent journalists. And before they were nationalized, private outlets run by Saif al Islam al Qadhafi's Al Ghad Media Company were given some leeway by the government. That said, Libyan journalists steeped in years of violently enforced censorship rarely test these boundaries. According to the panelists, the few journalists and commentators that do are detained quickly for questioning.

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In addition to the legal challenges that stifle Libyan journalists, the government guards information closely. The panelists reported that the state-backed outlets have a virtual monopoly on official news. Other journalists are forced to use personal connections and creative and sometimes illegal means to source their stories. Shamis said that in many cases, government officials and citizens are afraid to talk with journalists because of the possibility of retribution.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Libya Objective Score: 0.89

Under Muammar Qadhafi, the media is essentially a "weapon of ideology," panelists reported. Journalists and editors are bound by the dictates of the government and only publish articles or air programs that the authorities approve. In this environment, journalists have little incentive to improve the quality of their work or adhere to ethical standards. The vast majority of journalists lack the professional skills and qualifications to report the news effectively, according to Mohammad Tarnesh, director of the Libyan Human Rights

Committee. Nage Alharbe of Omar al Mukhtar University added that the average Libyan journalist is "an amateur with little to no qualifications."

The few skilled journalists that continue to work in Libya are under extreme pressure to parrot the government line. As a result, major local and international events often go unreported or are reported through the Qadhafi regime's prism. The panelists said that at this point, self-censorship is ingrained so deeply that most Libyan journalists do not even consider addressing potentially controversial issues.

Journalist Ramadan Jarbou said that the quality of journalism improved somewhat during Libya's two-year experiment with private media. In general journalists working for the private newspapers and satellite channel reported stories objectively and attempted to follow ethical standards. However, other panelists said that these improvements ended when the outlets were nationalized. Additionally, Al Ghad's attempts to improve the professionalism of its programming had little effect on the rest of the media sector; state-run outlets are still as unprofessional and unscrupulous as ever.

Journalists are paid poorly, and often those that can leave the profession take other, higher-paying jobs. Most of those that continue are forced to work multiple jobs to survive. Tarnesh reported that the government rarely pays salaries on time.

According to Shamis, the Libyan media sector has virtually no niche reporting, and entertainment programs often take precedence over news and information programs. Additionally, most of the equipment that Libyan broadcast outlets use to gather and produce programs is outdated and in disrepair.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

OBJECTIVE 3: PLURALITY OF NEWS

Libya Objective Score: 0.46

All Libyan newspapers and broadcast channels are controlled by either the Ministry of Information or Qadhafi's Revolutionary Committees. Media outlets rarely, if ever, stray from official propaganda, let alone attempt to counter the government line. Atef el Atrash, a media specialist with the Islamic Committee of the International Red Crescent in Benghazi, said that the government makes a show of publishing dozens of public and specialized newspapers but the information is all the same. Additionally, the international news stories that these outlets present are selected carefully to fit Qadhafi's ideological narrative.

During their brief existence, *Oea*, *Quryna*, and *Al Libeyya* were presented as alternatives to the state-run media. While they did address corruption and social issues that other outlets avoided, they did not directly challenge the Qadhafi regime or its policies. According to Shamis, these outlets only provided the illusion of plurality and were in fact "meant to pull the wool over the eyes of the people."

In February 2009, the Libyan government ended its 25-year prohibition of foreign publications, allowing *Al Ghad* to import more than 90 Arab and Western newspaper and magazine titles. The panelists said that while this was a significant step in the right direction, these publications are expensive and available only at a few locations in major cities.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens' access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

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Despite the overwhelming bias of Libya's state-controlled media and the limited availability of foreign publications, the panelists reported that many Libyans access information through satellite television, which is widely available and relatively affordable. Pan-Arab television channels, including *Al Jazeera* and *Al Arabiya*, are particularly popular in Libya, the panelists said.

The Internet provides tech-savvy Libyans with another way to circumvent the regime's information embargo. A multitude of Libyan news sites and blogs have emerged in recent years, with many authored by Libyans living outside the country. The panelists reported that the Qadhafi regime has tried repeatedly to block and censor these sites, but has had little success. Both *Oea* and *Quryna* launched websites, which remain operational. According to multiple panelists, the web editions of these former newspapers have helped improve public discourse in Libya significantly.

Tarnesh provided a personal example of how the Internet is changing the media environment for Libyan journalists. Over the previous year, he wrote a number of articles that state-run newspaper refused, but ultimately they appeared online and were read widely. Tarnesh said that in spite of the government's attempts to control the media, Libyans are still hungry for information.

The panelists disagreed about whether the cost of Internet access is prohibitively high for most Libyans. Faiza al Basha, a professor of law at *Alfateh University*, reported that electronic media, including the Internet, are affordable for the vast majority of Libyans, while writer and reporter *Ahmad Rahhal* said that Internet access is limited to affluent Libyans living in major cities.

In regards to many of the other indicators in this objective, the government's stranglehold over the media translates into low scores for them. For example, state media have no room for objectivity or inclusion of dissenting opinions. Independent news agencies are totally absent. Ownership of media, while transparent, is a total monopoly. Finally, there are no independent media that can produce news that varies

The panelists reported that advertising agencies do exist, but they are small and staffed poorly. Their work is “primitive” and essentially “propaganda,” al Basha said.

from that produced by the government. The bottom line for media plurality is that aside from international sources, including—importantly—those focused on Libya and run by expatriate Libyans, there is very little.

OBJECTIVE 4: BUSINESS MANAGEMENT

Libya Objective Score: 0.25

In Libya, media business management is an irrelevant issue, al Shalawy said. Newspapers and broadcast stations depend completely on the government for funding and make no attempt to seek other sources of revenue. Abdul Qayyum reported that the Qadhafi regime perpetuates this system by prohibiting private investment in state-funded outlets and preventing independent outlets from opening. El Atrash added that because of decades of Qadhafi’s illiberal rule, the concept of advertising in media is unfamiliar for Libyan businesses. Alharbe agreed: “There is almost no culture of advertising and advertising is not well accepted by the population,” he said.

The panelists reported that advertising agencies do exist, but they are small and staffed poorly. Their work is “primitive”

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

and essentially “propaganda,” al Basha said. Abdul Qayyum expressed some optimism that the situation could improve if the government enacts the economic reforms championed by Saif al Islam al Qadhafi.

The panelists reported that the system of state subsidies has an adverse effect on the quality of media in Libya. Journalists and media managers know that they will continue to receive funding regardless of the quality of the product they produce, and thus ignore opportunities to improve, al Shalawy said.

While the Libyan government does not publish accurate statistics on the media sector, according to Jarbou, newspaper circulation has declined because newspapers are extremely expensive, the quality is generally poor, and distribution networks are inefficient. Shamis added that Libyan media outlets do not perform any sort of market research.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Libya Objective Score: 0.27

Independent civil society organizations are prohibited by law in Libya, the panelists reported. As a result, the state-run press union is the only representative organization for journalists. Unsurprisingly, the union is beholden completely to the Qadhafi regime and does little to actually protect or support journalists. Abdul Qayyum said that the situation could improve if the government enacts the civil society draft law that has been in the works for years.

While many universities in Libya have journalism departments, generally their graduates are poorly trained and lack the practical skills to become effective journalists.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists’ rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Additionally, often the most promising students are appointed to other government positions, al Shalway said. Sanusi Bskeri, a Libyan writer living outside the country, reported that journalists working for state-run media outlets receive little in-service training. Al Ghad has announced that it would offer some basic professional development courses for journalists, although how effective these courses will be remains to be seen.

Al Shalawy added that many online journalists, himself included, do not have any formal training in journalism.

The Qadhafi regime controls the means of media distribution almost completely. It controls all broadcast distribution, relays, and transmission facilities, as well as the country's printing, publishing, and distribution houses. Some local newsstands are owned privately, but they are only allowed to sell state-published newspapers and magazines. Alharbe reported that many of these newsstands were forced to close last year because of poor sales.

List of Panel Participants

Hesham Abdalhameed al Shalawy, journalist, libya-alyoum.com, United Kingdom

Mohammad Tarnesh, director, Libyan Human Rights Committee, Tripoli

Mohammad Mlitan, professor, Misurata University; blogger, Muwateen, United Kingdom

Ashur Shamis, editor-in-chief, libyaonline.com, London, United Kingdom

Faiza al Basha, professor of law, Alfateh University; blogger, Tripoli

Atef el Atrash, media specialist, Islamic Committee of the International Red Crescent, Benghazi

Nage Alharbe, editor, Omar al Mukhtar University, Al Bayda

Ahmad Rahhal, writer and freelance reporter, London, United Kingdom

Ramadan Jarbou, translator and journalist, Benghazi

Eisa Abdul Qayyum, independent journalist and blogger, Manchester, United Kingdom

Mahmud Annakoua, writer, United Kingdom

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