



LIBYA

	2012	2013
INTERNET FREEDOM STATUS	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	18	17
Limits on Content (0-35)	9	9
Violations of User Rights (0-40)	16	19
Total (0-100)	43	45

POPULATION: 6.5 million
INTERNET PENETRATION 2012: 20 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Partly Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- A Libyan court ordered Russia Today to remove libelous content from its website and temporarily blocked the news site until it cooperated (see **LIMITS ON CONTENT**).
- Media reports indicate that Qadhafi’s extensive surveillance apparatus remains online and operates with little judicial oversight. State control over internet and mobile phone providers is indicative of the lack of checks and balances in the country’s governance (see **VIOLATIONS OF USER RIGHTS**).
- Militia groups temporarily abducted a social media activist and threatened a British journalist into leaving the country, a sign that nonstate actors are continuing to add to the overall sense of instability and insecurity in the online media environment (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

It has now been two years since the 2011 Libyan revolution, when a popular uprising and ensuing civil war deposed the country's long-time leader, Muammar Qadhafi, and placed the country on a shaky path to democracy. Elections for the General National Council (GNC), Libya's 200-member legislative body, were held in July 2012 amidst praise from international observers.¹ The GNC elected Prime Minister Ali Zeidan, a former human rights lawyer, and confirmed his choices for cabinet in November 2012. While the composition of Libya's first democratically-elected government in 60 years is a great step forward, there are several legal and institutional challenges that require immediate attention. The actions of militias, including armed Islamist groups, offset many of the gains the government has made in removing many obstacles to internet access and limits on online content.

The internet became publicly available in Libya in 1998, though prices were excessively high and access was limited to the elite. Thousands of cybercafes sprang up after 2000, eventually offering cheap internet to both urban and rural users.² Furthermore, over the following decade, the state telecom operator reduced prices, invested in a fiber-optic network backbone, and expanded ADSL, WiMAX, and other wireless technologies throughout the country.³ In its initial stages, there were few instances of online censorship in Libya.⁴ However, it was not long until the Qadhafi regime began to target opposition news websites, particularly after the lifting of United Nations sanctions in 2003 led to increased access to surveillance and filtering equipment.⁵ Overall, the highly repressive online environment, which included harsh punishments for any criticism of the ruling system, contributed to an extreme degree of self-censorship by internet users.⁶

Since the victory of the Libyan rebels in 2011, the online information landscape has been relatively open. The country has witnessed a flurry of self-expression as Libyans seek to make up for lost time under the Qadhafi era, resulting in an increase in news sites, the development of a market for online advertising, and massive growth in Facebook use. However, the civil war also impacted investment in the country's information and communications technology (ICT) sector, namely by inflicting damages to the infrastructure and sidelining an earlier \$10 billion development plan for

¹ See "Carter Center Congratulations Libyans for Holding Historic Elections," The Carter Center, July 9, 2012, <http://www.cartercenter.org/news/pr/libya-070912.html> and "Libya: Final Report, General National Congress Election," European Union Election Assessment Team, July 7, 2012, http://eeas.europa.eu/eueom/missions/2012/libya/pdf/eueat-libya-2012-final-report_en.pdf.

² Gamal Eid, "Libya: The Internet in a conflict zone," The Arabic Network for Human Rights Information, 2004, <http://www.anhri.net/en/reports/net2004/libya.shtml>.

³ "Libya – Telecoms, Mobile and Broadband," Budde.com, accessed August 21, 2013, <http://www.budde.com.au/Research/Libya-Telecoms-Mobile-and-Broadband.html>.

⁴ Doug Saunders, "Arab social capital is there – it's young and connected," The Globe and Mail, March 5, 2011, <http://www.theglobeandmail.com/news/world/doug-saunders/arab-social-capital-is-there-its-young-and-connected/article1930770/>.

⁵ "Libya," OpenNet Initiative, August 6, 2009, <http://opennet.net/research/profiles/libya>.

⁶ Ismael Dbarra, "Internet in Libya: Everyone is rebelling against continued blocking and censorship," Elaph (Arabic), March 5, 2009, www.elaph.com/Web/politics/2009/3/415948.htm.

2020.⁷ Additionally, residual self-censorship, weak legal protections, and uncertainties about the continued existence of the Qadhafi-era surveillance apparatus pose ongoing challenges to internet freedom in the country.

OBSTACLES TO ACCESS

Internet penetration has traditionally been very low in Libya. While the percentage of the population with access to the internet has quadrupled from 2007 to 2012, the latest estimates still put this amount at only 19.9 percent.⁸ Of these users, an estimated 80 percent use the wireless WiMAX service, 17 percent connect using traditional fixed-lines, and 3 percent employ a fiber-optic connection.⁹ The number of fixed-broadband subscriptions is relatively low, at just over 1 subscription per every 100 inhabitants in 2012.¹⁰ However, due to the difficulties in obtaining a standard internet subscription, it should be noted that many Libyans use unregistered or illegal satellite technology to access the internet.

Compared to the relatively low internet penetration rate, mobile phone use is ubiquitous. There are an estimated 9.59 million subscriptions in Libya, representing a penetration rate of 148.2 percent.¹¹ Prices have dropped systematically since the introduction of a second mobile provider in 2003, resulting in greater affordability. By 2013, the price of a prepaid SIM card from the main provider, Libyana, was LYD 5 (\$4). Smartphones and 3G connectivity have been available since 2006, though the prohibitive cost of more upscale models impedes their wider dissemination.¹²

Similarly, the cost of a home internet connection remains beyond the reach of a large proportion of Libyans, particularly those living outside major urban areas. As of early 2013, a dial-up internet subscription cost LYD 10 per month (\$8), an ADSL subscription was LYD 20 (\$16) for a 7 GB data plan, and WiMAX was LYD 40 (\$31) for a 10 GB data plan, after initial connection fees. By comparison, gross national income per capita was only \$1,078 per month, pushed up by relatively high salaries in oil and gas firms.¹³ The LTT announced a plan to decrease the prices of leased lines up to 45 percent starting from August 2012 to coincide with the month of Ramadan.¹⁴ The LTT also decreased initial WiMAX account connection fees for individual users from LYD 160 (\$124) to

⁷ "Libya – Telecoms, Mobile and Broadband," Budde.com, accessed August 21, 2013, <http://www.budde.com.au/Research/Libya-Telecoms-Mobile-and-Broadband.html>.

⁸ "Percentage of individuals using the Internet," International Telecommunications Union, 2012, accessed August 19, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

⁹ Tom Westcott, "Improving Libya's Internet Access," *Business Eye*, February 2013, pp. 18, available at <http://www.libyaherald.com/business-eye-issue-1-february-2013-2/>.

¹⁰ "Fixed (wired-) broadband subscriptions," International Telecommunications Union, 2012, accessed August 19, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

¹¹ "Mobile-cellular subscriptions" International Telecommunications Union, 2011. Available at <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

¹² "Libyana Introduces 3G Services for First Time in Libya," *The Tripoli Post*, September 26, 2006, <http://www.tripolipost.com/articledetail.asp?c=2&i=311>.

¹³ "Libya – World Development Indicators" The World Bank, accessed August 21, 2013, http://data.worldbank.org/country/libya#cp_wdi.

¹⁴ "Discounts up to 45% in the service of custom fonts," [in Arabic] Libya Telecom & Technology, <http://www.ltt.ly/news/d.php?i=206>, accessed July 23, 2013.

LYD 120 (\$93) and from LYD 260 (\$202) to LYD 220 (\$171) for households.¹⁵ As of the first quarter of 2013, a dial-up internet subscription cost LYD 10 per month (\$7), an ADSL subscription was LYD 20 (\$15) for 20GB, and WiMAX was LYD 30 (\$23) for 15GB. WiMAX modems remain in short supply since February 2012, resulting in high prices for second-hand devices sold on the site Open Souk, Libya's online marketplace.¹⁶

Many foreign and Libyan organizations and individuals in need of a reliable and legal internet service contract have been driven towards "two-way" satellite internet technology. As two-way technology has become more popular, connection fees and equipment costs have been lowered. Prices are now at LYD 800 (\$622) for the hardware and a monthly subscription costs LYD 255 (\$198) for a fast connection and 30 GB bundle, depending on the number of users.¹⁷

The Libyan civil war heavily disrupted the country's telecommunications sector, with the damage estimated at over \$1 billion.¹⁸ Upgrades have been projected in an effort to respond to demands for increased capacity, such as the laying of the European Indian Gateway and Silphium submarine cables,¹⁹ the construction of additional WiMAX towers,²⁰ the creation of Wi-Fi hotspots, the installation of a long distance fiber-optic cable within the country,²¹ and the development of next generation broadband.²² The adult literacy rate is 89 percent and a wide range of websites and computer software is available in Arabic.²³ However, limited computer literacy, particularly among women, has been an obstacle to universal access.

Since there have been little improvements to ICT equipment since the Qadhafi era, internet speeds remain extremely slow at an average speed of less than 256Kbps, prompting frustrated Libyans to create the Facebook page titled, "I hate Libyan Telecom and Technology," which has reached over 19,000 followers.²⁴ IT experts familiar with the issue have cited poor infrastructure, a lack of quality of service, technology constraints and continued lack of regulations. Furthermore, broadband is not widely available, bandwidth limitations exist for fixed-line connections, wireless users face slower speeds due to heavy congestion during peak hours, and there is a general lack of resources and personnel to perform maintenance and repairs.²⁵

¹⁵ "Now, Libya Max service from Libya Telecom and Technology worth 120 dinars for personal rather than 160," [in Arabic] Libya Telecom & Technology, <http://www.ltt.ly/news/d.php?i=188>, accessed July 23, 2013.

¹⁶ See <http://ly.opensooq.com/> or <https://www.facebook.com/OpenSooq.Libya> it even has a mobile app now.

¹⁷ See <http://www.giga.ly/> or <https://www.facebook.com/Giga.ltd>

¹⁸ "Libya – Telecoms, Mobile and Broadband," Budde.com, accessed August 21, 2013, <http://www.budde.com.au/Research/Libya-Telecoms-Mobile-and-Broadband.html>.

¹⁹ "The Activation of The New Upgraded Submarine Cable System between Libya and Italy," The Tripoli Post, December 25, 2011, <http://www.tripolipost.com/articledetail.asp?c=11&i=7562>.

²⁰ "ZTE suggest Libya will boast nationwide WiMAX network by Aug-13," TeleGeography, January 24, 2013, <http://www.telegeography.com/products/commsupdate/articles/2013/01/24/zte-suggests-libya-will-boast-nationwide-wimax-network-by-aug-13/>.

²¹ "Italian Company to Install Fiber-Optic Network," Libya Business News, September 29, 2012, <http://bit.ly/RbnhMm>.

²² Tom Westcott, "Improving Libya's Internet Access," *Business Eye*, February 2013, pp. 18, available at <http://www.libyaherald.com/business-eye-issue-1-february-2013-2/>.

²³ "Literacy rate, adult total (% of people ages 15 and above)," The World Bank, accessed August 21, 2013, <http://data.worldbank.org/indicator/SE.ADT.LITR.ZS/countries>.

²⁴ See <https://www.facebook.com/ihateltt>

²⁵ Interview with ex-Libyan IT engineer on March 2013.

Qadhafi's forces strategically limited access to the internet and mobile phones during the civil war, with general access restored in August 2011.²⁶ Since the end of the conflict, there have been no government-imposed restrictions on connectivity, but problems remain due to damaged infrastructure. Since May 2012 there have been several disruptions to service, such notably a 26-hour cut in the entire Eastern region in June 2012²⁷ and cuts in areas of Tripoli during in July 2012.²⁸ Rolling blackouts continued over the past year, particularly due to an overload in electricity demand during summer and winter months, when air conditioning or heating is used. These blackouts are due, in part, to damage to the electricity grid that occurred as a result of the civil war, estimated at \$1 billion.²⁹

The state-run Libyan Post Telecommunications and Information Technology Company (LIPTC), formerly the General Post and Telecommunications Company (GPTC), is the main telecommunications operator and is fully owned by the government. In 1999, the GPTC awarded the first internet service provider (ISP) license to Libya Telecom and Technology (LTT), a subsidiary of the state-owned firm. At least seven other companies—including Modern World Communication, Alfalak, and Bait Shams—have also been licensed to provide internet services, though LTT retains sole control over Libya's international gateway to the internet.³⁰ The LIPTC owns two mobile phone providers, Almadar and Libyana, while a third provider, Libya Phone, is owned by the LIPTC's subsidiary, LTT.

Since the revolution, most people access the internet from their homes and workplaces (particularly those working for foreign organizations or companies), followed by mobile phones, and hotel lobbies. The cybercafe industry, quasi-decimated in many parts of Libya during the conflict, is starting to return to profitable business through catering mainly to foreign workers and Voice over Internet Protocol (VoIP) calls.

The post-conflict regulatory environment remains very unclear. The newly elected government has a Ministry of Communication, but it has expressed no clear vision for the future. During the Qadhafi era, decisions on licensing were made by the government-controlled GPTC. There was talk in 2006 surrounding the creation of a new regulator, the General Telecom Authority (GTA), though after the 2011 uprising, it remained unclear whether the GTA had come into existence. Some suspected the GTA had been formed to oversee the monitoring of online activities.

²⁶ "Project Cyber Dawn v1.0, Libya," The Cyber Security Forum Initiative, April 17, 2011, p. 20, http://www.unveillance.com/wp-content/uploads/2011/05/Project_Cyber_Dawn_Public.pdf

²⁷ "Internet service back in each of the following areas," [in Arabic] Libya Telecom & Technology, <http://www.ltt.ly/news/d.php?i=200>, accessed July 23, 2013.

²⁸ "Internet service outages and Libya iPhone spare result in optical fiber," [in Arabic] Libya Telecom & Technology, <http://www.ltt.ly/news/d.php?i=203>, accessed July 23, 2013.

²⁹ "Cost of last year's damage to electricity industry put at \$1bn," The Libya Herald, March 28, 2012, <http://www.libyaherald.com/cost-of-last-years-damage-to-electricity-industry-put-at-1-bn/>.

³⁰ United Nations Economic Commission for Africa, "The Status of Information for Development Activities in North Africa," (paper presented at the twentieth meeting of the Intergovernmental committee of experts, Tangier, Morocco, April 13-15, 2005), <http://www.uneca.org/na/Information.pdf>; "Internet Filtering in Libya – 2006/2007," OpenNet Initiative, 2007, <http://opennet.net/studies/libya2007/>; "Telecoms in Libya" [in Arabic], Marefa.org, accessed August 30, 2012, <http://bit.ly/1bhJYKc>.

LIMITS ON CONTENT

The Libyan web has opened up extensively since the fall of Qadhafi in August 2011. The online media landscape quickly developed as restrictions and regulations on publishing dissipated during the extended period of instability. As internet use has increased, so has the market for online advertising, contributing to the overall expansion of Libyan news sites and online services. Facebook in particular has become an important news source for many Libyans. Under the various transitional and interim governments, censorship remained low and sporadic. Over the past year, however, there have been a few cases of the state blocking content for political reasons. Moreover, habits from decades of oppressive rule and the continued threat posed by militias contribute some degree of self-censorship among users, particularly on sensitive subject areas. These concerns presented some limits on content over the past year, although it is still too early to tell what direction Libya is moving during this highly-fluid, uncertain transitional period.

Web 2.0 services such as YouTube, Facebook, Twitter, and international blog-hosting platforms are freely accessible in Libya. In fact, the “Innocence of Muslims” film that sparked protests outside the American consulate in Benghazi was not blocked by Libyan authorities, although it was made inaccessible by YouTube’s parent company, Google. Facebook was inaccessible for at least one day in November 2012, although the LTT was quick to explain on its website that this was not the result of state censorship but rather a glitch from the company.³¹ While the defeat of the Qadhafi regime led to a cessation of state blocking in August 2011, many Qadhafi-era government webpages containing information on laws and regulations from before the uprising are inaccessible, as is the online archive of the old state-run Libyan newspapers. Some of these websites may have become defunct after the officials running them were ousted or hosting fees were left unpaid, but others were likely taken down deliberately when the revolutionaries came to power.

As mentioned, there have been some instances of blocking recorded during the coverage period. For example, the website of the television channel Russia Today (RT) was inaccessible in Libya in early March 2013. RT had posted an interview with Mahmoud Jibril, head of the National Forces Alliance, in which it was alleged that Libya’s last Prime Minister under Qadhafi, Baghdadi al-Mahmoudi, was tortured in custody by government authorities after his recent extradition from Tunisia.³² The Ministry of Communications and Information Technology actually confirmed that RT was blocked on their Facebook page, as well as the blocking of another website called Makala.³³ The English site of RT was later unblocked, although as of March 2013, the Arabic version could only be accessed through a cached copy or proxy.

³¹ “Reasons for the stop of social networking site Facebook,” [in Arabic] Libya Telecom & Technology, <http://www.ltt.ly/news/d.php?i=215>, accessed July 23, 2013.

³² Chris Stephen and Luke Harding, “Libya’s former PM Mahmoudi ‘tortured’ on forced return to Tripoli,” *The Guardian*, June 27, 2012, <http://www.guardian.co.uk/world/2012/jun/27/libya-mahmoudi-tortured-return-tripoli>.

³³ See post by the Ministry of Communications and Informatics – Libya [in Arabic], <https://www.facebook.com/cim.gov.ly/posts/403340369762444>.

Some pornographic websites are also among those that continue to be blocked since the end of hostilities, according to a decision made by an ad hoc Temporary Steering Committee formed after the liberation of Tripoli. The committee is formed of conservative rebel fighters in a bid to be seen as the guardians of public morality. Prior to the war, “indecent” was prohibited but sexually-explicit sites were never blocked. This development has not yet been reversed by the LTT, perhaps due to the conservative outlook of some political factions vying for influence in the future of Libya. There is little transparency and no legal framework related to the blocking of websites in Libya, as the regulations have not yet been formulated. Technically, all regulations of the Qadhafi era remain valid.

Though the environment has loosened considerably since Qadhafi, a sizable number of Libyan bloggers, online journalists and ordinary citizens continue to practice some degree of self-censorship due to continued instability and the uncertain political situation.³⁴ Under the newly elected government, visas for foreign journalists have become more difficult to obtain. In January 2013, through a picture she posted on Twitter, a *Washington Post* reporter revealed that she had been made to sign a written pledge not to portray the country in a manner that might be provocative or distort civil peace.³⁵ In addition, given the already tense and violent environment, many bloggers and individuals choose not to comment on social taboos such as rape or conflicts between warring tribes and cities. Online writers also shy away from expressing religious opinions for fear of being marked as an atheist or a Shiite sympathizer, both of which can be life threatening. Many also avoid publishing content critical of the 2011 revolution. It should be noted that many commentators are more afraid of retribution from armed groups and non-state actors rather than the government. Such unseen pressures contribute to an atmosphere of self-censorship and incomplete freedom.³⁶

Despite these trends, an increasing number of bloggers have demonstrated a willingness to use their real name when posting online. Blogging first emerged in Libya in 2003. While even Qadhafi launched his own blog in 2006, the number of blogs based inside the country remained low compared to other Arab countries.³⁷ Since the start of the revolution in February 2011, however, the contingent of blogs written by those inside Libya has notably increased and many Libyans have focused on topics related to political activism. Bloggers, online journalists, and other users have vocally expressed a diverse range of visions for the post-Qadhafi political order, the interim government, and other topics.

After decades of harsh censorship, the online media landscape in Libya is now diverse, with few dominant news providers and many local or privately-owned outlets. The online advertising market is also growing in the country, allowing independent news sites, such as the Libya Herald, to

³⁴ “2013 World Press Freedom Index: Dashed Hopes After Spring,” Reporters Without Borders, http://en.rsf.org/press-freedom-index-2013_1054.html, last accessed in March 2013.

³⁵ See <https://mobile.twitter.com/ahauslohner/status/293706323747557377/photo/1>

³⁶ Tracey Shelton, “Libya’s media has its own revolution,” *Global Post*, March 18, 2012, <http://mobile.globalpost.com/dispatch/news/regions/africa/120301/libya-media-revolution-newspapers-television-radio-journalism-free-speech>.

³⁷ Claudia Gazzini, “Talking Back: How Exiled Libyans use the web to push for change,” *Arab Media Society*, February, 2007, 3, http://www.arabmediasociety.com/articles/downloads/20070312142030_AMS1_Claudia_Gazzini.pdf.

generate money more than one year after its founding. Websites related to the Amazigh (whose language was banned under Qadhafi) and other minorities are now flourishing. Interestingly, Facebook is often the platform of choice for city and even government officials to publish updates and official communication. From April 2012 to April 2013, the number of Facebook users in Libya increased from some 400,000 to 860,000.³⁸ The social networking site was the most visited website in the country and has also become the main source of news about Libya for a large number of users inside and outside the country.³⁹

In 2012 and early 2013, Facebook, Twitter and other digital media were used to mobilize Libyans for activism around a variety of causes. For example, on March 14, 2013, activists coordinated protest in Tripoli and at Libyan embassies around the world to protest violence against women. Social media had been crucial in bringing attention to numerous cases of sexual harassment against terminally ill hospital patients in Libyan hospitals. In addition, social media was a factor in the September 21, 2012 protests in Benghazi, in which over 30,000 Libyans expressed their anger at the continued presence of armed militias, including the terrorist group Ansar al-Shariah, and demonstrated their solidarity with the United States for the killing of the American Ambassador J. Christopher Stephens and two American guards during the storming of the US consulate in Benghazi on September 11.⁴⁰ In another example of how the internet is being used to engage citizens, the host of the popular TV show called Libya Tonight⁴¹ held an interactive discussion with Facebook followers during a media training session at the American University in Cairo in March 2013.⁴² Mass text message campaigns were also used to rally support in the run-up to the July 2012 elections and for a number of other announcements.

VIOLATIONS OF USER RIGHTS

Freedom of opinion, communication, and press are guaranteed by Libya's Draft Constitutional Charter, released by the Libyan Transitional National Council in September 2011 to outline Libya's governance during the transitional and interim period following the fall of the Qadhafi regime.⁴³ The formation of a committee to draft the new constitution has been delayed numerous times, as Libya searches for stability and rule of law in the post-conflict period. Legal reforms are essential to ensure that the rights enshrined in the draft charter are implemented. Although it has now been two years since Qadhafi's ouster, scars from his 42-year rule linger in the national psyche. Restrictive laws remain on the books and a murky surveillance apparatus continues to function with little judicial oversight. The gravest threat to user rights, however, are the country's armed groups.

³⁸ Libya Facebook Statistics," Socialbakers, accessed April 10, 2012, <http://www.socialbakers.com/facebook-statistics/libya>, and Ghazi Gheblawi, "Free speech in post-Gaddafi Libya," Index on Censorship, April 2013, <http://www.indexoncensorship.org/2013/04/freedom-of-speech-in-libya/>.

³⁹ "The Top Sites in Libya," Alexa, accessed April 10, 2012, <http://www.alexa.com/topsites/countries/LY>.

⁴⁰ Suliman Ali Zway and Kareem Fahim, "Angry Libyans Target Militias, Forcing Flight," The New York Times, September 21, 2012, http://www.nytimes.com/2012/09/22/world/africa/pro-american-libyans-besiege-militant-group-in-benghazi.html?_r=0.

⁴¹ See <https://www.facebook.com/LIC.LibyaTonight>

⁴² See <http://on.fb.me/19GODzU>.

⁴³ "Draft Constitutional Charter for the Transitional Stage," Libyan Transitional National Council, September 2011, available at <http://www.refworld.org/docid/4e80475b2.html>.

A British journalist writing for a Libyan news site was chased out of the country by Islamist fighters after exposing the group's "kill list," consisting of senior security officials.

During the Qadhafi era, several laws provided for freedom of speech, but these protections were typically offset by vague language restricting the same freedoms. For example, the 1969 Libyan Constitutional declaration and the 1988 Green Charter for Human Rights both guarantee freedom of speech and opinion but also note that these must be "within the limits of public interest and the principles of the Revolution."⁴⁴ Discussions over a new press law in 2007 and a telecommunications law in 2010 did not progress and were not implemented.⁴⁵ Since 2012, the judiciary has become increasingly independent, although all state bodies are still subject to pressure from the armed militias that defeated Qadhafi. For example, in April 2013, rebel fighters key to the removal of Qadhafi besieged the justice and foreign ministries to demand the passing of the Isolation Law, a bill that outlawed former Qadhafi officials from public life.⁴⁶

Laws from the Qadhafi era remain on the books, including measures that provide for harsh punishments for those who published content deemed offensive or threatening to Islam, national security, territorial integrity, or the reputation of Qadhafi. The penal code calls for imprisonment or the death penalty for anyone convicted of disseminating information critical of the state or the "Leader of the Revolution." The 1972 Publications Act imposes fines and up to two years in prison for a variety of violations, including libel, slander, and "doubting the aims of the revolution."⁴⁷ Particularly egregious was a law on collective punishment, which allowed the authorities to punish entire families, towns, or districts for the transgressions of one individual.⁴⁸ Because of their vague wording, these laws could be applied to any form of speech, whether transmitted via the internet, mobile phone, or traditional media. A 2006 law mandates that websites registered under the ".ly" domain must not contain content that is "obscene, scandalous, indecent or contrary to Libyan law or Islamic morality."⁴⁹ Under Qadhafi's rule, several internet users and online journalists were detained, prosecuted, and in some cases, killed, for disseminating or accessing information deemed undesirable by the regime.

Although there is less fear of government repression in the post-Qadhafi era, threats still remain, particularly with so few mechanisms to hold the government or militias accountable should they abuse their power. George Grant, the British journalist who worked for the online publication the Libya Herald, was forced to flee Libya in January 2013 following alleged threats from Islamists, according to his tweets and an interview with the BBC.⁵⁰ One month earlier, Grant had written an

⁴⁴ IREX, "Media Sustainability Index – Middle East and North Africa," *Media Sustainability Index 2008* (Washington D.C.: IREX, 2008), 27, http://www.irex.org/system/files/MENA_MSI_2008_Book_Full.pdf.

⁴⁵ IREX, "Media Sustainability Index – Middle East and North Africa," *Media Sustainability Index 2006/2007* (Washington D.C.: IREX, 2009), 33, <http://www.irex.org/system/files/MENA%20MSI%202007%20Book.pdf>.

⁴⁶ Rana Jawad, "Why Libya's militias are up in arms," BBC News, April 30, 2013, <http://www.bbc.co.uk/news/world-africa-22361101>.

⁴⁷ Freedom House, "Libya," *Freedom of the Press 2011*, <http://www.freedomhouse.org/report/freedom-press/2011/libya>.

⁴⁸ IREX, "Media Sustainability Index – Middle East and North Africa," *Media Sustainability Index 2005* (Washington D.C.: IREX, 2006), 36, http://www.irex.org/system/files/MENA_MSI_2005-Full.pdf.

⁴⁹ "Internet Filtering in Libya – 2006/2007," OpenNet Initiative, and "Regulations," Libya ccTLD, accessed August 30, 2012, <http://nic.ly/regulations.php>.

⁵⁰ See <http://www.facebook.com/video/video.php?v=10100408892583391>

article regarding a suspected “death list” of senior security officials, drawn up by Islamist fighters seeking to undermine the state security presence in Benghazi.⁵¹ In another example, the Libyan online activist Hamid al-Tubuly was reportedly abducted in December 2012 by members of the Supreme Security Council, a non-state militia, who released him only after a direct plea by the head of the GNC.⁵² However, it was also rumored that al-Tubuly was not targeted for his online activism but rather because the militia wanted to take possession of his house.

The Qadhafi regime had direct access to the country’s DNS servers and engaged in widespread surveillance of online communications. State of the art equipment from foreign firms such as the French company Amesys⁵³ and possibly the Chinese firm ZTE were sold to the regime, enabling intelligence agencies to intercept communications on a nationwide scale and collect massive amounts of data on both phone and internet usage.⁵⁴ Correspondents from the *Wall Street Journal* who visited an internet monitoring center after the regime’s collapse reportedly found a storage room lined floor-to-ceiling with dossiers of the online activities of Libyans and foreigners with whom they communicated.⁵⁵ Extensive efforts were also made to develop the capacity to eavesdrop on Skype and VSAT connections. According to current and former staff of LTT, the government even obtained backdoor access to Thuraya satellite phones, which were widely perceived as a secure means of communication.⁵⁶ In general, Libyans must present identification when purchasing a SIM card.

While many Libyans would like to believe that such widespread surveillance has ceased, uncertainties remain over the actions of domestic intelligence agencies in the new Libya. A July 2012 report from the *Wall Street Journal* indicated that surveillance tools leftover from the Qadhafi era had been restarted, seemingly in the fight against loyalists of the old regime.⁵⁷ Others suspect that it has been activated to target those with an anti-Islamist agenda. During an interview on al-Hurra TV in March 2012, the Minister of Telecommunications stated that such surveillance had been stopped because the interim government wanted to respect the human rights of Libyans. An organization representing IT professionals in Libya refuted his remarks in an online statement, claiming those working in the telecom sector report that the surveillance system has been reactivated. Such allegations could not be independently verified, however.⁵⁸ Given the lack of an independent judiciary or procedures outlining the circumstances under which the state may

⁵¹ For the article in question, see George Grant and Mohamed Bujenah, “Update II: Security forces arrest man in connection with Benghazi killings, four policemen killed in failed release attempt,” *Libya Herald*, December 16, 2012, <http://www.libyaherald.com/2012/12/16/security-forces-arrest-possible-faraj-drissi-assassin-sparking-reprisal-killings/>.

⁵² Umar Khan, “Abducted social network activist Hamid al-Tubuly hits out at the SSC, denies involvement with Mohammed Qaddafi,” *Libya Herald*, December 11, 2012, <http://www.libyaherald.com/2012/12/11/abducted-social-network-activist-hamid-al-tubuly-hits-out-at-the-ssc-denies-involvement-with-mohammed-qaddafi/>.

⁵³ Ivan Sigal, “Libya: Foreign Hackers and Surveillance,” *Global Voices*, October 27, 2011, <http://advocacy.globalvoicesonline.org/2011/10/27/libya-foreign-hackers-and-surveillance/>.

⁵⁴ *Ibid.*

⁵⁵ Paul Sonne and Margaret Coker, “Firms Aided Libyan Spies,” *The Wall Street Journal*, August 30, 2011, <http://online.wsj.com/article/SB10001424053111904199404576538721260166388.html>.

⁵⁶ Sonne and Coker, “Firms Aided Libyan Spies.”

⁵⁷ Margaret Coker and Paul Sonne, “Gadhafi-Era Spy Tactics Quietly Restarted in Libya,” *The Wall Street Journal*, July 2, 2012, <http://online.wsj.com/article/SB10001424052702304782404577488493816611850.html>.

⁵⁸ “Libya Telecom” Facebook post [in Arabic], March 31, 2012 at 7:16am, <https://www.facebook.com/LibyaTelecom/posts/201142566662920>.

conduct surveillance, there is little to prevent the government, security agencies, or militias who have access to the equipment from resuming the practice.

During the Qadhafi era, opposition websites such as Libya Watanona, or those affiliated with the Muslim Brotherhood or minority groups such as the Amazigh, were periodically hacked. The government was widely suspected of being behind the attacks.⁵⁹ In January 2011, the opposition website al-Manara came under cyberattack after it had posted videos of early anti-Qadhafi protesters in Bayda and al-Mostakbal.⁶⁰ Periodic attacks continued in 2012 and 2013, with both pro-Qadhafi and pro-revolution pages hacked by individuals or groups unaffiliated with the government.

⁵⁹ "Internet Filtering in Libya – 2006/2007," OpenNet Initiative, 2007, <http://opennet.net/studies/libya2007>

⁶⁰ Amira Al Hussaini, "Libya: Gaddafi wages war on the internet as trouble brews at home," Global Voices, January 17, 2011, <http://globalvoicesonline.org/2011/01/17/libya-gaddafi-wages-war-on-the-internet-as-trouble-brews-at-home/>.