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Freedom on the Net 2012 - Libya

	2011	2012	
INTERNET FREEDOM STATUS	n/a	Partly Free	POPULATION: 6.5 million
Obstacles to Access (0-25)	n/a	18	INTERNET PENETRATION 2011: 17 percent
Limits on Content (0-35)	n/a	9	WEB 2.0 APPLICATIONS BLOCKED: Yes
Violations of User Rights (0-40)	n/a	16	NOTABLE POLITICAL CENSORSHIP: No
Total (0-100)*	n/a	43	BLOGGERS/ICT USERS ARRESTED: Yes
* 0=most free, 100=least free			PRESS FREEDOM STATUS: Partly Free

Introduction

The political unrest and armed conflict that occurred in Libya in 2011, which resulted in the death of Muammar al-Qadhafi after over 40 years in power, led to a dramatic regime change. The country shifted from being one of the world's harshest dictatorships to a post-conflict aspiring democracy. As of May 2012, the government of Libya was comprised of a National Transitional Council (NTC) formed during the conflict and an appointed interim government mandated to steer the country towards elections scheduled for July 2012, after which a new constitution will be drafted. These political changes were also reflected in the internet freedom landscape. As such, this report straddles three radically different periods: a highly restrictive environment under Qadhafi, a partial internet and telephone blackout for much of 2011, and a relatively open online information landscape since the rebel victory in October 2011.

Qadhafi's regime employed a wide range of tactics for suppressing freedom of expression online, including maintaining monopoly control over the internet infrastructure, blocking websites, engaging in widespread surveillance, and meting out harsh punishments to online critics. Such restrictions intensified as the revolt against Qadhafi's rule gained momentum in February 2011, culminating in an internet shutdown that affected most of the country and lasted until the liberation of Tripoli in August 2011.^[1] Since Qadhafi's death in October 2011, a frenzy of self-expression online has erupted as Libyans seek to make up for lost time. Nevertheless, periodic electricity outages, residual self-censorship, and weak legal protections pose ongoing challenges to internet freedom.

Internet first became available at state institutions in Libya in the mid-1990s, during a time of international economic sanctions imposed following the Lockerbie bombing. This expanded to public access in 1998, though priority was given to multinational companies, people close to the government, and some individuals authorized to open cybercafes.^[2] It was only after Qadhafi endorsed information and communication technologies (ICTs) in 2000 as a means of promoting economic opportunities for youth that use of the medium began to spread more widely.^[3] Few restrictions were imposed on communications in the early years of access and evidence of censorship was anecdotal until around 2003. It was then that sanctions were lifted and the government became free to purchase surveillance and filtering equipment. Soon after, more systematic censorship emerged, particularly of opposition websites based overseas.

Obstacles to Access

When the internet became publicly available in Libya in 1998, prices were excessively high and access was limited to a small elite. After 2000, however, thousands of cybercafes sprouted up, even in desert towns, rendering the internet more widely available.^[4] Over the following decade, Qadhafi's son, who was managing the state-run telecom operator, reduced prices, invested in a fiber-optic backbone network, and expanded ADSL, WiMAX, and wireless local loop technologies.^[5] These measures brought the price for browsing down to 1LYD (US\$0.75) per hour in cybercafes by 2004 and even lower in 2011 prior to the uprising.

Nevertheless, as of 2007, penetration remained at around 4 percent, according to the International Telecommunications Union (ITU). By 2011, this had grown to 17 percent or about 1.1 million users, though such statistics do not include the small number of people using unregistered satellite phones to get online.^[6]

Despite improved infrastructure and relatively low prices for accessing the internet at cybercafes, the cost for a home internet connection remains beyond the reach of a large proportion of Libyans, particularly those living outside major urban areas. As of early 2011, a dial-up internet subscription cost 10LYD per month (US\$7), an ADSL one was 20LYD (US\$15) for 7GB, and WiMax was 40LYD (US\$30) for 10GB (after initial connection fees). By comparison, the average monthly income as of early 2011 was about US\$1,400, reflecting relatively high salaries in oil and gas firms. Those employed in the public sector, who comprise a large contingent of the Libyan workforce, earn an average income of only 250LYD (US\$195).^[7] As a result, the number of broadband subscriptions was relatively low, at around 70,000 or just over 1 percent in 2011.^[8] As elsewhere, a VSAT connection was extremely expensive, running to hundreds of thousands of dinars. Limited computer literacy, particularly among women, has also been an obstacle. By contrast, with literacy rates at almost 90 percent and a wide range of websites and computer software available in Arabic, language has not been a significant barrier to access.^[9]

Compared to the relatively low internet penetration rate, mobile phone use is ubiquitous. By 2008, penetration surpassed 100 percent of the population, including individuals possessing two phones. The growth in mobile phone use was largely due to its increasing affordability, as a second provider joined the market in 2003 and prices dropped dramatically. By 2011, the price of a prepaid SIM card from the main provider, Libyana, was only 5LYD (US\$4), to which a user could then add minutes depending on market prices, which were generally affordable. Smartphones and 3G connectivity have been available since 2006, though the prohibitive cost of more upscale models impedes their wider dissemination.^[10] Since 2008, Voice over Internet Protocol (VoIP) has been freely accessible.

During the conflict that erupted in 2011, purchasing a SIM card became very difficult. A thriving black market emerged as illegal immigrants and expatriates sold their SIM cards for around 50LYD (US\$40) before departing the country because mobile phones were being confiscated or stolen at checkpoints. Since the end of the fighting in August 2011, the above-mentioned tariffs have largely resumed, despite calls from the public to reduce them. In an effort to quickly appease customers as the NTC develops its telecommunications policy, the interim government topped up the majority of Libyan mobile phone subscribers with a 100LYD (US\$80) voucher on two major Muslim holidays. Since the end of February 2012, there has been a serious shortage of WiMAX modems, driving up the price of second hand devices.

The state-run General Posts 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) as 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, but they are subordinate to the LTT, which retains monopoly control over Libya's gateway to the international internet.^[11] The GPTC also owns the two mobile phone providers, Almadar and Libyana.

This government chokehold over the communications network became critical in 2011, as Qadhafi's forces strategically limited access to the internet and mobile phones beginning January 25.^[12] Initially, there were rolling outages, then in March, as the uprising gained momentum, the entire country's international internet connection was shut off. Mobile phone connectivity also became erratic. Access did not fully resume until August 2011, though there were some openings for government traffic and in the liberated enclaves. When the government shut down the internet, it did not completely sever the connection to the outside world as occurred in Egypt, but used a more sophisticated method that took longer to detect. One technical expert likened it to turning off a tap: "the stream of traffic was slowed to a trickle, and then a few drips."^[13] In addition, strictly Libyan-based websites, like the state-run press and LTT-based email accounts, remained accessible to the population for a few more days.

Meanwhile, in April 2011, engineers supporting the rebels who had gained control of the eastern enclave of Benghazi hijacked the government-run cell phone towers of Libyana in that part of the country. They took independent control of the mobile phone network, renaming it Free Libyana.^[14] In June 2011, a fiber-optic connection to

Egypt was enabled with the help of the United Arab Emirates (UAE) firm Etisalat, improving internet connectivity. As a result, internet browsing and mobile phone calls were available in that part of the country throughout the conflict. In November 2011, the networks of the eastern and western parts of the country were unified, though infrastructure repairs continue in some areas.^[15]

Internet access via ADSL or WiMAX was free of charge in the eastern part of the country during the conflict and became free throughout Libya for those with functioning equipment from November 2011 until March 1, 2012. This considerably increased the number of users and hours spent online. Pricing structures then returned and as of May 1, 2012, internet was available via mobile phone, landline, and cable networks throughout Libya for those who had modems and SIM cards. The account connection fees of the Qadhafi era returned, while monthly subscription rates slightly decreased and data usage quotas were raised. Despite these changes, internet speeds in Libya remain extremely slow.^[16]

Since the end of the conflict, there have been no government-imposed restrictions on connectivity, but problems remain due to damaged infrastructure. As important as harm done to the telecom sector has been the damage to the electricity grid, which some estimate at US\$1 billion.^[17] For example, from mid-December 2011 to the end of February 2012, the western parts of Libya experienced rolling blackouts due to the heavy demand on conflict-damaged infrastructure. Without electricity, internet connectivity became impossible.

Although a popular access point previously, the cybercafe industry was decimated due to the months-long internet shutdown that began in February 2011, with almost all venues closing. As a result, in early 2012, most people accessed the internet from their homes, hotel lobbies, and workplaces (particularly those working for foreign organizations or companies).

The post-conflict regulatory environment remains very unclear. The interim government has a Ministry of Communications, but it has expressed no clear vision for the future. During the Qadhafi era, decisions on licensing were made by the government-controlled GPTC. In 2006, the General Telecom Authority (GTA) was formed with plans announced that it would be followed by a new regulator in 2009. At the time of the 2011 uprising, it remained unclear whether the GTA had come into existence, though some suspected it had been formed and mandated to oversee the monitoring of online activities.

Limits on Content

From 1998 to 2003, there was little blocking of online content in Libya, perhaps because the government did not see it as threatening or because most users were not inclined to visit overseas opposition websites.^[18] In 2003, the government changed its attitude and Moussa Koussa, head of the Libyan Intelligence Agency at the time and a close Qadhafi aid, was tasked with monitoring and restricting the influence of opposition websites. Initially, a code of conduct approach was taken and cybercafes were instructed to install stickers by each computer warning customers not to visit websites that might negatively impact so-called national security or public morals. The aim was to instill fear in users, prompting them to self-censor political discourse.

Soon after, the government began blocking access to certain websites, a phenomenon that became noticeable in 2004. Initially, Arabic language content was targeted, though later European languages were censored as well. The blocking was sporadic rather than constant, perhaps in order to allow the government to plausibly deny it was deliberately censoring.

A reformist effort initiated in 2006 and led by Qadhafi's British-educated son Saif al-Islam resulted in a more lenient internet filtering regime,^[19] and new websites adopting a critical position on corruption were launched and accessible.^[20] The most recent testing by the OpenNet Initiative (ONI) in 2008-2009 indeed revealed a slight reduction in filtering. Censorship primarily targeted opposition websites like those of the National Front for the Salvation of Libya and Libya Watanona. According to ONI, filtering was done via IP blocking at the international gateway controlled by the LTT and users received a time out message rather than an alert acknowledging access was being denied by the government.^[21] The reformist experiment ended in June 2009 with the nationalization of several privately owned outlets linked to Saif al-Islam. From then on, conditions for internet freedom rapidly declined. Cyber dissidents were arrested and imprisoned,^[22] though blocking did not dramatically increase.

The government also passed a rule in 2006 mandating that websites registered under the ".ly" domain not contain content that is "obscene, scandalous, indecent or contrary to Libyan law or Islamic morality."^[23] This rule appears to still be in effect under the interim government, which has not yet abolished it, but has not enforced it either.^[24]

Since the rebels' victory in August 2011, all previously blocked websites, including those of Israeli newspapers, have become accessible again. Under the interim government, there have been no reports of website blocking or pressure to delete content. However, many Qadhafi-era government webpages containing information on laws and regulations from before the uprising are inaccessible, as is the online archive of formerly state-run Libyan newspapers. Some of these websites may have become defunct after the officials running them were ousted or fees to hosting providers were left unpaid, but others were likely deliberately taken down when the revolutionaries came to power.

As of May 2012, social media applications like the video-sharing website YouTube, the social-networking platform Facebook, and the microblogging service Twitter were freely accessible. YouTube had previously been blocked under the Qadhafi regime beginning in January 2010. Observers suspected the restriction was in response to the circulation of a video showing demonstrations by family members of detainees killed at the notorious Abu Salim prison, as well as footage of members of the Qadhafi family at luxurious parties.^[25] Due to the split in the network during the conflict, YouTube was available in eastern regions beginning in April 2011, while it became accessible in the western parts in November 2011 after internet connectivity was restored. Other social media applications like Facebook and Twitter were blocked for a few weeks beginning in February 2011, shortly before the entire internet was cut off.^[26]

Under Qadhafi, the highly repressive environment and fear of harsh punishments for critical speech contributed to extreme self-censorship by internet users. The Qadhafi regime was fairly explicit about what forms of speech were off limits. In a February 2011 text message sent to mobile phone users throughout the country, the regime warned citizens not to challenge the government stance on the application of Islamic law, the security and stability of Libya, the country's territorial integrity, and Qadhafi's persona.

By early 2012, the environment had loosened considerably and freedom of expression was flourishing. Still, a sizable number of Libyan bloggers and online journalists continue to practice some degree of self-censorship due to the fluid and uncertain political situation. There are few mechanisms in place to hold the interim government to account should they abuse their power. In addition, given the already tense and violent environment, many bloggers choose not to touch on social taboos like rape or tribal conflicts. Many also avoid publishing content critical of the 2011 revolution. Such unseen pressures contribute to an atmosphere of less than complete freedom.^[27]

Blogging first emerged in Libya in 2003 – with even Qadhafi launching his own blog in 2006 (www.alqathafi.org) – though the number of blogs based inside the country remained meager compared to other Arab countries.^[28] Since the start of the revolution in February 2011, however, the contingent of blogs written by those inside Libya has notably increased. Under Qadhafi, most Arabic language blogs in Libya focused on poetry and storytelling, while some English language ones occasionally ventured into veiled criticism. Criticism of the regime mainly came from bloggers and websites based outside the country, who would sometimes post letters or comments from individuals in-country, thereby giving them a platform for free expression but protecting their identities.^[29]

Libyans in the diaspora used social media to spread the word and show support for the February 17 "day of anger" that launched the revolution. A large number of Libyans inside the country responded, changing their surname on Facebook to "Libya" in a symbolic protest against Qadhafi's regime.^[30] As of the first quarter of 2011, there were about 64,000 active Twitter accounts of Libyans based in-country and almost 200,000 people's Facebook activity was abruptly interrupted when Libya became disconnected from the internet in March.^[31] Even so, prior to the revolution, most of the content on these social networks related to personal affairs rather than political activism due to the atmosphere of fear and self-censorship.

Once the uprising began, online media, blogs, and social networks played a visible role amplifying the voices of those inside the country, often via bloggers based in the diaspora. People in the eastern parts of the country, where internet access was available, uploaded videos and tweeted updates about what was happening. From the western parts, however, there was an eerie silence, except for a small number of individuals who had sophisticated equipment or physically carried content across the border into Tunisia.^[32]

By comparison, since the fall of Qadhafi's regime, Facebook, Twitter and other digital media have grown in popularity and been used to mobilize Libyans for activism around a variety of causes. By April 2012, Facebook use had doubled to around 400,000 people, and the social networking tool was the most visited website in the country.^[33] 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, though lingering self-censorship remains. People have also turned to Facebook to learn the latest news about upcoming events and some have used mass text message campaigns to rally support in the run-up to elections scheduled for mid-2012. Websites related to the Amazigh minority, whose language was banned under Qadhafi, are now flourishing.

Violations of User Rights

During the Qadhafi era, Libya's media environment was among the most tightly controlled in the world. 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."^[34] A new press law was discussed in 2007, but never realized.^[35] A Telecommunications Law was discussed in 2010 but not officially put into effect and its draft is no longer available online. The judiciary was not independent.

Meanwhile, several laws authorized 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 called 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 imposed fines and up to two years in prison for a variety of violations, including libel, slander, and "doubting the aims of the revolution."^[36] 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.^[37] 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.

As of May 2012, these laws remained on the books. However, in what many viewed as a positive sign for the future, the NTC in August 2011 published a Draft Constitutional Charter for the Transitional Stage, intended to fill the gap before full elections and a new constitution come into effect. Article 13 of the Draft Charter guarantees "freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media."^[38]

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. For example, in June 2005, Daif al-Ghazal, a former journalist for a pro-government news outlet who then began contributing stories critical of the authorities to overseas news websites, was abducted and tortured to death in custody.^[39] In February 2011, as anti-government protests were getting off the ground, Qadhafi forces arrested several online activists, including the director and editor-in-chief of *Irassa*, an independent news website, and blogger Mohamed al-Hashim Masmari, who had posted videos online and given interviews to foreign media.^[40] They are believed to have been released when the rebels liberated Benghazi. In an incident that gained international attention, Mohammed al-Nabbous, a citizen journalist who had launched an online live broadcast of events called Libya al-Hurra TV, was killed by Qadhafi-linked snipers in March 2011 while reporting on a battle near Benghazi.^[41]

Although there is less fear of government repression in the post-Qadhafi era than previously, threats still remain. In March 2012, Sharifa Alfisa, an outspoken female independent journalist writing for a number of online Libyan news sites, was abducted and beaten under mysterious circumstances in Benghazi by unidentified individuals.^[42] She was released a couple of days later. Unconfirmed reports circulated that she was investigating the murder of General Abdulfatah Younis in which the NTC and Islamist militias are alleged to be implicated.^[43] Others claimed she was kidnapped on suspicion of being pro-Qadhafi.^[44]

Even under Qadhafi, there were few restrictions on anonymous communication over the internet, such as requiring user registration, perhaps because of other measures the authorities used to monitor users. However, customers were required to present identification when purchasing a SIM card.

Most Libyans had always suspected that the government was engaging in widespread surveillance of online communications. Beginning in 2009, cybercafe owners were required to sign binding commitments with the authorities to monitor those accessing the internet on their premises, including via installation of special software. However, the full extent of the Qadhafi regime's monitoring of Libyans' private communications became evident only after the liberation of Tripoli.^[45] Indeed, it appeared that the regime had almost deliberately chosen to focus on surveillance rather than censorship as its main tactic for controlling online communications and curbing internet activism. State of the art equipment from foreign firms such as the French company Amesys,^[46] 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.^[47] *Wall Street Journal* correspondents who visited an Internet Monitoring Center after the regime's collapse reported finding a storage room lined floor-to-ceiling with dossiers of the online activities of Libyans and some foreigners with whom they communicated.^[48] According to current and former staff of LTT, as the rebellion gained momentum, the regime sought to ramp up surveillance and disable opposition websites. Among other measures adopted, the government reportedly recruited hackers from China and Eastern Europe to take down opposition websites and social media platforms, as well as generate malware to compromise activists' computers.^[49] Extensive efforts were also made to develop the capacity to eavesdrop on Skype and VSAT connections. According to these LTT employees, the government even obtained backdoor access to Thuraya satellite phones, which were widely perceived as a secure means of communication.^[50]

While many Libyans would like to believe that such widespread surveillance has ceased under the interim government, uncertainties remain. Given the lack of an independent judiciary or procedures outlining the circumstances under which the state may conduct surveillance, there is little to prevent the government or security agencies from resuming the practice. Some 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.^[51]

During the Qadhafi era, opposition websites like Libya Our Home (www.libya-watanona.com), those affiliated with the Muslim Brotherhood, and ones belonging to minorities like the Amazigh (www.tawalt.com) were periodically hacked, with the government widely suspected of being behind the attacks.^[52] In 2009, a wave of such attacks targeted prominent opposition websites. They were found to have been carried out by a Libyan based in the United States, believed to be connected with the regime.^[53] Another attack was reported in January 2011 against the opposition website al-Manara after it had posted videos of early anti-Qadhafi protesters in Bayda and al-Mostakbal.^[54]

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