

Stakeholder Contribution by Reporters Without Borders (RSF)

on press freedom in Libya

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Introduction

1. Reporters Without Borders – known internationally as Reporters sans frontières (RSF) submits this stakeholder contribution on the situation of press freedom in Libya, for consideration in Libya's third Universal Periodic Review (UPR).
2. RSF is a non-profit organisation working to defend freedom of information and press freedom around the world since 1985. RSF works globally through its Paris headquarters and country offices in 18 cities and its wide network of correspondents in 130 countries. RSF has consultative status at the United Nations, UNESCO, the Council of Europe and the African Commission on Human and Peoples' Rights.
3. Following the last Universal Periodic Review (UPR) on Libya in 2015, the Libyan state has failed to implement the recommendations it has supported relating to freedom of the press¹, safety of journalists², and fight against impunity for crimes committed against them³. In 2019, Libya is ranked 162nd of 180 countries in RSF's World Press Freedom Index. The Index provides a snapshot of the press freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and the safety of journalists in the country.
4. Given the ongoing political instability and increasing conflict, journalists in Libya continue to operate in a hostile environment. Media practitioners have been actively targeted by armed groups due to their work and as a result, they have been subjected to intimidation, kidnapping, and assassinations, as well as attacks on their workplace. As of the time of writing, RSF documented 20 journalists that have been killed in Libya since 2011. The Libyan state has failed to investigate or prosecute those responsible for crimes against journalists and media practitioners and continues to adopt new measures to restrict press freedom.

¹137.172, 137.173, 137.174, 137.175, 137.176, 137.177

²137.37, 137.116, 137.117, 137.154

³ 137.151, 137.152, 137.153

Attacks against journalists with total impunity

5. In 2015, the Libyan state supported recommendation 137.116 to “Ensure the safety of all vulnerable groups, including women, journalists, human rights defenders, and ensure respect for fundamental human rights”. However, media professionals are actively targeted by armed groups for the nature of their work. The Libyan state also supported recommendation 137.153, to “investigate the killings of journalists since October 2011 and bring perpetrators to justice.” Despite its support, the Libyan state has allowed and enabled total impunity for the perpetrators of crimes against journalists.
6. In June 2019, the *Agence France-Presse (AFP)* freelance **journalist Hamza Turkia** was shot in his finger and in his left thigh while covering clashes in Libya. He was clearly recognisable as a journalist as he was wearing a helmet and a press vest.
7. In January 2019, one of Libya's leading photojournalists, **Mohamed Ben Khalifa**, was killed while covering clashes between two rival militias. Ben Khalifa's death brings to the fore the severe threats and challenges that local freelance journalists routinely face in Libya.
8. In May 2019, two TV journalists working for the privately owned *Libya Alahrar TV* channel, **Mohamed Gurj** and **Mohamed Chibani**, were detained by an armed group on the outskirts of Tripoli while covering clashes between General Khalifa Haftar's forces and forces loyal to the GNA.
9. In January 2017, the *Libya Panorama Channel's* journalist, **Wiem Ben Zabia**, was arbitrarily detained in eastern Libya while on his way to attend a relative's funeral. A pro-Haftar TV station posted a video of his arrest shortly afterwards online. It shows a man in civilian dress interrogating Ben Zabia about his social and family “links” to supposed terrorists, but without presenting any clear and legally-based charges against him.
10. In July 2016, a Dutch journalist, **Jeroen Oerlemans** was shot dead by an Islamic State sniper in Sirte. The direct targeting of journalists underlines the urgent need for their protection.
11. Due to the hostile environment in which journalists operate, many journalists and media outlets have censored themselves or ceased operations to avoid reprisals. As of last year, RSF documented 67 journalists that have fled the country and eight Libyan media outlets are now operating from other North African and Middle Eastern countries.

Restricting access to information and increased censorship

12. The Libyan state also supported recommendation 137.175, to “[create] an environment in which the media can operate freely,” yet, the Libyan state is responsible for closing down a number of media outlets and failing to provide protection to others.
13. In July 2019, the general broadcasting authority of the interim Libyan government based in the east of the country, issued an order which accuses 11 TV channels of “justifying terrorism” and “threatening social peace.” The TV channels named in the order are *Libya al Ahrar TV*, *Panorama TV*, *Attanasoh TV*, *Salam TV*, *Al Wassat Radio and Television*, *the Arraed Group*, *Alnnabaa TV*, *Febrayer TV*, *Al Watan TV*, *Libyan National Television* and *Arrasmia TV*. State censorship is a violation of the right to access to information and restricts media pluralism.
14. Similarly in the east of Libya, in February 2017, *Al Wassat* radio station’s transmitter in Tobruk was seized by security forces associated with General Haftar’s forces. The same day, *Al Wassat*’s headquarters in Benghazi was raided and closed and materials were confiscated. The only reason provided for its closure was that its signal was interfering with the local government’s broadcast signal.
15. In March 2017, *Alnabaa TV* stopped broadcasting when its Tripoli headquarters were set on fire by an armed group. This armed group obtained the names of Alnabaa’s staff and posted them online along with their personal information.
16. The Libyan state continued to restrict access to information by tightening its grip on foreign media. In August 2018, the Libyan foreign ministry’s Foreign Media Department unveiled an unprecedented series of new measures that create further obstacles to the work of international journalists and Libyan correspondents of foreign media outlets. In addition to existing delays in obtaining and renewing visas and countless other forms of red tape, the Libyan state introduced 13 new requirements to which international journalists and the Libyan correspondents of foreign media outlets must submit when applying for accreditation to work in Libya. These measures constitute another significant barrier to journalists, designed to prevent them from working freely and independently.
17. Moreover, all existing accreditations for foreign journalists have been cancelled since the end of 2017 in light of the new measures. Many journalists have been left without accreditation, which exposes them to the risk of being expelled or being attacked.

Repressive Legal Framework

18. In its previous UPR, the Libyan state supported recommendation 137.37, to “ensure that the constitutional framework duly protects journalists, media and

civil society against intimidation, threats and assaults, and review the Penal Code accordingly”.

19. Libya's draft constitution of April 2017 includes specific provisions for the need to guarantee the freedom, plurality and independence of the press and media. However, the Libyan state has failed to abolish existing contradictory laws. Key among them is Law 15 of 2012, which restricts press freedom by prohibiting media discussion of religious opinions (fatwas) issued by the National Council of Islamic Jurisprudence (Dar Al-Ifta). It is in the public's interest to allow free discussion for a democratic society to flourish.
20. Gaddafi era laws have also been invoked by the Libyan state. In August 2017, the Libyan state invoked the Publications Act of 1972 (the Publications Act) against a group of 27 Libyan writers (the Writers) of a book entitled *Sun on Closed Windows* (the Book). The writers were subjected to death threats, persecution and intimidation. The Head of the General Authority for Printing and Publications under the General Authority of Culture of the Government of National Accord (GNA), Almagabrouk Almagabrouk, released a statement condemning the content of the Book, describing it as “dangerous for public morality and threatening to the integrity of Islam.” The GNA banned the book and ordered the confiscation of all copies. The Libyan state failed to protect the Writers from the attacks against them. The repressive action by the Libyan state in this case may have a chilling effect on censoring journalistic work and could legitimise predators of press freedom.
21. In May 2018, the GNA adopted Decree 555 to dissolve “Al Radaa” and enrol its members into a new anti-crime and anti-terrorist unit. Al Radaa is a militia group responsible for kidnapping, detaining and torturing many journalists and ransacking media outlets. Article 4 of the Decree grants the new unit broad powers including the use of surveillance resources that would enable it to intercept all “information liable to compromise the country's safety, social peace or national security,” both information “on social networks and via traditional means of communication.” Granting broad surveillance powers to an armed group that is responsible for gross abuses puts the lives of more journalists at greater risk. In a June 2017 report on Libya, UN experts warned about the use of surveillance equipment and stated that, according to the information they had gathered, it had already been used for abductions by armed groups in Libya.

Recommendations

22. In light of the above, RSF urges the Libyan state to:
 - Implement the recommendations it has supported from the previous UPR cycles in relation to press freedom.
 - Ensure the safety of journalists including through proactive measures of protection when a journalist is threatened.

- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against journalists and media outlets and bring to justice all perpetrators of such offenses, ensuring they are held accountable for their crimes.
- Ensure that no state entity restricts the right to freedom of the press. Media practitioners must be free to express their views, including criticism of state entities without arbitrary restrictions.
- Repeal all legal measures that provide disproportionate penalties for crimes linked to freedom of expression and press freedom.
- Respect the plurality and independence of the media, in particular repealing any decision calling for the ban of broadcasting satellite channels.

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