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Freedom in the World 2009 - Libya

Capital: Tripoli

Population: 6,300,000

Political Rights Score: 7

Civil Liberties Score: 7

Status: Not Free

Overview

In November 2008, government forces clashed with members of the southern Tabu tribe, resulting in significant loss of life and property. Libya's generally poor human rights performance showed no signs of improvement during the year, and warmer relations with the United States and Europe appeared to dim prospects for concerted international pressure on the issue of political reform.

Libya was part of the Ottoman Empire until the Italian conquest and occupation of the country in 1911. It achieved independence in 1951 after a brief period of UN trusteeship in the wake of World War II. Until 1969, Libya was ruled by King Idris, a relatively pro-Western monarch. A group of young army officers, led by 27-year-old captain Mu'ammar al-Qadhafi, overthrew the king while he was traveling abroad.

Al-Qadhafi believed that foreign oil companies were profiting from the country's resources at the expense of the Libyan people, and he moved to nationalize oil assets, claiming that the revenues would be shared among the population. In the early years of his rule, al-Qadhafi published a multivolume treatise, the *Green Book*, in which he expounded his political philosophy and ideology – a fusion of Arab nationalism, socialism, and Islam. Although he has been Libya's undisputed leader since 1969, making him one of the world's longest-serving rulers, he holds no official title and is referred to as Brother Leader or the Guide of the Revolution.

Al-Qadhafi adopted decidedly anti-Western policies, and after his regime was implicated in several international terrorist attacks, the United States imposed sanctions on Libya in 1981. Relations between the two countries continued to worsen, and in 1986 the United States bombed several targets in Libya, including al-Qadhafi's home. The attack led to more provocations. In 1988, a Pan Am airliner exploded over Lockerbie, Scotland, killing all 259 people aboard as well as 11 residents of the town. After an exhaustive investigation, Scottish police issued arrest warrants for two Libyans, including an intelligence agent. The UN Security Council imposed trade sanctions on the country. Over the next several years, Libya became more economically and diplomatically isolated.

In 1999, al-Qadhafi moved to mend his international image and surrendered the two Lockerbie bombing suspects for trial. He accepted responsibility for past acts of terrorism and offered compensation packages to the families of victims. The United Nations suspended its sanctions, and the European Union (EU) reestablished diplomatic and trade relations with Tripoli. In 2001, a special Scottish court sitting in the Netherlands found one of the Lockerbie suspects guilty of masterminding the attack. Libya agreed to pay a \$10 million compensation package to the families of each of the 270 victims in 2003. The following year, al-Qadhafi made his first trip to Europe in more than 15 years, and European leaders in turn traveled to Libya. The EU subsequently lifted its arms embargo and normalized diplomatic relations; Libya purchased hundreds of millions of dollars in European weapons systems in 2007. The regime also improved its relations with the United States. In 2004, a year after al-Qadhafi's government announced that it had scrapped its nonconventional weapons program, the United States established a liaison office in Tripoli. The U.S. government eventually removed Libya from its list of state sponsors of terrorism, reestablishing a full embassy in Tripoli in 2006.

Many observers have speculated that Saif al-Islam al-Qadhafi, the leader's son, is behind some of the policy moves of the past few years. He runs a charitable umbrella organization, the Gaddafi International Foundation for Charity Associations, and has facilitated visits by foreign human rights activists. According to press reports, his foundation has made it possible for Libyan citizens to report abuses by the authorities. Saif al-Islam has also publicly criticized current conditions in Libya and advocated changes in the leadership. Nevertheless, the diplomatic and economic shifts to date have not been accompanied by noticeable improvements in political rights or civil liberties. In November 2008, the government clashed with members of the Tabu tribe in southeastern Libya, resulting in significant loss of life and property.

Political Rights and Civil Liberties

Libya is not an electoral democracy. Power theoretically lies with a system of people's committees and the General People's Congress, but in practice those structures are manipulated to ensure the continued dominance of Mu'ammar al-Qadhafi, who holds no official title. It is illegal for any political group to oppose the principles of the 1969 revolution, which are laid out in the *Green Book*, although in recent years market-based economic changes have diverged from the regime's socialist ideals.

Political parties have been illegal for over 35 years, and the government strictly monitors political activity. Organizing or joining anything akin to a political party is punishable by very long prison terms and even the death sentence. Many Libyan opposition movements and figures operate outside the country.

Corruption is pervasive in both the private sector and the government in Libya, which ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

There is no independent press. State-owned media largely operate as mouthpieces for the authorities, and journalists work in a climate of fear and self-censorship. Those who displease the regime face harassment or imprisonment on trumped-up charges. In 2007, according to the New York-based Committee to Protect Journalists (CPJ), three suspects were sentenced to death for the 2005 murder of journalist Dayf al-Ghazal al-Shuhaibi. He had worked for state-owned media but also contributed to London-based websites focused on Libya, and had criticized the authorities in the months leading up to his death. According to CPJ, little information was released on the trial of the three suspects, prompting concerns about the authenticity of the process. The government controls the country's only internet service provider, and closely monitors internet activity; authorities often block opposition sites, and swiftly punish those who express criticism of the state.

Nearly all Libyans are Muslim. The government closely monitors mosques for Islamist activity, and there have been unconfirmed reports of Islamist militant groups allied to Al-

Qaeda operating against the government. In 2007, Al-Qaeda declared that the so-called Libyan Islamic Fighting Group had joined its international network. The few non-Muslims in Libya are permitted to practice their faiths with relative freedom. Academic freedom is tightly restricted.

The government does not uphold freedom of assembly. Those demonstrations that are allowed to take place are typically meant to support the aims of the regime. In February 2007, the authorities arrested 13 men for planning a peaceful demonstration in Tripoli to commemorate clashes between security forces and demonstrators the previous year. Two of the men were "disappeared," though one was released without charge in May 2008. The whereabouts of the second, a medical student named Abd al-Rahman al-Qutaiwi, remained unknown. Such forced disappearances are routinely employed by government forces to detain individuals indefinitely without charge. Ten of the men arrested in 2007 received jail terms of between 6 and 15 years. Idris Boufayed, a prominent opposition figure who had led planning for the demonstration, received a 25-year sentence. Under diplomatic pressure from the United States and European governments, Libyan authorities released Boufayed in October 2008. Ten of the original 13 men, including al-Qutaiwi, remained in custody at year's end.

The law allows for the establishment of nongovernmental organizations, but those that have been granted authorization to operate are directly or indirectly linked to the government. There are no independent labor unions.

The People's Court, infamous for punishing political dissidents, was abolished in 2005, but the judiciary as a whole remains subservient to the political leadership and regularly penalizes political dissent. In July 2007, a high-profile case involving five Bulgarian nurses and a Palestinian doctor came to an end when the six defendants were released. They had been arrested in 1999 after being accused of deliberately infecting 400 Libyan children with HIV, and had since faced death sentences as the case moved through the courts. Experts have cited ample evidence that the prosecution was politically motivated, and the defendants claimed to have been tortured in custody. Their release followed intense diplomatic efforts by European nations, and resulted in improved commercial ties with Europe.

According to Human Rights Watch, prominent political opposition figure Fathi al-Jahmi, who had been in government custody almost continuously since 2002 and was gravely ill, remained in detention in 2008 despite government claims that he was a free man. He continued to receive treatment for his cardiac disease and diabetes in a government hospital and was not allowed to seek treatment elsewhere.

In November 2008, government forces clashed with members of the Tabu tribe in Al-Kufra and other small towns in the southeastern corner of the country. Tabu tribesmen had expressed discontent since December 2007, when many of them were stripped of their citizenship, among other discriminatory measures, for their perceived support for neighboring Chad, Libya's political rival. The tribesmen engaged in vandalism and the destruction of state property, triggering the new violence as the government responded with overwhelming force. The clashes claimed a number of lives and as many as 100 people may have been injured.

A large number of migrants from sub-Saharan Africa work in Libya or pass through in attempts to reach Europe. Human rights organizations have documented and criticized the country's treatment of these migrants. The regime has been more aggressive in its crackdown on illegal laborers in recent years, increasingly the likelihood of abuses.

Women enjoy many of the same legal protections as men, but certain laws and social norms perpetuate discrimination, particularly in areas such as marriage, divorce, and inheritance. Women who have been cast out by their families are particularly vulnerable. The government considers such girls and women as wayward and can hold them in "social rehabilitation" facilities, which are de facto prisons, indefinitely and without charging them with any recognized crime.

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