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Freedom in the World 2012 - Libya

2012 Scores

Status: Not Free
Freedom Score: 6.5
Civil Liberties: 6
Political Rights: 7

Overview

Influenced by uprisings in neighboring Tunisia and Egypt and spurred by the arrest of a human rights activist in Benghazi, citizens in several Libyan cities took to the streets in February 2011 to protest the 42-year rule of Mu'ammar al-Qadhafi. The protesters soon faced violence from regime loyalists and security forces, and a civil war began in the country within days. By March, a NATO-led campaign of airstrikes was under way to aid civilian protesters and rebel militias in their battles against al-Qadhafi's military. Rebels captured Tripoli in August, and al-Qadhafi, having fled the capital, was eventually killed near his hometown of Sirte in October. A National Transitional Council that had formed in rebel-held Benghazi in February moved to Tripoli toward the end of the year, but it had little effective control over the country's array of locally organized militias.

Libya comprised three provinces of the Ottoman Empire until the Italian conquest and occupation of the area in 1911. It became an independent country in 1951 after a brief period of UN trusteeship in the wake of World War II. Libya was then ruled by King Idris, a relatively pro-Western monarch, until 1969, when a group of young army officers led by 27-year-old captain Mu'ammar al-Qadhafi overthrew the king's government.

Al-Qadhafi argued 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 – a fusion of Arab nationalism, socialism, and Islam. He was Libya's undisputed leader from 1969 until 2011, but he held no official title and was referred to as Brother Leader or the Guide of the Revolution.

Al-Qadhafi adopted decidedly anti-Western policies in the 1970s, 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 targets in Libya, including al-Qadhafi's home. In 1988, a U.S. 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, and 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 family of each of the 270 victims in 2003. In light of more normalized relations with Europe, 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. Despite frequent promises, however, observance of political rights and civil liberties in Libya remained abysmal in the wake of these diplomatic and economic shifts, and the Qadhafi regime was consistently hostile to foreign and domestic criticism.

In February 2011, Libyans in several cities took to the streets to protest al-Qadhafi's 42-year rule. They were influenced by the uprisings in neighboring Tunisia and Egypt, but the proximate cause was the arrest of a human rights activist in Benghazi. Security forces violently attacked the protesters, setting off clashes between Qadhafi loyalists and a combination of civilians and defectors from the police and military. The rebels in some areas – particularly in eastern Libya – were able to clear loyalist forces from their territory, leading to a months-long civil war with multiple, shifting battlefronts.

In March, NATO launched an air campaign – led primarily by the United States, Britain, and France – to enforce a no-fly zone over the country, protect civilian protesters, and aid rebel militias in their battles against al-Qadhafi's military. As the fighting continued through the summer, the rebels made slow progress toward Tripoli from both the east and the west.

The rebel militias finally captured Tripoli in August, and al-Qadhafi, his family, and senior members of his regime were forced to flee the city. Efforts to capture the remaining loyalist strongholds and leaders continued into the fall. Al-Qadhafi himself was seized and killed by militia members near his hometown of Sirte on October 20. Saif al-Islam al-Qadhafi, the ousted leader's son and onetime heir apparent, was detained in the southern desert in November, and remained in the custody of a regional militia at year's end.

A National Transitional Council (NTC) that had formed in Benghazi in February to represent the rebel movement eventually relocated to Tripoli, and by year's end it was operating as a de facto national government, though its control over territory and armed groups in the country remained tenuous. The council, led by chairman Mustafa Abdel-Jalil, appointed Abdel Rahim al-Keeb as interim prime minister in October. After weeks of mounting pressure, the executive board of the NTC resigned on November 22, as per the interim constitution, and al-Keeb named an interim cabinet that aimed to incorporate members of competing regional and tribal militias, as well as members of the business community.

Political Rights and Civil Liberties

Libya is not an electoral democracy. Severe repression under Mu'ammarr al-Qadhafi has given way to an absence of formal governance institutions and frequent skirmishes among autonomous militias. The NTC, an unelected body of about 50 members, nominally controls all aspects of the national government. Until November 2011, an NTC executive board held a majority of the governing power. After that point, a cabinet was announced by interim prime minister Abdel Rahim al-Keeb. The cabinet is responsible for maintaining order and stability throughout the country in preparation for elections in mid-2012 and the drafting of a constitution.

The 2011 uprising created somewhat more space for free political association and participation in Libya. Under the Qadhafi regime, political parties were illegal, and all political activity was strictly monitored. The NTC has made an effort to include representatives from across the country and from different backgrounds. However, only a handful of political parties have organized, including the Democratic Party of Libya and the New Libya Party.

Corruption has been pervasive in both the private sector and the government in Libya, which was ranked 168 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index. The fall of the Qadhafi regime has raised some hopes that the level of corruption will decline, but there is concern about the undue influence of oil interests, foreign governments, and armed militias, and opportunities for graft continue to abound in the absence of effective fiscal, judicial, and other institutions.

Under the Qadhafi regime, there was no independent press. State-owned media largely operated as mouthpieces for the authorities, and journalists worked in a climate of fear and self-censorship. To the extent possible, the regime shut off the country's access to the internet and international media outlets during the fighting of 2011, and strict controls were imposed on foreign and domestic journalists working in the country. Qadhafi loyalist forces were responsible for the deaths of at least four foreign journalists, the detention of at least 32 journalists for reporting from the rebel-held eastern part of the country, and the disappearance of three Libyan journalists, who were still missing at year's end. A July NATO attack on a state television outlet in Tripoli resulted in the deaths of three additional journalists.

The media environment in rebel-held areas was decidedly different, especially in the eastern cities. Some 130 print outlets representing a wide range of viewpoints had been registered with the NTC by July, and several radio and television stations had been established. In addition, many individual Libyans utilized the internet and social-networking platforms during the year to share their experiences and other information.

Nearly all Libyans are Muslims. The Qadhafi regime closely monitored mosques for signs of religious extremism and Islamist political activity, but Muslims of various religious and political strains have been much more free to organize and debate their points of view since his fall. In some cases this has led to verbal and armed clashes. Salafi Muslim groups, whose fundamentalist beliefs preclude the veneration of saints, have begun to unilaterally remove bodies from Sufi Muslim shrines and rebury them in ordinary cemeteries. The few non-Muslims in Libya have been permitted to practice their faiths with relative freedom, and human rights organizations have called for this freedom to be upheld in post-Qadhafi Libya.

Academic freedom was tightly restricted under al-Qadhafi. Close state supervision has been lifted since his ouster, and the *Green Book* has been removed from school curriculums. However, no laws have been drafted to guarantee academic independence, and the education system has yet to resume normal operations in all parts of the country in the wake of the civil war.

Freedom of assembly has dramatically increased in light of the events of 2011. However, like many other freedoms, it came to the relatively secure, rebel-held eastern cities long before it was enjoyed in places like Tripoli. Even after the capture of the last loyalist strongholds late in the year, the ongoing presence of militia groups and the proliferation of firearms in the country limited peaceful assemblies and the public

expression of dissenting views in certain areas.

Domestic nongovernmental organizations have been allowed significantly more freedom to act within Libya since the collapse of the Qadhafi regime in October. Human Rights Watch has reported that women's rights groups have organized conferences in Tripoli to discuss the role that women will play in a new Libyan government and political environment, though there have been few concrete achievements, and women only hold two seats in the transitional cabinet. Trade unions were outlawed under the Qadhafi regime; a few have made some small strides, though they are in their organizational infancy.

The role of the judiciary under the NTC remains unclear. The council named a new justice minister in November, but there are several significant legal issues to address. These include the trials of Saif al-Islam al-Qadhafi and Ali Senoussi, the former Qadhafi intelligence minister, and investigations into a large number of suspected extrajudicial executions before and during the civil conflict, including that of Mu'ammār al-Qadhafi. However, no legal framework or fully functioning courts had been established by year's end.

A large number of migrants from sub-Saharan Africa worked in Libya during al-Qadhafi's rule, and many of them were subjected to human rights abuses even before the civil conflict. There were widespread reports of mistreatment at the hands of militia groups during the fighting, and many foreign workers fled the country under perilous conditions.

Women enjoyed many of the same legal protections as men under the Qadhafi regime, but certain laws and social norms perpetuated discrimination, particularly in areas such as marriage, divorce, and inheritance. The NTC has made some limited efforts to address these issues, but the messages have been mixed. Late in the year, NTC chairman Mustafa Abdel-Jalil made comments suggesting that polygamy would be legalized, which drew international condemnation. He subsequently pledged that women would play an important role in determining Libya's future course.

Ratings Change

Libya's civil liberties rating improved from 7 to 6 due to increased academic and media freedom, as well as greater freedom of assembly and private discussion, following the rollback and collapse of the highly oppressive Qadhafi regime.

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