

Reporters Without Borders

<http://www.rsf.org/libye-freedom-of-information-in-jeopardy-30-01-2014,45805.html>

Middle East/North Africa - Libya

Grave violations

Freedom of information in jeopardy in post-Gaddafi Libya

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Reporters Without Borders is very worried by recent developments in Libya affecting the news media and journalists, and the constant physical danger to which they are exposed. The media environment has declined to the point that it poses a serious obstacle to the creation of a democratic state.

One of the latest disturbing developments is Decree 05/2014 "[On stopping and banning the broadcasting of certain satellite TV stations](#)", adopted on 22 January by the General National Congress, which acts as a transitional legislature.

Its first article orders the ministries of foreign affairs, communications and information to "*take the necessary measures*" to prohibit the broadcasting of any satellite TV station whose programmes criticize the "17 February Revolution," destabilize the country or promote internal dissent.

Reporters Without Borders calls for the withdrawal of this draconian decree, which has come at a time of growing threats to political stability and security in the run-up to the Libyan Revolution's third anniversary.

Tension has been mounting in the south and west for weeks as a result of an apparent resurgence of support for the ousted Gaddafi regime. Some satellite TV stations have reportedly been carrying messages singing the former strongman's praises and seeking the regime's restoration. Some of these messages are said to constitute incitement to hatred and violence against those working for the creation of a new Libyan state.

Reporters Without Borders points out that, while international law allows certain restrictions on freedom of expression, including those aimed at safeguarding national security and public order, these limitations must be absolutely necessary and proportional to their goal.

A decree imposing a blanket ban on broadcasting by a satellite or local TV network does not meet any of these criteria and constitutes a disproportionate measure.

In an interpretation of the International Covenant on Civil and Political Rights, to which Libya is a party, the United National Human Rights Committee said:

"Laws that penalize the expression of opinions about historical facts are incompatible with the obligations that the Covenant imposes on States parties in relation to the respect for freedom of opinion and expression. The Covenant does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events."

Reporters Without Borders is also deeply concerned about the vagueness of Decree 05/2014, which is clearly designed to penalize any person or news media criticizing the government and its policies.

"The freedom to peacefully express views, including views that are contrary to those generally held or views critical of the authorities, is of fundamental importance in any democratic society", Reporters Without Borders secretary-general Christophe Deloire said. *"The judicial system and public figures must put up with a great deal of criticism, because their position at the centre of public life means that their actions are inevitably the subject of general interest. The new Libyan state must repeal this decree without delay."*

In another disturbing development, freelance journalist **Ahmed Abdel Hakim** was warned by telephone on 25 January that he would be killed he did not withdraw the complaint against the head of the Al-Qa'qa'a brigade that he filed with the prosecutor-general.

Detained by Al-Qa'qa'a for nine months, from September 2013 to July 2013, in connection with his coverage of clashes between the Zintan and Mashashia tribes in June 2012, Hakim has accused the militia of mistreating and torturing him while he was held, and says he can prove it.

Well-known activist and former political prisoner **Jamal Al-Hajji** was meanwhile sentenced to eight months in prison on 31 December for defaming leading politicians during an [appearance](#) on state-owned *Al-Wataniya TV* on 13 February 2013. He was also ordered to pay 400,000 dinars (240,000 euros) in damages.

In his TV appearance, Hajji criticized foreign minister Mohamed Abdelaziz, National Forces Alliance leader Mahmoud Jibril and other politicians and public figures, accusing them of conspiring against the Libyan revolution.

Reporters Without Borders reminds Libya that the UN Human Rights Committee said in its General Comment No. 34 on the International Covenant on Civil and Political Rights: "*States parties should consider the decriminalization of defamation and (...) imprisonment is never an appropriate penalty.*"

These threats and decisions violate the Constitutional Declaration that Libya ratified on 3 August 2011, in particular, article 14, which says:

"The state shall ensure freedom of opinion, freedom of speech for individuals and groups, freedom of scientific research, freedom of communication, freedom of press, media, printing and distribution, freedom of movement and freedom of assembly, demonstration and peaceful sit-in so long as it is not contrary to public order."

The new Libya must not abandon its commitment to establish democracy and the rule of law, in which impunity and censorship should not prevail.
