



Report to the Human Rights Committee on:

Libya

Freedom of Religion or Belief (ICCPR art. 18) and non-discrimination (ICCPR art. 26)

Submitted to the Human Rights Committee ahead of the consideration of the List of Issues Prior Reporting for Libya during the Committee's 130th session in October 2020.

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Submitted by:

The World Evangelical Alliance (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

Open Doors is an international organization serving persecuted Christians and churches worldwide. We supply Bibles, leadership training, literacy programs, livelihood support and advocacy services.

Middle East Concern (MEC) was founded in 1991, in response to needs expressed by Christian leaders in the Middle East and North Africa region (MENA). MEC supports people in the MENA region who are marginalized, discriminated against or persecuted for being or becoming Christians.

For additional information, please contact: Michael Mutzner, WEA Permanent Representative to the United Nations in Geneva at geneva@worldea.org or +41.22.890.1030

World Evangelical Alliance C/O RES CP 23, 1211 Geneva 8, Switzerland

- 1 Libya acceded to the ICCPR on 15 May 1970. Libya's accession to the ICCPR was made without any reservation to article 18 enshrining the right to Freedom of Religion or Belief.
- 2 Libya's interim Constitution of 2011 establishes Islam as state religion and Islamic law as the main source of legislation. The constitution guarantees the freedom for non-Muslims to practice their religious rituals.¹ In 2017 a new constitution was drafted. Contrary to the interim constitution, this document does not recognize other sources of legislation besides Islamic Sharia. The draft also fails to guarantee freedom of religion or belief, and does not prescribe religion as a ground for discrimination.² A referendum on adoption of this draft constitution was planned for the first half of 2019, then delayed.
- 3 The law does not explicitly prohibit apostasy, however, article 291 of the Penal Code prescribes that "[a]nyone who publicly attacks the Islamic religion, which is the official religion of the State according to the Constitution of Libya, through expressions that are inappropriate for God, prophets, or messengers, shall be punished by a penalty of detention for a period not exceeding two years." The provision does not prescribe the requirement of a mental element, such as intent, for the crime described, and does not explain nor clarify how narrowly or extensively "expressions that are inappropriate for God, prophets or messengers" should be interpreted. This leaves significant room for arbitrary interpretation by accusers, law enforcement officers and the judiciary.
- 4 Our sources confirm that Libyan converts to Christianity are often arrested and detained on blasphemy charges on the grounds of sharing Christian materials online. They face pressure by police and family members to return to Islam through the use of physical and psychological coercion. All Libyans are presumed to be Muslim, therefore anyone who leaves Islam experiences significant pressure and is vulnerable to violence and attacks from family and community, as well as from the state.
- 5 Middle East Concern (MEC) has reported that in September 2016 a number of Christian converts were arrested because one of them began to share Christian material via social media. Attracting the attention of the authorities the men were detained, verbally abused and subjected to physical and psychological torture. While they were under interrogation they were forced to tell their story blindfolded. One of the men was confronted by members of his family who were present during the interrogation to witness his statement. Under torture the men were indoctrinated and forced to recant their faith and this was recorded on video.

¹ "Libya shall be an independent democratic state in which the people shall be the source of all powers. Its capital shall be Tripoli, Islam shall be its religion and Islamic Shari'a shall be the main source of legislation. The State shall guarantee for non-Muslims the freedom to practice their religious rituals. Arabic shall be the official language, while the linguistic and cultural rights of the Amazigh, the Tabous, the Touareg and the other components of the Libyan society shall be guaranteed." The Constitution of Libya, 2011, available at: https://www.constituteproject.org/constitution/Libya_2011.pdf.

² "Male and female citizens shall be equal in and before the law. There shall be no discrimination between them and all forms of discrimination for any reason such as ethnicity, colour, language, sex, birth, political opinion, disability, origin or geographical affiliation shall be prohibited in accordance with the provisions of this constitution." Libya draft Constitution, 2017, available at: <https://www.temehu.com/CDA/final-draft-libya-constitution-29-july-2017-english-translation.pdf>.

- 6 Late 2016, MEC was advised that a Christian convert had been detained in a city in the east of the country. Although he was held by the police, it is believed his detention was instigated by a militant Islamic group. The young man had several media accounts on which he used to share Christian material. The police said they had arrested him because of his 'proselytizing' activities on social media and because of allegations of blasphemy. He was not officially charged, and no formal legal proceedings were initiated (legal and judicial structures in parts of Libya have been largely dysfunctional since 2011). He was released after six months in detention and claimed that he was physically and psychologically tortured during his detention.
- 7 In January 2020 MEC learned about a Libyan Christian convert who had been in prison for more than a year. In early 2016 he agreed to meet a Christian in a public place. The person did not show up. When he left the place, he was taken to the investigation office of the Special Deterrence Force. He was abused in prison, and faced strong pressure to recant. After being detained for more than a year, he was released. He returned home to face further strong pressure from his family to return to Islam. This eventually resulted in him fleeing the country.
- 8 The population of Libya is estimated to be 97% Sunni Muslim, with almost all non-Muslims being expatriate workers, primarily from Sub-Saharan African countries, Egypt and the Philippines. Religious minorities, including Christian migrants, converts to Christianity, and foreign residents are regularly targeted by Islamic militant groups and organized crime groups with physical attacks, sexual assaults, detentions, kidnappings, and killings.
- 9 In areas where Islamic militias operate as the *de facto* police force, severe sanctions are imposed on "apostates" and non-Muslim expatriates. The non-Muslims therefore practice their faith in secret, among fear of being exposed. Challenges faced by non-Muslims expatriates primarily derive from the ongoing political and security crisis and the lack of application of the rule of law. It is known that armed militias regularly set up check points in order to extort sub Saharan Africans. Some of them are even kidnapped for ransom. Our sources say that Christians are at times targeted at these checkpoints, as they are set up on Fridays and Saturdays on roads that lead to churches African Christian attend for worship.
- 10 In 2017 MEC received reports about the harassment, ill treatment and kidnapping of sub-Saharan African Christians by Islamic militias in a major city in the west of the country. On each occasion of weekly worship these militias would erect road blocks and stop Christians going to church for prayer. They would allow them to pass only if they paid a bribe, and failure to meet their demands led in some cases to abduction and the demand for ransom payments.
- 11 An Egyptian Christian named Romany left Egypt in 2014 and traveled to Libya to find work to help support his mother and siblings. He used to have daily communication with his family. Once all communications suddenly stopped, his family in Egypt contacted the Libyan authorities to check if something happened to Romany: Libyan authorities communicated to the family that Romany was kidnapped and killed by a terrorist group. Based on several sources, terrorists tortured him to convince him to convert to Islam but after refusing, Romany was killed by hanging. His body was returned to Egypt on 19 March 2020.

Suggestions for the list of issues for Libya

- 12 In light of the above, we respectfully call on the Human Rights Committee to submit the following questions to Libya.
- 13 Please clarify how the lack of recognition of the right to freedom of religion or belief and the lack of a non-discrimination provision on the basis of religion in the 2017 draft Constitution is compatible with art. 18 and 26 of the Covenant.
- 14 Please provide information on how article 291 of the Penal Code is compatible with articles 18 and 19 of the Covenant and indicate whether the State Party has any plans to repeal the above provision, or alternatively to revise the above provision to 1) narrowly define what is intended by “expressions that are inappropriate for God, prophets or messengers” and 2) prescribe the necessity of a mental element for the crime described.
- 15 Please respond to reports of Christian converts exercising their inherent right to choose and adopt a religion or belief of their choice being arrested under blasphemy charges and being pressured to return to practice the State religion by law enforcement officials, and explain how this is compatible with article 18 of the Covenant. Provide information on how many converts are currently detained under blasphemy charges.
- 16 Please indicate what measures have been adopted to protect non-Muslims from targeted attacks of Islamic militias. Please provide recent statistics and information on kidnappings, abductions, torture and killings of non-Muslims by Islamic militias.