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LIBYA

Submission by:

ADF International
Chemin du Petit-Saconnex 28
1209 Geneva, Switzerland

Web: www.ADFinternational.org
Email: un@ADFinternational.org

Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report focuses on the right to freedom of thought, conscience, and religion, and Libya’s failings in promoting and defending this right.

Background

3. Since the ouster of Muammar Gaddafi in 2011, the political and security environment in Libya has been unstable. Various factions have vied for control of the country since 2014.¹ Major foreign powers have been interfering in the current crisis by supporting their preferred factions through the provision of arms and, in some cases, the launch of airstrikes.²
4. The Government of National Accord (GNA), which is recognised by the United Nations as the official government of Libya, controls only the city of Tripoli and other territories in the western coastal area of the country. The rival Libyan National Army (LNA), headquartered in Tobruk and in control of large part of the country, has been engaged in an offensive to take Tripoli for the past 6 months.³ As a consequence of the violence in Tripoli, the general elections that were set to take place in 2019 have been effectively postponed until 2020.⁴ Libya’s legislative body remained allied with the LNA and failed to approve a slate of ministers for the GNA.⁵ The presence of terrorist groups is also relevant, with ISIS controlling a small area south of Sirte.⁶
5. Armed groups, including militias that are loyal to both rival governments, are active throughout the country. They have attacked religious minorities, including Christians,

¹Ahmed Elumami, *Reuters*, “Libya’s displaced struggle for shelter as fighting drags on,” 10 September 2019, available at: <https://www.reuters.com/article/us-libya-security-displaced/libyas-displaced-struggle-for-shelter-as-fighting-drags-on-idUSKCN1VV1ZL>.

² Ted Galen Carpenter, *The National Interest*, “The Obama Administration Destroyed Libya. Could Trump Make It Worse?” 16 September 2019, available at: <https://nationalinterest.org/blog/skeptics/obama-administration-destroyed-libya-could-trump-make-it-worse-81021>.

³ Samer Al-Atrush, *Bloomberg News*, “Bombs, Blood and Power Cuts: Libya’s Slide Into Civil War,” 11 September 2019, available at: <https://www.bnnbloomberg.ca/bombs-blood-and-power-cuts-libya-slide-into-civil-war-1.1314246>.

⁴Patrick Wintour, *The Guardian*, “UN postpones Libya national conference amid fighting in Tripoli,” 9 April 2019, available at: <https://www.theguardian.com/world/2019/apr/09/un-postpones-libya-national-conference-amid-fighting-tripoli>.

⁵ *Human Rights Watch*, “World Report 2018,” available at: <https://www.hrw.org/world-report/2018/country-chapters/libya>.

⁶ Jacques Neriah, *Jerusalem Center for Public Affairs*, “The Civil War in Libya is the Battleground for Several Countries,” 4 July 2019, available at: <http://jcpa.org/the-civil-war-in-libya-is-the-battleground-for-several-countries>.

and destroyed religious sites.⁷ In some cases, these armed groups have been incorporated into the government to perform official security functions, such as managing immigrant detention centers.

6. For example, the GNA in May 2018 converted the Radaa Special Deterrent Forces (SDF), a Tripoli-based militia with a history of human rights abuses, into a new security force for combating organised crime and terrorism.⁸ Despite its official status, the group remains largely unaccountable and beyond the control of the GNA.⁹

Christians and Other Religious Minorities

7. In July 2018, the total population of Libya was estimated to be at 6.7 million. Sunni Muslims represent 97 percent of the population, and the remaining 3 percent includes Ibadi Muslims, Christians, Hindus, Baha'is, Ahmadi Muslims, and Buddhists.
8. Twelve percent of the population (approximately 804,000 persons) are migrants. Open Doors USA estimated that in 2018 there were 37,900 Christians in the country, of which 150 to 180 were Libyan nationals who converted from Islam. Nearly all non-Muslim residents in the country are foreigners, primarily sub-Saharan migrants who enter Libya seeking passage to Europe.
9. Christian migrants held in detention centers in Libya have reportedly been raped and beaten. Although the ill treatment and violence are not limited to Christian refugees, Christians are singled out for much worse discriminatory and violent treatment.
10. Christians from Eritrea and Ethiopia held in detention centers reported that they were threatened along the journey through Libya for being Christians, and by guards in detention centers. Sara, a 23-year-old Christian woman from Ethiopia, reported that while she was detained, 'we hid our crosses, because the Libyan police working in that place didn't appreciate Christians.'¹⁰ Loweth, a Nigerian woman, described her treatment in the detention center: 'The guards, they are Muslim. We are Christian. Whenever we would start to pray...They would come with hoses and would threaten us with beatings if we don't stop praying. Sometimes they would beat us.'¹¹

⁷ *Human Rights Watch*, "World Report 2018: Libya," available at: <https://www.hrw.org/world-report/2018/country-chapters/libya>.

⁸ *The Libya Times*, "PM Saraj accused of empowering a Tripoli-based militia," 9 May 2018, available at: <http://www.libyatimes.net/news/136-sarraj-gives-the-special-deterrence-force-a-wider-mandate>.

⁹ *Amnesty International*, "Libya: Decree integrating Radaa forces into a new security apparatus overlooks need for accountability," 21 June 2018, available at: <https://www.amnesty.org/download/Documents/MDE1986292018ENGLISH.pdf>.

¹⁰ Izza Leghtas, *Refugees International*, "'Death Would Have Been Better': Europe Continues to Fail Refugees and Migrants in Libya," April 2018, available at: <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5ad3ceae03ce641bc8ac6eb5/1523830448784/2018+Libya+Report+PDF.pdf>.

¹¹ *Barnabas Fund*, "Amnesty International highlights persecution of Christian migrants and refugees in Libya," 7 July 2016, available at: <https://barnabasfund.org/news/Amnesty-International-highlights-persecution-of-Christian-migrants-and-refugees-in-Libya>.

11. Amal, a 21-year-old Eritrean Christian woman, was near Benghazi when she and the 71 people she was travelling with were abducted by armed men. They separated the Christians from the Muslims and then the women from the men. Amal, along with the other women, was held underground as a sex slave for nine months and forced to convert to Islam.¹²
12. A former detainee from Nigeria said the guards in the detention center in Misratah would separate the men according to religion and flog those who were Christians. 'At the beginning I said I'm not going to change my religion even if I'm in a Muslim country. They took me out and flogged me. Next time I lied and said I was Muslim,' he said.¹³
13. Semre, a 22-year-old man from Eritrea whose boat was intercepted at sea, reported that guards beat him with electrical cables before taking his money and throwing away his Bible and the cross he wore around his neck.¹⁴
14. News footage from November 2017 showed a modern slave market in which captured African migrants, including Christians from Ethiopia and Eritrea fleeing religious persecution at home, were sold into slavery.¹⁵
15. Because of the challenges Christians face, Libya was rated 4th on the 2018 World Watch List, which ranks the top 50 countries where Christians are persecuted.¹⁶

Right to Freedom of Religion or Belief

16. The 2011 Constitutional Declaration, which has served as Libya's constitution since the overthrow of Muammar Qaddafi, establishes Islam as the country's official religion and Islamic Shari'a as the main source of legislation.
17. Various articles of the Constitutional Declaration speak of protection for rights of conscience and religious belief. In Article 1, the state guarantees non-Muslims the right to practise their 'religious rituals.' Article 6 states "there shall be no discrimination among Libyans on the basis of religion or sect" with regard to legal, political, and civil rights. There is no law providing for individuals' right to choose or change their religion or to study, discuss, or promulgate their religious beliefs.
18. Although there is no civil law explicitly prohibiting conversion from Islam to another religion or prohibiting proselytisation, the Libyan criminal code includes prohibitions against "instigating division" and insulting Islam or the Prophet Muhammad, charges

¹² Ibid.

¹³ *Amnesty International*, "EU risks fuelling horrific abuse of refugees and migrants in Libya," 13 June 2016, available at: <https://www.amnesty.nl/actueel/eu-risks-fuelling-horrific-abuse-of-refugees-and-migrants-in-libya>.

¹⁴ Ibid.

¹⁵ *Barnabas Fund*, "Libya: Christian African migrants sold as slaves in Libyan slave markets," 30 November 2017, available at: <https://barnabasfund.org/en/news/newsdesk-30-november-2017#libya>.

¹⁶ *Open Doors USA*, "World Watch List," available at: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/libya/>

that carry a maximum sentence of death. Libyan nationals are not permitted to attend churches.¹⁷

19. The criminal code also prohibits the circulation of publications that aim to “change the fundamental principles of the constitution or the fundamental rules of the social structure,” which are used to criminalise the circulation of non-Islamic religious material.
20. An unnamed Libyan man who converted to Christianity was arrested for proselytising in November 2016, after Libya’s General Administration for Criminal Investigation tracked him using his IP address.¹⁸

Recommendations

21. In light of the aforementioned, ADF International suggests the following recommendations be made to Libya:
 - a. Strengthen the efforts to resolve the political crisis of the country, and create an environment conducive for free, fair and peaceful election;
 - b. Effectively fight impunity by investigating and prosecuting all cases of unlawful killings, executions of civilians and enforced disappearances committed by the police, the armed forces or non-State actors.
 - c. Take measures to prosecute the perpetrators of human rights violations that specifically target members of religious groups, in order to safeguard freedom of religion and ensure the right to security of the person.
 - d. Ensure that the right to freedom of religion or belief is promoted and protected in Libya, that individuals are not prosecuted or persecuted for their beliefs by either society or the State, and are permitted to adopt a religion or belief without fear of punishment.
 - e. Repeal all blasphemy laws and prohibitions on proselytization, and ensure that freedom of expression is protected and promoted to the fullest extent required under international law.
 - f. Take effective measures to protect and promote the right of all individuals to freely manifest their religion or beliefs, in accordance with international human rights law.
 - g. Ensure that individuals are not refused entry to the country or profiled and treated in a manner which amounts to invidious discrimination on the basis of race, religion, and/or national origin.

¹⁷ *Open Doors USA*, “Libya-Final WWL 2019 Country Dossier,” December 2018, available at: <https://www.opendoorsusa.org/wp-content/uploads/2016/09/Libya-FINAL-WWL-2019-DOSSIER-December-2018.pdf>.

¹⁸ *World Watch Monitor*, “Libyan Christian arrested for proselytizing,” 8 November 2016, available at: <https://www.worldwatchmonitor.org/coe/libyan-christian-arrested-for-proselytizing>.



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