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Technical assistance and capacity-building

Written statement* submitted by Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2021]

* Issued as received, in the language(s) of submission only.



Interactive Dialogue with the Independent Fact-Finding Mission on Libya: Religious Minorities and Houses of Worship

Jubilee Campaign would like to raise the attention of the Human Rights Council's and of the Independent Fact-Finding Mission on Libya to the situation of religious minorities, particularly Christians, in Libya as well as the precarious status of their houses of worship.

While Article 1 of the 2011 Constitution of Libya asserts that all non-Muslim civilians shall be free to practice the faith of their choosing, it also explicitly identifies Islam as the national religion and Islamic Shari'a law as the primary legislative code.¹ The predominance of Islam in Libya is only further entrenched in the Penal Code which includes provisions criminalizing both blasphemy and apostasy. Article 291, for instance, penalizes actions "insulting the state religion" and "expressions that are inappropriate for God, prophets, or messengers" with up to two years' imprisonment.² Furthermore, Article 207, which stipulates the death penalty against any individual who "promotes within the country theories or principles that aim to change the fundamental principles of the constitution" and life imprisonment for anyone who "possesses books, publications, illustrations, slogans, or any other material with the intent to endorse the aforementioned acts or advocate them in any other way", has been applied to place restrictions on the distribution of non-Islamic religious materials, spiritual speech, and missionary activities.

Violations against Religious Minorities

In 2018, the Moroccan Association for Freedom of Religion or Belief's St. Augustine Studies Center, at the request of a former Libyan who was imprisoned for his conversion to Christianity and forced to embrace Islam, contacted religious minorities in Libya to learn of their situation. The respondents, Christian, Atheists, and Shi'ites, all reported experiencing extreme fear and insecurity, and a few had been detained without trial for over a year in the capital Tripoli. These former detainees listed several severe human rights violations – conscripted labor, physical beatings, the breaking of fingers, forced nudity, and intimidation and humiliation, flogging, rape, overcrowded cells, and solitary confinement – unless they reverted to Islam. The authorities subjected the detainees to an enforced "Islamic Rehabilitation" program in which the detainees were ordered to participate in Islamic studies, prayer, and memorization of the Qur'an, which could last up to two years.³ The charges of the individuals interviewed by the Moroccan Association for Freedom of Religion or Belief include 'embracing Christianity', 'conspiring with Shi'ites in Egypt', 'atheism', 'preaching Christianity', 'Satanism due to rock & roll fashion', 'attacking Islam on Facebook', 'belittling the divine self'.

During a side event titled Free to Choose, which coincided with the 2021 International Religious Freedom Summit in Washington, D.C., Mauritanian blogger Mohamed Cheikh Ould Mkhaitir, referenced the situation in Libya:

"In Mauritania they have amended the criminal law or the penal code, and they have made it much more severe to punish a person that has left Islam or that is accused of apostasy or blasphemy [...] This doesn't only include Mauritania it also includes other countries around Mauritania like Algeria, Morocco, and Libya. Just two days ago I had contact with some people that have been imprisoned for a long time but they have left that prison and now they are stranded on the borders of Libya and they don't know what to do. One of them has been imprisoned for one year and two months during which he has been tortured and even sexually

¹ Libya's Constitution of 2011, Constitute Project, 2021.

² NATLEX Database of national labour, social security and related human rights legislation, Libya Penal Code (1953), International Labour Organization.

³ Moroccan Association for Freedom of Religion or Belief [Association Marocaine pour les Droits et Libertés Religieuses], Libya... A declaration of war on religious minorities, 27 June 2018.

abused. The reason for sentencing him or imprisoning him was that he converted to Christianity.”⁴

In its August 2020 joint submission with World Evangelical Alliance and Open Doors to the Human Rights Committee, Middle East Concern revealed that it has learned about a case involving a Libyan Christian convert who had been imprisoned for over a year and released as recently as January 2020. The individual had in 2016 agreed to meet with another Libyan Christian, but when the other person failed to show up and he decided to leave the meeting place, he was detained and transported to the Special Deterrence Force’s investigation office. During his time in prison, he was physically abused, and even after he was released he was subjected to pressure from his own family to denounce Christianity and return to Islam. He has since fled Libya and relocated to another country.⁵

Union Church of Libya

In July 2021, it was reported that the Union Church of Libya, established in 1962 and having operated continuously for 51 years in a building in Tripoli, is facing what it predicts to be imminent eviction. The former Gaddafi government had expropriated the land the church was on “due to its proximity to the seat of the government”. Recently, a government committee returned the land to its original owners from which the Church has rented its building from and who are now threatening the Church with “speedy eviction”.⁶

Fact-Finding Mission Renewal

Jubilee Campaign echoes the calls of Amnesty International and 27 other human rights organizations for the renewal of the United Nations Independent Fact-Finding Mission (FFM) on Libya at the 48th Session of the Human Rights Council. In light of the COVID-19 pandemic, the Independent Fact-Finding Mission on Libya, established in June 2020, has only operated fully since May 2021 and therefore must resume its activities even beyond the September 2021 conclusion of its original mandate in order to “investigate violations and abuses of international human rights law and violations of international humanitarian law committed since 2016, and preserve evidence to ensure that perpetrators be held accountable.”⁷

Recommendations

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Call upon the State of Libya to repeal Articles 207 and 291 of the present penal code which criminalize apostasy and blasphemy, as such provisions are incompatible with international human rights standards.
2. Call upon the State of Libya to cease the practice of arbitrarily arresting and imprisoning religious minorities by providing an appeal mechanism and ensuring legal accountability.
3. Call upon the State of Libya to release immediately and unconditionally all religious prisoners of conscience.
4. Renew the mandate of the United Nations Independent Fact-Finding Mission on Libya.

⁴ Jubilee Campaign, “#IRFSummit 2021 | Free to Choose | Cheick Mkhaitir Testimony [Captions]” (YouTube video), 30 July 2021.

⁵ Open Doors, Middle East Concern, World Evangelical Alliance, Report to the Human Rights Committee on: Libya, 17 August 2020.

⁶ Middle East Concern, “Libya: Church in Tripoli facing eviction”, 5 July 2021.

⁷ Amnesty International, Joint NGO Letter: The Critical Need to Renew the United Nations Fact Finding Mission on Libya at the Human Rights Council, 14 July 2021.