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**RELIGIOUS FREEDOM IN LIBYA**

*www.ECLJ.org*  
*4, quai Koch*  
*67000 Strasbourg, France*  
*Phone: +33 (0)3.88.24.94.40*  
*Fax: +33 (0)3.88.24.94.47*

## RELIGIOUS FREEDOM IN LIBYA

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative Status before the United Nations Economic and Social Council<sup>1</sup>. The purpose of this report is to highlight systemic religious freedom abuses in the State of Libya (hereinafter Libya) for the 2014 Universal Periodic Review (UPR). The biggest threat to religious minorities in Libya is the growing number and influence of Islamic militants that are spreading violence and attempting to gain control in Libya<sup>2</sup>. The government's inability to protect religious minorities and prevent the spread of Islamic militants results in deprivations of human rights and religious freedom in Libya.

### Freedom of Religion

2. Libya's interim Constitutional Declaration, passed in 2011, grants Libyan citizens equal "civil and political rights . . . without discrimination due to religion"<sup>3</sup>. The Constitution Declaration included, however, that "Islam is the Religion of the State and the principal source of legislation is Islamic Jurisprudence (Sharia)"<sup>4</sup>. Therefore, it is difficult to imagine that non-Muslims will be considered equal before the law under Sharia<sup>5</sup> when legal issues arise involving religion. Libya's unstated policy preventing proselytizing by non-Muslims<sup>6</sup> is one example of such contradiction. It also violates provisions of the International Covenant on Civil and Political Rights (ICCPR) that calls for freedom of religion and expression<sup>7</sup>. Libya—having ratified the ICCPR in 1970<sup>8</sup>—has an obligation to ensure its citizens have the "freedom to . . . manifest [their] religion or belief in worship, observance, practice, and teaching"<sup>9</sup>. Each party to the ICCPR must "ensure that any person whose rights or freedoms . . . are violated shall have an effective remedy"<sup>10</sup>.

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<sup>1</sup>*Consultative Status for the European Centre for Law and Justice*, UN DEP'T ECON. & SOC. AFF., <http://esango.un.org/civilsociety/consultativeStatusSummary.do?profileCode=3010> (last visited 8 Sept. 2014).

<sup>2</sup>*Libya Violence: Islamic Militants Declare Control of Benghazi*, CBC NEWS (31 July 2014), <http://www.cbc.ca/news/world/libya-violence-islamic-militants-declare-control-of-benghazi-1.2724053>.

<sup>3</sup>*Draft Constitutional Charter for the Transitional Stage*, WORLD INTELLECTUAL PROPERTY ORGANIZATION, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=246953](http://www.wipo.int/wipolex/en/text.jsp?file_id=246953) (last visited 8 Sept. 2014) [hereinafter *Draft Constitutional Charter*].

<sup>4</sup>*Id.*

<sup>5</sup>Perry Chiamonte, *Libya's Lurch Toward Shariah Sends Chill Through Christian Community*, FOX NEWS (12 Jan. 2014), <http://www.foxnews.com/world/2014/01/12/libya-lurch-toward-shariah-sends-chill-through-christian-community/>.

<sup>6</sup>See, e.g., Chris Stephen, *Libya Arrests Foreign 'Missionaries'*, THE GUARDIAN (7 Feb. 2013, 12:14 PM), <http://www.theguardian.com/world/2013/feb/17/libya-arrests-suspected-foreign-missionaries> [hereinafter Stephen, *Libya Arrests*].

<sup>7</sup>International Covenant on Civil and Political Rights, art. 18, 16 Dec. 1966, 999 U.N.T.S. 171 [hereinafter ICCPR], available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>8</sup>*Treaty Collection*, UNITED NATIONS, (9 Aug. 2014, 5:03 PM), [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en).

<sup>9</sup>ICCPR, *supra* note 7, at art. 18.

<sup>10</sup>*Id.* at art. 2.

### *Persecution and Discrimination by the Government*

4. Recently, a Libyan Security official, Hussein Bin Hmeid, stated that, “[p]roselytising is forbidden in Libya [as w]e are a 100% Muslim country and this kind of action affects our national security”<sup>11</sup>. Benghazi human rights activist, Bilal Bettamer, added to that, saying that “Libya was a wholly Muslim country and Christians should not be trying to spread their faith” since the maximum penalty for proselytising is death<sup>12</sup>. Despite the rise in violence against religious minorities, in February 2013, Libya’s Speaker of Congress, Mohammed Magariaf, “pledged that Libya would incorporate Sharia law into its future constitution” instead of ensuring that freedom of religion would be protected under the new Libyan government<sup>13</sup>.

5. In 2013, Reverend Vasihar Baskaran of an Anglican church in Tripoli, said that Christian churches in Tripoli have a “tacit agreement with the authorities not to proselytise”<sup>14</sup>. As he explained, if churches don’t distribute any literature in the area, then they “don’t have any problems”<sup>15</sup>. Other Libyan Christians and church leaders have been assured that even with the implementation of Sharia law, they will still be “free to worship . . . but may not seek converts or evangelize”<sup>16</sup>.

6. For instance, in February 2013, four Christians were arrested in Libya “on suspicion of being Christian missionaries and printing books about Christianity”<sup>17</sup>. Additionally, in 2012 the International Committee of the Red Cross was accused of “distributing Bibles and proselytizing” to Libyan civilians and subsequently had to stop its activities in Benghazi<sup>18</sup>.

### *Persecution by Islamic Militants*

7. In August 2012, the General National Congress, a party influenced by Islamist militants<sup>19</sup>, took control of the Libyan parliament from the National Transitional Council.<sup>20</sup> In February 2014, rival Islamic militants lined up behind the Islamic factions in Parliament to oust the “Western-backed” prime minister<sup>21</sup> who was “Libya’s first democratically-elected leader”<sup>22</sup>.

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<sup>11</sup>*Id.*

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>*Id.*

<sup>16</sup>Fredrick Nzwili, *Christians in Libya Cast Anxious Eye at Religious Freedom*, WASH. POST (10 Jan. 2014), [http://www.washingtonpost.com/national/religion/christians-in-libya-cast-anxious-eye-at-religious-freedom/2014/01/10/eda2c72c-7a26-11e3-a647-a19deaf575b3\\_story.html](http://www.washingtonpost.com/national/religion/christians-in-libya-cast-anxious-eye-at-religious-freedom/2014/01/10/eda2c72c-7a26-11e3-a647-a19deaf575b3_story.html) [hereinafter Nzwili, *Christians in Libya*].

<sup>17</sup>Stephen, *Libya Arrests*, *supra* note 6.

<sup>18</sup>*Libya Arrests Suspected Christian Missionaries*, USA TODAY, (16 Feb. 2013), <http://www.usatoday.com/story/news/world/2013/02/16/libya-christian-missionaries/1925003/>.

<sup>19</sup>Feras Bosalum & Ulf Laessing, *Rival Second Libyan Assembly Chooses Own PM as Chaos Spreads*, REUTERS (25 Aug. 2014), <http://www.reuters.com/article/2014/08/25/us-libya-security-idUSKBN0GPONZ20140825> [hereinafter Bosalum & Laessing].

<sup>20</sup>*Libya Profile*, BBC (6 Aug. 2014), <http://www.bbc.com/news/world-africa-13754897> [hereinafter *Libya Profile*].

<sup>21</sup>*Militias’ Ultimatum Heightens Libya Tensions*, AL JAZEERA (19 Feb. 2014), <http://www.aljazeera.com/news/africa/2014/02/militias-ultimatum-heightens-libya-tensions-20142192533860155.html> [hereinafter *Militias’ Ultimatum*].

<sup>22</sup>*Libyan Prime Minister Ousted by Parliament*, AL JAZEERA AMERICA (11 Mar. 2014), <http://america.aljazeera.com/articles/2014/3/11/libyan-prime-ministeroustedbyparliament.html>.

The Libyan government has continually failed to disarm the Islamic militants, which has “caused concerns about the prospects for stabilization”<sup>23</sup>.

8. Not only does the government restrict religious freedom, but powerful Islamic militants have incited and carried out attacks against Christians, desecrated religious sites, and have attempted to forcibly convert Christians to Islam<sup>24</sup>. Regional leaders are concerned that the Islamic militant violence could threaten the stability in North Africa if the militants are not disarmed and disbanded<sup>25</sup>. These fears have resulted in air strikes—presumably (yet unconfirmed) from other states—against the powerful militants since 24 August 2014<sup>26</sup>.

9. This violence in Libya is rooted in the empowerment of the Islamic militants<sup>27</sup> after the post-Gaddafi transitional government heavily depended on them to maintain order in the absence of a strong police force or a unified military<sup>28</sup>. The recent violence also comes as part of a backlash by Islamist groups after they lost power in parliament following the June 2014 elections<sup>29</sup>.

10. The Islamic militants fighting over control of the Libyan government and territory of the state include: al-Qaaqaa and al-Sawaaq<sup>30</sup>, Libya Shield One (“under the command of Islamist and ex-rebel Wassam Bin Hemad”<sup>31</sup>), Ansar al-Sharia<sup>32</sup> (which has “offered a reward to any Benghazi resident who helped round up and execute the nation’s Coptic Christian residents”<sup>33</sup>), and Preventative Security (“a unit created from several rebel formations during the 2011 uprising”<sup>34</sup>). Recently, “an alliance of Islamist fighters and ex-rebels [in Benghazi] joined together to battle Libyan armed forces, seizing a special forces military base . . . and pushing the [Libyan] army outside the city”<sup>35</sup>. A new Islamic militia dubbed the “Dawn of Libya” has also

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<sup>23</sup>*Libya Profile*, BBC (6 Aug. 2014), <http://www.bbc.com/news/world-africa-13754897> [hereinafter *Libya Profile*].

<sup>24</sup>See Nzwili, *Christians in Libya*, *supra* note 16; *Fury Over Attack on British War Graves in Benghazi*, BBC (4 Mar. 2012, 8:52 PM), <http://www.bbc.co.uk/news/uk-17244211>.

<sup>25</sup>*Libya: On the Brink of Civil War?*, AL JAZEERA (25 Aug. 2014), <http://www.aljazeera.com/programmes/insidestory/2014/08/libya-brink-civil-war-2014825135541674250.html>.

<sup>26</sup>George Joffe, *Libya Air Strikes: Conflict Linked to a Wider Middle East*, BBC (27 Aug. 2014), <http://www.bbc.com/news/world-africa-28948948> (stating that the airstrikes against the Islamic militants in Libya were possibly carried out by Egypt or the United Arab Emirates).

<sup>27</sup>See Rana Jawad, *Will Libya’s Militias Defeat Democracy?* BBC (22 July 2014), <http://www.bbc.com/news/world-africa-28418925>.

<sup>28</sup>Dirk Vandewalle, *After Qaddafi: The Surprising Success of the New Libya*, 91 FOREIGN AFF. 12 (2012) (Noting that some armed militia groups had been either paid off by the interim government or incorporated into national institutions such as the police or trained for civilian jobs).

<sup>29</sup>Mariam Rizk, *Libya’s Islamist Militias Claim Control of Capital*, YAHOO!NEWS (24 Aug. 2014), <http://news.yahoo.com/egypt-denies-intervening-libya-105624502.html> [hereinafter *Militias Claim Control*].

<sup>30</sup>*Militias’ Ultimatum*, *supra* note 21.

<sup>31</sup>*Coptic Christians Say They Were Tortured in Libya*, USA TODAY (15 Mar. 2013), <http://www.usatoday.com/story/news/world/2013/03/15/coptic-christians-tortured-libya/1991753/>.

<sup>32</sup>*Benghazi Declared ‘Islamic Emirate’ by Militants*, AL ARABIYA (31 July 2014), <http://english.alarabiya.net/en/News/middle-east/2014/07/31/Libya-s-Ansar-al-Sharia-declares-Islamic-state-in-Benghazi.html> [hereinafter *Islamic Emirate*].

<sup>33</sup>Raymond Ibrahim, *Christians “Most Persecuted Group in World”*, GATESTONE INSTITUTE (23 June 2014), <http://www.gatestoneinstitute.org/4365/christians-most-persecuted>.

<sup>34</sup>Stephen, *Libya Arrests*, *supra* note 6.

<sup>35</sup>Patrick Markey & Aziz El Yaakoubi, *Libya’s New Parliament Calls for Unity as Rival Militias Clash*, REUTERS (4 Aug. 2014), <http://www.reuters.com/article/2014/08/04/us-libya-security-idUSKBN0G40YX20140804>.

emerged from violent confrontations between the Islamic groups near the city of Misrata<sup>36</sup>. The recent violence has not only destroyed parts of Tripoli, but has “prompted diplomats, foreign nationals and thousands of Libyans [and religious minorities] to flee”<sup>37</sup>.

11. In September 2013, two Christians—Waleed Saad Shaker and Nash’at Shenouda Ishaq—were ambushed and robbed by “a group of Muslims” while traveling on a rural road in Derna District.<sup>38</sup> The “Muslims demanded that Shaker and Ishaq recite the *Shahada* (the declaration of conversion to Islam)”, and when the Christians refused, they were beaten and shot<sup>39</sup>. The two men were taken to Derna Hospital by a shepherd who saw the bodies in the dessert<sup>40</sup>. Ishaq recounted the details of the attack at the hospital before he died, and Shaker was dead upon arrival<sup>41</sup>.

12. Of the religious minorities in Libya, the Egyptian Coptic Christians are particularly persecuted for their faith by the Islamic militants<sup>42</sup>. In February 2014, seven Coptic Christians were found shot “execution style” on a Libyan beach, but this is not the first time Coptic Christians have been targeted in Libya<sup>43</sup>. In March 2013, Islamic militants “abducted and tortured several dozen” Coptic Christians because they were proselytising<sup>44</sup>. Two released detainees recounted the torture themselves and dozens of other Coptic Christians endured while detained by the Islamic militants.<sup>45</sup> The detainees stated “that during four days of detention they were flogged, forced to take off their clothes in cold weather and stand at 3 a.m. outdoors with floors covered with stones”<sup>46</sup>. Libya is the second leading destination for Egyptian immigrants—with approximately 50,000 Egyptian Coptic Christians residing there—and the threat of ongoing violence against this group continues to spread<sup>47</sup>.

13. On 24 August 2014, the Islamic militants in Libya claimed control of Tripoli, the State’s capital, after forcibly taking control of the Tripoli airport<sup>48</sup>. The following Monday, the Libyan Islamist-backed parliament—which was replaced in the June 2014 election—reconvened (despite its June loss) and “chose an Islamist-backed deputy as the new prime minister”<sup>49</sup>. This

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<sup>36</sup>*Militias Claim Control*, *supra* note 29.

<sup>37</sup>*Id.*

<sup>38</sup>*Two Egyptian Christians Slain in Libya*, MORNING STAR NEWS (20 Sep. 2013), <http://morningstarnews.org/2013/09/two-egyptian-christians-slain-in-libya/>.

<sup>39</sup>*Id.*

<sup>40</sup>*Id.*

<sup>41</sup>*Id.*

<sup>42</sup>Raymond Ibrahim, *Raped & Slaughtered: The Horrific Expanding Persecution of Christians by Muslims*, JERUSALEM CHANNEL (31 Aug. 2014), <http://jerusalemchannel.tv/raped-slaughtered-horrific-expanding-persecution-christians-muslims/>.

<sup>43</sup>*Seven Egyptian Christians Found Shot Execution Style on Libyan Beach*, REUTERS (14 Feb. 2014), <http://www.reuters.com/article/2014/02/24/us-libya-egyptians-idUSBREA1N13V20140224>.

<sup>44</sup>*Murder of 7 Coptic Egyptians in Libya Met with Indifference*, THE OBSERVERS-FR (28 Feb. 2014), <http://observers.france24.com/content/20140228-coptic-egyptians-murdered-libya-benghazi> [hereinafter *Murder of 7*].

<sup>45</sup>*Coptic Christians Say They Were Tortured in Libya*, USA TODAY (15 Mar. 2013), <http://www.usatoday.com/story/news/world/2013/03/15/coptic-christians-tortured-libya/1991753/>.

<sup>46</sup>*Id.*

<sup>47</sup>*Murder of 7*, *supra* note 44.

<sup>48</sup>*Militias Claim Control*, *supra* note 31.

<sup>49</sup>Bosalum & Laessing, *supra* note 19.

leaves Libya with “two rival leaders and assemblies”<sup>50</sup>. The Libyan government has admitted that it is “unable to control various armed groups”<sup>51</sup>. The recent airstrikes conducted against the Islamist militants<sup>52</sup> highlight the necessity for the international community to engage in the situation in Libya to ensure that Islamic militants do not continue to gain more control of Libya or continue to persecute religious minorities.

#### 2014 Periodic Review Recommendations and Conclusion

14. Although Libya’s Constitutional Declaration grants rights and freedoms to its citizens without discrimination due to religion, it also proclaims Islam as the State religion and Sharia as the principal source of legislation<sup>53</sup>. These contradictory provisions of the Declaration call into question whether non-Muslims will truly be considered equal under Sharia law and severely limit non-Muslim freedom of religion and religious expression. The Libyan government restricts freedom of religion through policies, such as the prohibition against proselytizing<sup>54</sup>.

15. Further, the rise of Islamic militant groups in the past two years has paralysed the interim government, making it unable to protect minorities, its civilian population, and even the government officials<sup>55</sup>, despite the recommendations made during the 2011 UPR of Libya to implement measures of protection with regard to freedom of expression and association<sup>56</sup>. Christians in Libya are in severe danger as the Islamic militants claim an “Islamic emirate” in parts of Libya<sup>57</sup> and the government is unable to protect their rights<sup>58</sup>. The ECLJ urges the Working Group for the 2014 UPR to make recommendations to the Libyan government about defeating the power-hold of the militants and quelling the violent unrest in Libya.

16. The most dire threat to non-Muslims in Libya is the Islamic militants who seek to eradicate political opposition and any religious influence they believe poses a threat to Islam in Libya<sup>59</sup>. On 25 August 2014, Libya’s ambassador to Egypt stated that Libya “is unable to protect its institutions, its airports and natural resources, especially the oilfields” noting that “national dialogue” with the Islamic militants had failed<sup>60</sup>. With the declaration of an “Islamic emirate” in parts of Libya<sup>61</sup>, the UN must act to ensure that minorities are protected by empowering the

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<sup>50</sup>*Id.*

<sup>51</sup>*Id.*

<sup>52</sup>George Joffe, *Libya Air Strikes: Conflict Linked to a Wider Middle East*, BBC NEWS (27 Aug. 2014), <http://www.bbc.com/news/world-africa-28948948>.

<sup>53</sup>*Draft Constitutional Charter*, *supra* note 3.

<sup>54</sup>Stephen, *Libya Arrests*, *supra* note 6.

<sup>55</sup>*See 2011 Human Rights Reports: Libya*, U.S. DEP’T OF STATE (24 May 2012), <http://www.state.gov/j/drl/rls/hrrpt/2011/nea/186437.htm>.

<sup>56</sup>U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Libyan Arab Jamahiriya*, U.N. Doc. A/HRC/16/15 (4 Jan. 2011), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/100/97/PDF/G1110097.pdf?OpenElement>.

<sup>57</sup>*Islamic Emirate*, *supra* note 32.

<sup>58</sup>*See e.g., Libya*, AMNESTY INT’L, <http://www.amnesty.org/en/region/libya/report-2013> (last visited 8 Sept. 2014).

<sup>59</sup>*See e.g., Bosalum & Laessing*, *supra* note 19; *Seven Egyptian Christians Found Shot Execution Style on Libyan Beach*, REUTERS (14 Feb. 2014), <http://www.reuters.com/article/2014/02/24/us-libya-egyptians-idUSBREA1N13V20140224>.

<sup>60</sup>Bosalum & Laessing, *supra* note 19.

<sup>61</sup>*Islamic Emirate*, *supra* note 32.

Libyan government to ensure freedom of expression, freedom of religion, and continued adherence to the ICCPR as well as other international human rights instruments.