

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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LIBYA: HARSH SENTENCES PUNISHING FREEDOM OF THOUGHT FOLLOWING GROSSLY UNFAIR TRIAL

The Libyan authorities must immediately quash the convictions and sentences handed down to 10 Libyans and one Pakistani man convicted solely for exercising their right to freedom of thought, Amnesty International said today. The convictions followed a grossly unfair trial marred by egregious violations of due process and international human rights standards.

On 15 April 2025, a Tripoli court sentenced nine Libyan men, one Libyan woman, and one Pakistani man to prison terms ranging from three to 15 years on charges including “insulting Islam,” “insulting religious sanctities and rituals using the internet,” “calling for the establishment of a banned group,” and “promoting the change of the fundamental principles of the constitution.”

The case dates back to March 2023 when a member of the notorious Tripoli-based Internal Security Agency (ISA), a militia nominally under the Presidential Council of the Government of National Unity, reported internally to his leaders that some foreigners living abroad had allegedly proselytized a group of Libyans, convincing them to convert to and promote Christianity. The same ISA member, posing as a sympathizer, contacted a Libyan man from the group over social media, arranged a meeting, and used this interaction to file further reports to the agency. Based on that meeting, on 22 March, the ISA referred the investigations to the Tripoli Chief Prosecutor, who heads prosecution offices across Tripoli and reports to the Public Prosecutor.

The prosecutor then ordered the arrest of the Libyan man who was entrapped by the ISA member as well as other unidentified members of the “group,” without specifying their names which at the time were not known to ISA, according to the agency’s reports.

Based on the prosecutor orders, on 26 March, the ISA arrested the Libyan man and on 10 and 11 April they arrested two American men in connection to the case. ISA members detained the two Americans for two and three days, without a legal basis, and never brought them before prosecutors. The authorities released both on 13 April.

Between March and August 2023, ISA members arrested a Pakistani man along with eleven Libyan nationals, including one woman, without arrest warrants issued in their names, claiming that they were all part of the alleged group that aimed to promote Christianity.

In the indictment, issued in January 2024, the Public Prosecutor dropped the charges against two Libyan men, and placed them under “surveillance,” which entails reporting to police, according to Libyan law. The two Libyan men were released in the same month.

The other 11 individuals are currently serving their prison sentences.

Amnesty International previously documented that the Tripoli-based ISA subjected dozens of men, women and children to a range of abuses, including enforced disappearance, arbitrary detention and torture.

Amnesty International calls on the Libyan Public Prosecutor to immediately review all cases of people detained pending criminal prosecutions that solely stem from investigations carried out by the ISA. He must open prompt, thorough, independent, impartial, transparent, and effective investigations into the allegations of human rights violations including torture, enforced disappearance, and arbitrary detention against all suspected ISA members. Libyan authorities should immediately quash the convictions and sentences of those imprisoned solely for the peaceful exercise of their human rights.

Amnesty International spoke to four people who have close relationships with convicts, and a legal source who is well informed about the trial. The organization reviewed publicly available videos published by the ISA, in which seven convicts appeared confessing. The organization also reviewed all official documents related to the case, including ISA investigations reports, the prosecution reports, the indictment, and court files.

ARBITRARY DETENTION AND FORCED CONFESSIONS

Between March and August 2023, ISA members subjected eight of the Libyan detainees to arbitrary detention following their arrest. The ISA members detained the eight for periods ranging from two to six days, without bringing them before a judge to review the legality of their detention, according to ISA reports and prosecution reports reviewed by Amnesty International.

While detained in ISA headquarters in Tripoli, ISA members questioned the eight detainees without a lawyer present, according to ISA reports, examined by Amnesty International. At least two detainees were questioned twice. The sources told Amnesty International that ISA did not allow the eight detainees access to their families, effectively subjecting them to incommunicado detention.

According to ISA reports, reviewed by Amnesty International, ISA members questioned the eight detainees over their alleged conversion to Christianity or their practice of Christian rituals. ISA members questioned the Pakistani national, who is Christian, according to an individual close to him, about his meetings with other detainees and the alleged religious rituals they performed together.

Between 6 and 13 April 2023, the ISA published on its official YouTube channel videos of showing seven of the detainees, where they confessed to “converting to and promoting Christianity inside the country,” contrary to their right to the presumption of innocence. In all but one, the ISA published the videos around one to seven days after prosecutors questioned the detainees. ISA published the seventh video on the same day that the prosecutor questioned the detainee. The two American men also appeared in one of the forced confessions videos.

VIOLATIONS TO THE RIGHT TO FAIR TRIAL

Amnesty International documented prosecutors' violations of the right to fair trial for 13 individuals during the pretrial phase through denial of the right to be represented by a lawyer, denial of access to casefiles, reliance over forced confessions and questioning defendants over unfounded charges relating to the exercise of their rights.

Prosecutors denied all defendants but one the right to have a lawyer of their choice during the initial questioning. Prosecutors also failed to assign lawyers to represent the defendants, instead conducting the questioning without the presence of any lawyers, according to prosecution reports reviewed by Amnesty International. Until prosecutors referred the case to trial, they denied lawyers and defendants access to the ISA reports or the prosecution reports claiming that this is a “national security” case.

During initial questioning between March and August 2023, prosecutors accused the 13 defendants of “apostasy” or “promoting the ideology of Christianity inside Libya,” despite that the latter does not constitute a crime under Libyan law and the status of the former under Libyan law is disputed.¹ Prosecutors also accused them of “joining a banned group that aims to change the fundamental principles of the state or constitutions or promoting acts against the state fundamental principles,” without clarifying what these principles are.

¹In February 2016, Libya’s then-legislative body, the General National Congress, passed a law criminalizing apostasy and imposing the death penalty, with an exemption for those who repented. Although the House of Representatives annulled this and other post-mandate laws in 2020, authorities in western Libya have disregarded that decision and continue to enforce the apostasy law.

The Public Prosecutor's indictment, issued on 1 January 2024 and reviewed by Amnesty International, dismissed the apostasy charge against eleven defendants "due to the lack of punishment." The indictment explained that "the apostasy penalty—death as prescribed in Article 291 of the Penal Code—was dropped following the defendants' declaration of repentance."

Under international law, everyone has the right to freedom of thought, conscience, and religion. This includes the right to change their religion or belief, and the freedom, alone or with others, in public or in private, to express their religion or belief through teaching, practice, worship, and observance. Any restrictions on the right to freedom of thought must be formulated in law with sufficient precision to enable an individual to regulate their conduct accordingly, and demonstrably necessary and proportionate for the purpose of protecting specified public interests or the rights or reputations of others. Restrictions within this framework must never jeopardize the right to freedom of thought itself. Any restrictions on this ground must be based on principles not deriving exclusively from a single tradition or religion and must be compatible with the principle of non-discrimination.

It also found that the crime of joining a banned group aiming to change the fundamental principles of the state or constitution invalid for all defendants, except for the Pakistani man, concluding the alleged acts did not constitute the material elements of that crime.

Nevertheless, the Public Prosecutor indicted the Pakistani man, along with "unknown defendants" for "calling for the establishment of a banned group promoting Christianity" and "promoting principles aiming to change the fundamental constitutional principles by promoting Christianity," despite that the indictment concluded that promoting Christianity is not a crime under Libyan law. "By reviewing the penal provisions of the Penal Code and the amended and complementary laws, there is no article that prohibits calling for other religions or punishes it," the indictment stated.

The Public Prosecutor's indictment claimed that the Pakistani man came to Libya with the purpose of "establishing a banned group" and "promoting principles aiming to change the fundamental principles of the constitution." However, he had actually arrived to Libya with his family in 1992 at the age of ten, according to his statements during prosecution questioning, reviewed by Amnesty International, as well as a source close to him.

The Public Prosecutor decided to indict the other 10 individuals of "insulting Islam" and "insulting religious sanctities and rituals using the internet."

The Public Prosecutor, investigating prosecutors, and ISA failed to present any evidence that suggests that any of the ten individuals performed acts that insulted Islam, according to all the official case files reviewed by Amnesty International including the ISA reports, the prosecution reports, the indictment, and court files.

On 15 April 2025, judges sentenced the eleven individuals without them attending the sentencing session, despite that they were all detained, according to the legal source, contrary to their right to be tried in their presence.

Throughout the sessions of the trial, which started in September 2024, judges never examined witnesses or evidence against the defendants. They also never questioned any members of the ISA, whose investigations were the only basis for the criminal investigations into the defendants. The hearings were limited to judges confirming the presence of the defendants and their lawyers requesting their release pending trial. However, the judges consistently ordered the continued detention of the defendants, without providing any justification, and adjourned the hearings.

In the session prior to the sentencing, lawyers began presenting their defence but after a while judges interrupted them, asking them to stop since their defence will be presented in writing, according to a legal source that Amnesty International spoke with.

TORTURE AND OTHER ILL-TREATMENT

Amnesty International investigated three incidents of beatings, and denial of family visits by ISA agents during the pretrial phases through four personal interviews. These incidents may amount to torture and other ill-treatment.

Amnesty International spoke with three individuals close to the defendants who said that two defendants told their families during prison visits or phone calls in 2023 that ISA members severely beat them with hands and kicks, during their detention at the ISA headquarters upon their arrest between March and April 2023.

One of them told Amnesty International that ISA members hung one defendant upside down with his legs tied with shackles and beat him for hours with a metal pipe.

Jedidah prison guards also denied the Pakistani man from receiving family or lawyer visits for the first four months of detention. Another defendant held in al-Rouemi Prison spent almost two years without ever being allowed to exercise outside the prison cell.