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2018 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: LIBYA

EXECUTIVE SUMMARY

The interim constitution states Islam is the state religion and sharia the principal source of legislation. It accords non-Muslims the freedom to practice their religion and bans discrimination based on religion. The activities of non-Muslims remained curtailed by legal prohibitions on the distribution or publication of information aimed at changing Libya's "social structure," which were used to prohibit circulation of non-Islamic religious materials, missionary activity, or speech considered "offensive to Muslims." Human rights activists said freedom of conscience for converts to Christianity, atheists, and Sunni Muslims who deviated from Salafist interpretations of Islam was not respected in practice, particularly in areas of the country controlled by Salafist groups. The internationally recognized Government of National Accord (GNA) remained in office, but it did not exercise control over large parts of the country, including in the South and East. The GNA relied on armed groups to provide security and administer some detention centers for migrants and refugees in the country, where, according to multiple international human rights organizations, Christians said they faced a heightened risk of physical assault, including sexual assault and rape than other migrants and refugees. In the West, the Tripoli-based Rada Special Deterrence Force (SDF), a GNA-aligned Salafist armed group integrated into the Ministry of Interior by GNA decree in May, was involved in several arrests and detentions of individuals whom it accused of violating Islamic law. Some detainees reported they were tortured and abused. In February the SDF arrested a woman it accused of practicing sorcery. According to a Refugees International Field Report, an Ethiopian Christian woman said she and other Christians hid their crosses from police in the detention center where they were being held "because the Libyan police working in that place didn't appreciate Christians." According to the same report, a 26-year-old Christian refugee who was held in a detention center in central Tripoli said guards provided better treatment to migrants from majority-Muslim Morocco than others. Domestic human rights activists continued to report a restrictive environment, including efforts designed to prevent women from traveling alone outside the country. In Tripoli some militias associated with the GNA reportedly imposed restrictions on women's dress and movement and punished men for behavior they deemed un-Islamic. A draft constitution issued by the Libyan Constitutional Drafting Assembly in 2017, not yet passed by the House of Representatives and put to a referendum, would prohibit non-Muslims from serving in high offices of state.

The East operated under a separate, unrecognized governmental administration, with security provided by the "Libyan National Army" (LNA) and LNA-aligned Salafist armed groups. Nonstate actors and militias continued to operate and control territory throughout the country, including in Benghazi, parts of Tripoli, and Derna, where there were numerous reports of armed groups restricting religious practices, enforcing compliance with sharia according to their interpretation, and targeting those viewed as violating their standards. According to the Christian rights advocacy group Open Doors USA, Islamic militant groups and organized crime groups targeted religious minorities, including Christian migrants, converts to Christianity, and foreign residents for physical attacks, sexual assaults, detentions, kidnappings, and killings. Salafist and Islamist groups aligned with the GNA and the unrecognized government in the East took on law enforcement functions. U.S.-designated foreign terrorist organizations that included Ansar al-Sharia, al-Qaida in the Maghreb (AQIM), and ISIS continued to operate within the country. Human Rights Watch reported that on January 23, an unidentified armed group or groups detonated two car bombs in front of the Baya'at al-Radwan Mosque in Benghazi as worshippers were leaving after evening prayers, killing at least 34 males, including three children, and wounding more than 90

others. In December the Reuters news service reported local authorities said they had exhumed from a mass grave near Sirte the bodies of 34 Ethiopian Christians executed by ISIS in 2015.

According to international media, former Muslims faced intense social and economic pressure to renounce their faith to return to Islam. Sources also reported converts to other religions, as well as atheists and agnostics, were threatened with violence or dismissal from employment because of their beliefs. According to an atheist from Benghazi, he had to reaffirm publicly faith in Islam (which contradicted his private beliefs) due to threats against his person by coworkers and Salafist militia groups.

The U.S. Embassy to Libya continued to operate from Tunis, Tunisia. The U.S. government continued to raise issues of religious freedom in conversations with the GNA, nongovernmental organizations (NGOs), and other interlocutors. U.S. officials raised these issues in the context of confronting violent extremist groups such as ISIS, as well as condemning acts of physical mistreatment of religious minorities in detention; destruction of religious property; and calling for ending discrimination in the religious education curriculum, particularly discrimination against religious minorities.

SECTION I. RELIGIOUS DEMOGRAPHY

The U.S. government estimates the total population at 6.7 million (July 2018 estimate). According to reports by the International Organization for Migration, 12 percent of the population (approximately 804,000 persons) are migrants. Sunni Muslims represent 97 percent of the population, and the remaining 3 percent includes Ibadi Muslims, Christians, Hindus, Baha'is, Ahmadi Muslims, and Buddhists. Many members of the Amazigh ethnic minority are Ibadi Muslims. Human Rights Watch reported in 2017 that, according to the Libyan Tamazight Congress, an organization that advocates on behalf of the Amazigh community, Ibadi Muslims account for between 4.5 and 6 percent of the population. Nearly all non-Muslim residents in the country are foreigners.

Estimates of the number of Christians in the country vary. According to the Open Doors USA's 2019 World Watch List Country Profile (which covers 2018), there are 37,900 Christians in the country. In 2015 Open Doors USA estimated 150 to 180 of these were Libyan nationals who converted from Islam.

Foreign Christian communities consist almost exclusively of sub-Saharan African migrants and Filipino foreign workers, with smaller numbers of Egyptian migrants and a small number of other foreign residents of European nationality. According to Christian groups in Tripoli, most of the Egyptian Christians are Copts. Most sub-Saharan African and Filipino migrants are Catholic, and the Catholic diocese of Tripoli estimates its followers include 5,000 sub-Saharan and 3,000 Filipino individuals. Estimates on the numbers of other Christian groups vary. According to Open Doors USA, these include Anglicans, Greek and Russian Orthodox, and nondenominational Christians.

According to the World Holocaust Remembrance Center Yad Vashem, no Jewish individuals reside permanently in the country.

SECTION II. STATUS OF GOVERNMENT RESPECT FOR RELIGIOUS FREEDOM

Legal Framework

The 2011 Constitutional Declaration functions as the interim constitution. It states Islam is the state religion and sharia is the principal source of legislation, but it accords Christians and Jews the freedom to practice their religions and guarantees state respect for their personal status laws. Christian and Jewish familial religious matters, such as divorce and inheritance, are governed according to the mandates of the religious community to which the individual belongs. The interim constitution also states "there shall be no discrimination among Libyans on the basis of religion or sect" with regard to legal, political, and civil rights. Religious minority

communities other than Christians and Jews, however, are not accorded equal rights under the law. The GNA remains bound by the constitutional declaration until a new constitution is passed by the House of Representatives and a public referendum held. The laws governing religious practice predate the internal conflict and provide a national legal framework for religious freedom.

There is no law providing for individuals' right to choose or change their religion or to study, discuss, or promulgate their religious beliefs. There is no civil law explicitly prohibiting conversion from Islam to another religion or prohibiting proselytization; however, the criminal code effectively prohibits missionary activities or conversion. It includes prohibitions against "instigating division" and insulting Islam or the Prophet Muhammad, charges that carry a maximum sentence of death. The criminal code 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 criminalize the circulation of non-Islamic religious material.

The GNA and the East each have a Ministry of Endowments and Islamic Affairs (MEIA). The MEIAs administer mosques, supervises clerics, and has primary responsibility for ensuring all religious practices conform to state-approved Islamic norms. Religious instruction in Islam is required in public and private schools. Attendance at religious instruction is mandatory for all students with no opt-out provisions.

Sharia governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under sharia, a Christian or Jewish woman who marries a Muslim man is not required to convert to Islam; however, a non-Muslim man must convert to Islam to marry a Muslim woman. Marriages between Muslim men and women of non-Abrahamic faiths are illegal under sharia, and such marriages are not recognized, even when contracted abroad. The MEIA administers non-Muslim family law issues, although there is no separate legal framework governing non-Muslim family law. The ministry draws upon neighboring countries' family law precedents for non-Muslims.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Due to the fact that religion, politics, and security are often closely linked in the country, it was difficult to categorize many incidents as being solely based on religious identity.

The internationally recognized GNA remained in office, but did not exercise control over large parts of the country, including in the East and South.

The United Nations Development Program reported the judicial system was functioning, albeit at different levels depending on the location of the courts within the country. Human Rights Watch, however, said key institutions, "most notably, law enforcement and the judiciary," were dysfunctional or had stopped working in most parts of the country. The United Nations Support Mission in Libya (UNSMIL) reported courts in the areas controlled by the GNA continued to sentence defendants to corporal punishment in accordance with its interpretation of sharia, including flogging for adultery and amputations for theft; however, according to UNSMIL, the government did not routinely carry out these punishments in practice.

According to international NGOs working in the country, a variety of groups – revolutionary brigades, tribal militias, and local strongmen – provided security in and around courts. The GNA incorporated several of these armed groups into the Ministry of Interior, but observers said the GNA's control over these groups remained limited. Christian groups operating in the country identified the SDF as among the Islamic militant groups involved in the harassment of Christians. The GNA's response to instances of violence against members of minority religious groups was limited to condemnations of acts of violence. For instance, in September, the GNA condemned clashes that broke out between armed groups in Tripoli that caused the displacement of thousands of non-Libyan migrants in the capital.

The SDF, while formally a counterterrorism force, also engaged in other functions including policing on moral and religious issues. According to human rights activists, SDF continued to be involved in a number of arrests and detentions of individuals whom it accused of violating Islamic law. Detainees reported torture and abuse at the hands of the SDF while being held in official and extrajudicial detention facilities. Christian groups pointed to

the example of a Coptic Christian man who said that in 2017, the SDF detained him at Mitiga Airport Prison facility in Tripoli for two weeks. The man said he was flogged twice a day during his detention.

According to media reports, on February 22, the SDF arrested a Moroccan woman, Ghizlane Soukane, in Tripoli, on charges of practicing sorcery and magic. There was no update on her whereabouts or the status of her case at year's end.

The National Committee for Human Rights in Libya reported that in October, following the committee's intervention, an Egyptian Coptic resident, Kirlus Hani Abdulmalik, was released from detention at the SDF-run Mitiga Airport Prison facility. Abdulmalik, a pharmacist, was detained since December 2016 without charge, reportedly because SDF forces believed it was illegal for Abdulmalik to practice medicine and provide treatments to Libyans because he was non-Muslim.

On February 26, the Office of Islamic Endowments and Islamic Affairs in Misrata, a regional affiliate of the GNA's MEIA, arrested Abdulaziz al-Siawi, a member of the Libyan Muslim Brotherhood's Shura Council, for explicitly calling for terrorist operations in Egypt, the UAE, and Saudi Arabia, in response to those governments' anti-Muslim Brotherhood policies. Earlier in February a surreptitiously recorded video was released of a December 2017 Friday sermon al-Siawi delivered at the Mosque of Al-Sheikh Mohammad in Misrata in which he said "Let me say [clearly] that I want to call for terrorism." On March 2, members of the Libyan Muslim Brotherhood, together with members of the Council of Elders and Shura, which is headed by Ibrahim bin Ghashir, demonstrated at the courtyard of the Sheikh Amhamed Mosque against the decision of the GNA to prohibit al-Siawi from delivering sermons. Authorities subsequently released al-Siawi.

The GNA relied on armed groups to provide security and administer some detention centers for migrants and refugees in the country, where, according to multiple international human rights organizations, Christians said they faced a higher risk of physical assault, including sexual assault and rape, than other migrants and refugees. According to the Refugees International Field Report published in April, a 23-year-old Ethiopian Christian woman identified as Sara said she and other Christians hid their crosses from police in the detention center where they were being held "because the Libyan police working in that place didn't appreciate Christians." In the same report, a 26-year-old Christian refugee from South Sudan identified as David, who was held in a detention center in central Tripoli, said guards provided better treatment to migrants from majority-Muslim Morocco than to others.

In September seven Christian migrants who, along with 173 others were repatriated to Nigeria on August 30, told Black Christian News Network One they had been detained in Osama Prison in Zawiya. One of the men said guards hung him in chains overnight and left him to die. In the morning they took his body to a shallow grave in the forest, but, upon discovering he was still alive, brought him back to the prison, and put him in solitary confinement. Authorities returned the men to Nigeria following the intervention of the International Organization for Migration.

The government permitted religious scholars to form organizations, issue fatwas, and provide advice to followers. The fatwas did not have legal weight but conveyed considerable social pressure, according to Libyan tribal and religious leaders. The GNA, however, did not exercise effective administrative control of mosques and supervision of clerics outside the limited areas under its control.

In Tripoli, according to civil society contacts, women's rights activists, and human rights NGO officials, some militias, such as the GNA-associated SDF and the Nawasi Brigade, imposed restrictions on women's dress and movement and punished men for behavior they deemed "un-Islamic." There continued to be no laws, however, imposing restrictions on dress.

In August the Ministry of Education issued a decree suspending admission to special religious schools, including the Religious Academy in Tajoura. During the suspension, the ministry conducted a review of the curriculum at these schools to ensure its interpretation of the Quran and Islamic hadith did not contain hateful or incendiary language toward other religions. Former Grand Mufti of Libya Al-Sadiq Abdulrahman al-Ghiryani and Salafist religious figures condemned the suspension, which remained in place at year's end. The Ministry of Education worked with the U.S. embassy to promote religious tolerance in the country through the dissemination of new civil education curricula for grades four to nine that promote inclusivity and tolerance. The curricula aimed to replace previous material containing discriminatory language directed at non-Muslims.

Government officials at airports throughout the country continued to prevent women from traveling alone outside the country without a male guardian, although there was no law or government regulation restricting such travel. NGOs with local staff reported women often had male relatives accompany them to the airport and carried written permission from their male guardians to enable them to leave the country.

According to human rights activists, the role of Islam in policymaking remained a major point of contention among supporters and opponents of political Islam, Salafist groups, and those who wished for a greater separation between religious practice and political issues. The draft constitution would maintain sharia as “the source of legislation.” The draft constitution would also ban non-Muslims from key offices of state including the presidency, legislature, and prohibit non-Muslims from being appointed cabinet ministers.

Abuses by Foreign Forces and Nonstate Actors

During the year, nonstate actors and militias continued to operate and control territory throughout the country, including Benghazi and parts of Tripoli. In Derna, prior to the LNA operations to take the city, there were numerous reports of armed groups restricting religious practices, enforcing compliance with sharia according to their interpretation, and targeting those viewed as violating their standards.

Multiple sources state Islamic militant groups and organized crime groups targeted religious minorities, including Christian migrants, converts to Christianity, and foreign residents for physical attacks, sexual assaults, detentions, kidnappings, and killings. Christian groups operating in the country identified the LNA-aligned Madkhali Salafist groups operating in Benghazi as among the Islamic militant groups involved in harassment of Christians. Academic studies and media describe the Madkhali movement as a form of very strict Salafism.

According to a Christian group operating in the country, Christian residents continued to report abuse at the hands of militant Muslim groups, including members of the former Libya Shield Force affiliated with the Libyan Dawn battalion, whose physical mistreatment of detainees included floggings, exposure to cold weather, and other abuses; they also reportedly threatened Christians with execution by beheading. Christian residents reported similar abuses by other groups, including the Benghazi Revolutionary Brigades (BRB), a jihadist Salafist militia coalition. Christian groups pointed to the example of a Coptic Christian man who, in 2017, was repatriated to Egypt after the BRB kidnapped him and held him for 18 days. He was released after payment of a ransom.

Human Rights Watch reported that on January 23, an unidentified armed group or groups detonated two car bombs in front of the Baya’ at al-Radwan Mosque in Benghazi as worshippers were leaving after evening prayers, killing at least 34 males, including three children, and wounding more than 90 other individuals. According to spokespersons for the two main hospitals for emergency and trauma services in Benghazi, the majority of victims were civilians.

In December Reuters news service reported local authorities said they had exhumed from a mass grave near Sirte the bodies of 34 Ethiopian Christians executed by ISIS. According to Reuters, in April 2015 a video posted on social media appeared to show ISIS members shooting and beheading the Christians, who were migrant workers.

Reuters also reported the government returned to Egypt the bodies of 20 Coptic Christians in May. Reuters reported that in January 2015 a video released online appeared to show ISIS members beheading the individuals, together with one Ghanaian Christian, on a beach near Sirte and burying them in a mass grave.

The Christian Science Monitor reported in January that the Madkhali movement grew more influential. *The Christian Science Monitor* said Madkhali units associated with LNA-affiliated groups functioned as informal police forces. The newspaper said in January members of the Madkhali movement patrolled the streets of Tripoli to stop crime and what they viewed as “vice” contrary to Islam and to disrupt ISIS cells and attacks.

The MEIA of the nonrecognized governmental administration in the East exercised its ability to issue fatwas. According to local human rights activists in Benghazi, followers of the Madkhali movement exercised influence over academic institutions, in addition to overt control of MEIA.

On November 12, Mousa Abdalsalam Taieb, Director of Cultural and Religious Conversion Affairs for MEIA in the East, issued a circular calling for *takfir* (a pronouncement that someone is an unbeliever [*kafir*] and no longer a Muslim) as the penalty for individuals who celebrated the Prophet Mohammed’s birthday; cooked a porridge

traditionally prepared for this holiday; or engaged in ritual praise of Mohammed. Sources noted all of these practices were part of traditional Islamic practice in the country.

According to Human Rights Watch, the 2017 MEIA religious edict by the “eastern interim government” based in Tobruk remained in effect against Ibadi Muslims, accusing the group of deviance and following an infidel doctrine.

According to Libyan academic researchers, the General Administration for Criminal Investigation in Benghazi continued to conduct investigations of citizens for denigrating Islam and for converting others to Christianity, and proselytizing on social media.

According to human rights activists and political analysts, the MEIA in the East continued to provide texts for Friday services to imams, often including political and social messages. According to media reports, the LNA continued to appoint several imams with Salafist beliefs in areas of its control throughout the East.

U.S.-designated foreign terrorist organizations, including Ansar al-Sharia, AQIM, and ISIS, continued to operate within the country, although there were no reports during the year of explicitly religiously motivated attacks. Sources indicated Ansar al-Sharia maintained connections with extremists in other parts of the country, including AQIM. Following expulsion from Sirte in December 2016, ISIS was believed to be largely confined to nonpopulated areas outside of major cities, as well as to ungoverned regions in the South.

On June 28, the LNA took control of the eastern city of Derna from the Shura Council of Mujahideen in Derna (SCMD), an umbrella organization consisting of Salafist groups opposed to ISIS, including Ansar al-Sharia. According to human rights activists, when SCMD controlled Derna, it restricted the freedom of Sunni Muslims to worship or engage in what SCMD considered heterodox religious expression.

In October Ali al-Subaiy, a former Libya Islamic Fighting Group member and an unsuccessful candidate for the House of Representatives seat for the Hayy al-Andalus Neighborhood of Tripoli, gave an interview on the Turkey-based Muslim Brotherhood affiliated Channel 9 television station. Al-Subaiy called Jews “the descendants of apes and pigs” and called for “offensive jihad” against Jews and Christians. In September al-Subaiy said in an interview on the same channel that “history informs us that [the Jews] are treacherous and deceitful.”

SECTION III. STATUS OF SOCIETAL RESPECT FOR RELIGIOUS FREEDOM

Multiple sources, including international media, and the Arab Organization for Human Rights – Libya (AOHRL) continued to report a restrictive social environment for religious freedom throughout the country. This included intense social and economic pressure on former Muslims to return to Islam. NGOs and a UN agency stated Salafist interpretations of sharia increasingly contributed to this restrictive environment. Religious minorities said converts to other religions, as well as atheists, agnostics, and other nonreligious persons, were threatened with violence or dismissal from employment because of their beliefs or lack of belief. An atheist from Benghazi said he faced discrimination and had to publicly reaffirm faith in Islam (which contradicted his private beliefs) due to threats against his person by coworkers and Salafist militia groups.

Sources said Christians who converted from Islam practiced their faith in semi-secrecy. Open Doors USA stated Christian citizens who were former Muslims faced violence and intense pressure from their families and communities to renounce their faith. Christians said they felt pressure to refrain from missionary activities because of security threats and social pressure from the local community. Catholic authorities also stated Christian migrants from sub-Saharan Africa were more likely to experience discrimination or extortion than Muslims from the same region.

Christian communities continued to exist in Tripoli, where Catholic, Anglican, and Protestant churches operated for foreigners. Christian communities were also present in Misrata, al-Baida, Benghazi, Tubruq, Sebha, Ghat, Ubari, and Murzuq, among other cities. In some cases, such as in Benghazi, Catholic communities continued to

worship in places other than church buildings after ISIS destroyed church properties there in 2015. The Catholic cathedral in Benghazi remained damaged and inaccessible after fighting occurred in 2013-15.

According to Human Rights Watch, in late 2017 unidentified individuals attacked two historic Sufi mosques in Tripoli. Unidentified individuals set fire to the Sufi mosque, Zawiyat Sheikha Radiya, causing extensive damage, and destroyed the Sidi Abu Gharara Mosque. There were no reported arrests related to the attacks by year's end.

SECTION IV. U.S. GOVERNMENT POLICY AND ENGAGEMENT

Following the U.S. embassy evacuation from Tripoli and suspension of operations in July 2014, U.S. diplomats have operated out of Tunis, Tunisia, making periodic trips into the country when security conditions permitted. The U.S. government discussed religious freedom on a number of occasions with a variety of local and national leaders, particularly in the context of confronting violent extremist groups such as ISIS. Embassy officials frequently met with human rights activists, including the National Commission for Human Rights in Libya and the AOHRL, to address religious freedom issues. The U.S. government also condemned acts of physical mistreatment of religious minorities in detention and destruction of religious property. The U.S. embassy partnered with the Ministry of Education to disseminate new civil education curricula for grades four to nine that promote inclusivity and tolerance.