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2014 Report on International Religious Freedom - Libya

Executive Summary

The interim constitution states that Islam is the state religion and sharia is the principal source of legislation, but accords non-Muslims the freedom to practice their religion. While the constitution bans discrimination based on religion, the government did not prevent violent extremist groups from taking advantage of the post-revolution security vacuum to attack religious minorities, and did not investigate crimes against religious minorities or religious sites. The government did not control the city of Derna, where there were numerous reports of violent groups targeting those viewed as violating these groups' imposed religious standards. These extremists restricted the religious practices of Sunni Muslims in Derna and enforced compliance with sharia according to their views on Islamic practices.

Coptic Christians were targeted in several incidents. In February seven Egyptians identified as Coptic Christians were found shot "execution style" on a beach near Benghazi. Salafist groups (fundamentalist Sunni Muslims) vandalized and destroyed Sufi religious sites on several occasions. Salafists also threatened Sufi individuals and religious sites.

The U.S. embassy called for religious freedom in discussions with the government, including during a March 27 meeting between Grand Mufti Sadiq al-Gharyani and the UK, EU, Italian, and U.S. Ambassadors. The embassy temporarily relocated during the year because of deteriorating security conditions.

Section I. Religious Demography

The U.S. government estimates the population is 6.2 million, of which 97 percent are Sunni Muslim and the remaining 3 percent includes Christians, Hindus, Bahais, Ahmadi Muslims, Buddhists, and Jews (July 2014 estimate). Many members of the Amazigh ethnic minority are Ibadi Muslims; nearly all other non-Sunni Muslims are foreign residents.

Small Christian communities consist almost exclusively of sub-Saharan African and Egyptian migrants and a small number of U.S. and European residents. There are an estimated 50,000 Coptic Christians who are mostly Egyptian foreign residents. There are also very small numbers of Roman Catholics, Anglicans, Greek and Russian Orthodox and nondenominational Christians, many of whom are foreign workers.

There are no reliable estimates of the small Jewish population.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The National Transitional Council's (NTC) constitutional declaration of 2011, which functions as the interim constitution, states that Islam is the state religion and sharia is the principal source of legislation, but accords non-Muslims the freedom to practice their religions. 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. In June the General National Congress (GNC) was replaced by the popularly elected House of Representatives (HOR), although its authorities were called into question in a November 6 Supreme Court ruling. The government nevertheless remains bound by the constitutional declaration until a new constitution is drafted and passes both a vote in the parliament and a public referendum. A GNC statement in December 2013 declared sharia the only source of legislation and voided any laws that contravene it. The legal status of that statement, however, is unclear. The Ministry of Justice's view of the matter referred to an expert committee it had established to review any claims of national legislation contradicting sharia. It was unclear if this committee is still standing or has ruled on any particular legislation.

There is no law providing for individuals' right to choose or change their religion or to study, discuss, or promulgate their religious beliefs. Neither is there a law prohibiting conversion from Islam to another religion or prohibiting proselytizing. The law prohibits "instigating division" and insulting Islam or the Prophet Muhammad, charges that could carry a maximum sentence of death.

The Ministry for Endowments and Islamic Affairs (MEIA) administers mosques, supervises clerics, and has primary responsibility for ensuring all religious practices within the country conform to state-approved Islamic norms. The grand mufti, appointed by the parliament, is the leading religious scholar in the country, and the Dar al Ifta is the government office that issues fatwas the grand mufti deems appropriate. While influential in public discourse and private arbitration, Dar al Ifta's rulings carry no legal weight. On November 9, the HOR reportedly voted to remove Grand Mufti Sadiq al-Gharyani from his position and transfer all authorities of Dar al-Ifta to the MEIA, although it is unclear whether the session had sufficient quorum for the vote to be considered legitimate.

Religious instruction in Islam is required in public and private schools.

Sharia governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under sharia, a non-Muslim 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. The MEIA administers non-Muslim family law issues, although without a parallel legal framework. The ministry draws upon neighboring countries' family law precedents for non-Muslims.

Government Practices

There were reports of attacks committed against individuals and religious sites on the basis of religious belief and government inaction in response to those attacks.

The government was unable to maintain law and order through its own formal justice and security structures; it relied on a variety of groups – revolutionary brigades, tribal militias, local strongmen – outside of the armed forces and police, to support local security. The government exerted varying degrees of control over these armed groups, and its response to instances of violence against Coptic Christians and attacks on Sufi sites across the country was limited to condemnations of the violence.

The judiciary was not fully functioning and citizens had little recourse if they believed their right to religious freedom had been violated. Citizens did not have access to courts to seek remedy for religious freedom violations.

The MEIA provided imams with texts for Friday sermons, which often contained political and social messages. The government permitted religious scholars to form independent organizations that issue fatwas and provide advice to followers.

Members of minority religious groups, primarily Christian foreigners, worshiped with minimal restrictions. The government routinely granted visas and residence papers to religious staff from other countries. Clergy generally were offered one-year residency permits, as were other foreign residents.

Grand Mufti al-Gharyani framed the country's ongoing clashes over territory, resources, and political legitimacy in religious terms. Al-Gharyani said on June 10, that anyone who died while fighting the forces of Operation

Dignity leader Khalifa Hifter was a religious martyr. Al-Gharyani reportedly issued a statement August 20, on his website, that characterized Operation Dawn, also known as Operation Fajr, and the Benghazi Revolutionaries' Shura Council (an umbrella organization that includes the U.S.-designated terrorist organization Ansar al-Sharia-Benghazi), as "heroes." Forces affiliated with Operations Dawn and Dignity have attacked civilian infrastructure and used indiscriminate shelling in heavily-populated civilian areas. The HOR has endorsed Operation Dignity leader Khalifa Hifter, who in May public statements equated all forms of political Islam, including participation in the Muslim Brotherhood, with terrorism.

Following the hanging of the effigy of Ali al-Tikbali, an HOR member, at a September 12 demonstration, the National Council on Human Rights stated that the grand mufti, the organizers of the protest, the Muslim Brotherhood, and the Justice and Construction Party, should be held responsible for any harm that might come to Tikbali. On September 30, Dar al-Ifta declared that participation in UN-sponsored peace negotiations was "un-Islamic." After the Supreme Court's November 6 decision that questioned the HOR's authority, al-Gharyani called on the GNC to immediately implement Islamic law.

Tikbali and Fathi Sager, both leaders in the Libyan National Front Party, were charged with "insulting Islam" and "instigating division" (among other charges) for allegedly using offensive posters during the 2012 election campaign for the GNC. Two of the charges carried a possible death sentence, but on March 2, the Criminal Court acquitted both defendants.

Abuses by Rebels, Foreign Forces, or Terrorist Organizations

The eastern city of Derna was controlled by a number of violent extremist groups including U.S.-designated foreign terrorist organization Ansar al-Sharia-Derna and the Islamic Youth Shura Council, which has reportedly sworn allegiance to the Islamic State of Iraq and the Levant (ISIL). These groups were widely reported to have restricted Derna's Sunni Muslims' freedom to worship, and reportedly publicly executed and flogged residents accused of violating sharia law, for instance by drinking alcohol. According to media reports, Derna militants have also ordered public schools to segregate male and female students, and ordered clothing stores not to display "scandalous" women's clothing. They also reportedly established a *hisbah* unit of patrolling militiamen who enforced compliance with sharia according to their interpretation of Islamic practice. Members of these groups reportedly beheaded at least four individuals in November, three of whom were social media activists reportedly critical of violent extremism.

On July 19, the remains of a beheaded Philippine construction worker, Antonio Espares, were discovered at a Benghazi hospital. Per Philippine media, Espares was kidnapped July 15, by an armed group that then demanded ransom. The Philippine Ministry of Foreign Affairs, on July 21, stated Espares was killed because he was not a Muslim. The Libyan government did not investigate his murder. Violent extremist groups including Ansar al-Sharia Benghazi continued to operate in Benghazi, despite the HOR-backed Operation Dignity's efforts to target the group.

Section III. Status of Societal Respect for Religious Freedom

On February 24, the bodies of seven Egyptian Coptic Christians were found on a beach on the outskirts of Benghazi. Media outlets reported that it appeared they had been rounded up by a group of suspected terrorists the night before, taken away at gunpoint, and executed. The masked assailants raided the building in which the Egyptians lived, reportedly going door-to-door asking if the residents were Christian or Muslim before abducting the seven Christians, who were aged 17-25. On December 24, three members of an Egyptian Coptic Christian family were killed in Sirte by unknown gunmen.

Three historic Ottoman-era mosques in Tripoli were attacked in early October, including the Muhammad Pasha al-Qaramli, Darghouth Pasha, and Shaib al-Ain mosques. Local volunteers prevented the attempt to vandalize the Darghouth Pasha Mosque by protecting the building and convincing the attackers to desist. The Sufi Othman Pasha Madrassa, targeted during a 2012 vigilante spree of violence, was vandalized in October. Media and local sources blamed "Islamists" and "Salafists" for these attacks, although no formal investigation was completed, and officials from both the Tripoli municipal government and the non-recognized Tripoli-based "National Salvation Government" reportedly took no action.

In the wake of the attacks, media outlets reported that several ancient Qurans and other religious manuscripts, apparently taken out of the country, were seized by Maltese customs officials. No arrests were made in the country or in Malta, however, and there was no independent corroboration of these reports.

Press reported on November 18, that the "National Salvation Government," a rival government appointed by some members of the previous parliament based in Tripoli and not recognized by the international community,

ordered the state telecommunications company, Libya Telecom and Technology, to block “suspicious” websites, including Christian and atheist sites.

Section IV. U.S. Government Policy

The U.S. government called for religious freedom in discussions with the government, including in the March 27 meeting of the U.S. Ambassador and her UK, EU, and Italian counterparts with Grand Mufti al-Gharyani. The embassy also discussed religious freedom on numerous occasions with a wide variety of local and national leaders.

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