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2015 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. It accords non-Muslims the freedom to practice their religion. The government appointed by the Libyan House of Representatives (HoR) was based in the eastern city of Bayda, while competing self-proclaimed authorities operated from Tripoli. While the constitution bans discrimination based on religion, the government did not prevent violent extremist groups from taking advantage of the country's security vacuum to attack religious minorities, nor did it investigate crimes against religious minorities or religious sites. The government did not control large areas of the country, including the cities of Darnah and Sirte, where there were numerous reports of violent groups restricting religious practices, enforcing compliance with sharia according to their interpretation, and targeting those viewed as violating their standards.

In February a video on social media depicted the beheading of 21 Christians, 20 of them Egyptian Copts and the other a Ghanaian. Da'esh (the Islamic State in Iraq and Levant) claimed responsibility for the killings. The group also claimed responsibility for the killing of 28 Ethiopian and Eritrean Christians in April, and a Sudanese Christian in October. Da'esh reportedly killed imams in Sirte and Ajdabiya for failing to swear allegiance to the organization. Da'esh also vandalized and destroyed Sufi religious sites on several occasions. The UN Support Mission in Libya (UNSMIL) reported increased hostility towards Shia Muslims and Shia Islam since 2012 at various levels of Libyan society.

Amid escalating violence, the U.S. embassy and most diplomatic missions evacuated Tripoli in July 2014. While the U.S. embassy was not based in Libya, the U.S. government continued to raise the issue of targeting religious groups in conversations with the government and other Libyan interlocutors.

Section I. Religious Demography

The U.S. government estimates the population at 6.4 million (July 2015 estimate.) Ninety-seven percent is Sunni Muslim and the remaining 3 percent includes Christians, Hindus, Bahais, Ahmadi Muslims, Buddhists, and Jews. 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. The last recorded estimates showed 50,000 Coptic Christians, most of whom are Egyptian foreign residents. According to media reports, the number of Christians has likely

decreased due to the outbreak of armed conflict in 2014. Small numbers of Roman Catholics, Anglicans, Greek and Russian Orthodox, and nondenominational Christians, many of whom are foreign workers, remain in the country. Since the evacuation of western diplomatic missions from Tripoli in July 2014, no reliable surveys have been conducted on the number of foreign workers remaining in the country.

There are no reliable estimates of the small Jewish population.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The first post-Qadhafi government issued the constitutional declaration of 2011, which functions as the interim constitution. It states Islam is the state religion and sharia is the principal source of legislation, but accords non-Muslims the freedom to practice their religion. 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. The government appointed by the HoR was based in the eastern city of Bayda, although competing authorities operated from Tripoli. The government remains bound by the constitutional declaration until a new constitution is drafted and passes by parliament and a public referendum. The laws governing religion predate the internal conflict, providing a national legal framework with regards to religious freedom.

A statement issued in December 2013 by the General National Congress, the then legislative body and predecessor to the HoR, declared sharia the only source of legislation and voided any laws that contravened it. The legal status of that statement, however, is unclear. The Ministry of Justice referred the matter to an expert committee it had established to review any claims of national legislation contradicting sharia. It is 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, nor 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. According to the law, the grand mufti, appointed by the parliament, is the leading religious scholar in the country, and 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. In November 2014, 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. Sadiq al-Gharyani continues to act as grand mufti under the auspices of the Tripoli-based regime.

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 there is no separate legal framework governing non-Muslim family law. The ministry draws upon neighboring countries’ family law precedents for non-Muslims.

Government Practices

UNSMIL reported that courts in the area controlled by the Tripoli-based authorities continued to sentence defendants to corporal punishment in accordance with its interpretation of Islamic jurisprudence, including flogging for adultery and amputations for theft. UNSMIL received confirmation in October from al-Jdaida Women’s Institution for Correction and Rehabilitation in Tripoli that a female Tunisian inmate was sentenced to 100 lashes and six months incarceration for adultery, and that flogging was carried out recently in a separate case.

The government generally did not respond to reports of groups such as Da’esh perpetrating attacks on individuals and religious sites, reportedly on the basis of religious belief.

The government did not maintain law and order through the justice and security systems. Instead, a variety of groups – revolutionary brigades, tribal militias, local strongmen – supported local security. The government did not have much control over these groups, and its response to instances of violence against members of minority religious groups was limited to condemnations of the violence.

According to UNSMIL, the judiciary did not adequately function and citizens had little recourse for violations of religious freedom.

The MEIA provided texts for Friday services to imams, often including political and social messages. The government permitted religious scholars to form organizations to issue fatwas and provide advice to followers. The fatwas did not have legal weight.

Neither the government based in Bayda nor the competing regime in Tripoli was able to effectively administer mosques or supervise clerics outside the limited areas under their control. There were statements, particularly made by political opponents of the Tripoli administration, that the Tripoli bureaucracy charged with overseeing religious affairs did not regulate imams and other officials who supported Da'esh and other violent extremist organizations.

Grand Mufti Al-Gharyani stated the country's ongoing clashes over territory, resources, and political legitimacy was due to religious tensions. Al-Gharyani was a vocal opponent of UN attempts to broker a political agreement between the two sides. Following the announcement that militias affiliated with the Tripoli-aligned city of Misrata supported the UN-led political dialogue in May, he issued a statement calling it "un-Islamic" for anyone to stop fighting without direct orders from leaders in Tripoli.

Abuses by Rebels, Foreign Forces, or Terrorist Organizations

Violent extremist organizations, such as the Ansar al-Sharia and Da'esh, expanded their influence in the country, controlling large swathes of territory, primarily in the areas around Benghazi, Sirte, Sabratha, and Darnah. Da'esh effectively controlled Sirte for most of the year.

On February 15, a video on social media depicted the beheading of 21 men on an unidentified beach in the country. The "Tripoli Province" of Da'esh claimed responsibility for the killings, and made clear the men were targeted for their religion, referring to them as "crusaders" and threatening further violence against Christians. The Egyptian government confirmed the deaths of 20 Egyptian citizens and the Ghanaian government confirmed that a Ghanaian Christian was one of those beheaded. This was followed by another video, on April 19, which showed the killing of 28 Ethiopian and Eritrean Christians by beheading and gunshot. Da'esh claimed responsibility for these killings. On October 18, a video was published depicting the killing of a Christian man from South Sudan, for which Da'esh claimed responsibility.

On August 12, members of Da'esh killed Sheikh Khalid Ben Rajah, a popular local imam in Sirte, after he refused to relinquish control of his mosque, according to UNSMIL. This was followed by an uprising against Da'esh in Sirte, after which Da'esh killed members of the uprising, hanging their corpses from street lights. The UN additionally reported Da'esh crucified five men and displayed their bodies in the town square. On October 16, Da'esh beheaded two men in Sirte accused of sorcery.

On October 28, Da'esh claimed responsibility for a bomb that killed a Sunni Salafist imam in Ajdabiya who was known to have been critical of Da'esh. Da'esh is also believed to be responsible for the November 26 killings of two Salafist preachers and an Ajdabiya police official, according to media reports.

Da'esh was widely reported to have restricted residents' freedom to worship in areas under its control, and reportedly publicly executed and flogged residents accused of violating sharia. Restrictions included forcing women to wear veils, banning music and smoking, and closing all shops during prayer times.

The eastern city of Darnah was controlled by the Shura Council of Mujahideen in Darnah, an umbrella organization consisting of Salafist groups, including the U.S.-designated foreign terrorist organization Ansar al-Sharia, opposed to Da'esh. This group was widely reported to have restricted Darnah's Sunni Muslims' freedom to worship, and reportedly publicly executed and flogged residents accused of violating sharia, for instance by drinking alcohol.

In March Da'esh published pictures on social media depicting its fighters destroying Sufi shrines outside of Tripoli with sledgehammers and construction equipment.

Section III. Status of Societal Respect for Religious Freedom

Since 2012, there has been an increase in hostility towards Shia Islam, according to UNSMIL. On February 22, two bombs exploded at the residence of the Iranian ambassador. The UN linked the bombing to increased sectarian tensions. There were no casualties, as Iran had withdrawn its diplomatic presence earlier in 2012.

Multiple sources reported an increasingly restrictive social environment, particularly in the capital. This included, for instance, government officials at airports throughout the country preventing women from traveling alone outside the country. No law or government regulation prevented women from traveling abroad, but nongovernmental organizations (NGOs) and the UN stated such travel was seen as counter to conservative interpretations of Islamic jurisprudence. NGOs with local staff reported women often resorted to male relatives accompanying them to the airport and carrying written permission from them to enable them to leave the country.

Section IV. U.S. Government Policy

Following the U.S. embassy evacuation from Tripoli in July 2014, there were limited opportunities for high level engagement on religious freedom with Libyan interlocutors. 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 the growth of groups such as Da'esh.