

LIBYA 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

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 internationally recognized Government of National Accord (GNA) remained in office, but it did not control the entire country. RADA Special Deterrence Forces (RADA SDF), a GNA-aligned police unit based in Tripoli, was involved in several arrests and detentions of individuals whom it accused of violating Islamic law. Individuals arrested by RADA SDF at a Tripoli comic book convention in November, who were later released, reported physical abuse as well as religious lectures while in custody. A religious scholar told an international NGO that the RADA SDF deliberately destroyed a 700-year-old Sufi shrine during clashes in the area of the shrine, although the RADA SDF denied the allegations. In October authorities uncovered a mass grave in Sirte containing the bodies of 21 Coptic Christians beheaded by ISIS and shown in a video released in February 2015. Nonstate actors and militias continued to operate and control territory throughout the country, including the cities of Benghazi, 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. On October 30, the press reported that among the 36 bodies found bound and shot outside Benghazi was 71-year-old Sufi Sheikh Muftah al-Bakoosh el-Werfalli, who was allegedly executed because he was Sufi. No group claimed responsibility for the massacre. On October 20, unidentified assailants destroyed the Sidi Abu Gharara Mosque in Tripoli. On November 28, assailants identified by Human Rights Watch as “extremist militias” burned down the Zawiyat Sheikha Radiya, a historic Sufi mosque also located in Tripoli. The attacks on the Sufi mosques remained unpunished at year’s end.

Multiple sources continued to report a restrictive social environment, including efforts designed to prevent women from traveling alone outside the country. Nongovernmental organizations (NGOs) said this was due to conservative interpretations of sharia and reported male relatives often accompanied women to the airport and provided them with written permission to enable the women to leave the country. There were reports the military governor in the east increased restrictions on the movement of women without male guardians. In Tripoli some militias reportedly imposed restrictions on women’s dress and movement, and punished men for behavior they deemed to be “un-Islamic.”

The U.S. embassy to Libya continued to operate from Tunis; the Libya External Office was co-located with the U.S. embassy in Tunis. The U.S. government continued to raise issues of religious freedom in conversations with the GNA and other Libyan interlocutors and in international forums.

Section I. Religious Demography

The U.S. government estimates the population at 6.7 million (July 2017 estimate). Sunni Muslims represent 97 percent and the remaining 3 percent includes Ibadi Muslims, 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 foreign residents. The most recent recorded estimates indicated there are 50,000 Coptic Christians, most of whom are Egyptian foreign residents. According to media reports, however, the number of Christians has decreased since 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. No reliable surveys have been conducted on the number of foreign workers remaining in the country due to the intermittent western diplomatic presence in Tripoli since July 2014.

There are no reliable estimates of the small Jewish population.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitutional declaration of 2011 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 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, 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 carry a maximum sentence of death.

The Ministry of Endowments and Islamic Affairs (MEIA) administers 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 recourse to opt out.

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.

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

Government Practices

The internationally recognized GNA remained in office, but did not control the entire country. The United Nations Support Mission in Libya reported that courts in the area 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.

The United Nations Development Program reported that the judicial system was functioning, albeit at different levels depending on the location of the courts within the country. Religious matters were handled at courts of first instance, where sharia was applicable. A variety of groups – revolutionary brigades, tribal militias, and local strongmen – supported security around court areas. The GNA delegated control of several of these groups to the Ministry of Interior, but its authority over these groups remained limited, and its response to instances of violence against members of minority religious groups was limited to condemnations.

The role of Islam in policymaking remained a major point of contention among members of the Constitutional Drafting Assembly, the elected body in charge of drafting the new constitution. A draft of the constitution defines sharia is defined as “the source of legislation.”

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 to provide advice to followers. The fatwas did not have legal weight. The GNA, however, did not have effective administrative control of mosques and supervision of clerics outside the limited areas under its control. According to media reports, the Libya National Army appointed several Salafi leaning imams in areas of its control throughout eastern Libya. Political opponents of the GNA stated its administrative apparatus charged with overseeing religious affairs did not take measures against imams and other officials who supported ISIS and other violent extremist organizations.

RADA SDF was involved in a number of arrests and detentions of individuals whom it accused of violating Islamic law. On November 5, a RADA SDF unit disrupted a comic book convention in Tripoli, arresting approximately 20 attendees and organizers, and closing the three-day convention early. Released individuals reported physical abuse as well as religious lectures while in custody. According to Human Rights Watch (HRW), a religious scholar with ties to the Sufi community said RADA SDF deliberately destroyed a 700-year-old Sufi shrine in October during clashes in the area of the shrine, although RADA has denied the allegations.

According to HRW, in July the MEIA issued a religious edict against Ibadi Muslims, accusing the group of deviance and following an infidel doctrine.

There were reports the military governor in the east increased the restrictions on movement of women without male guardians.

Abuses by Foreign Forces and Nonstate Actors

Nonstate actors and militias continued to operate and control territory throughout the country, including the cities of Benghazi, 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.

U.S.-designated foreign terrorist organizations such as Ansar al-Sharia, al-Qaida in the Maghreb (AQIM), and ISIS continued to operate within the country during the year. Ansar al-Sharia operated branches in Benghazi and Derna and maintained connections with extremists in other parts of the country, including AQIM. Following expulsion from Sirte in December 2016, ISIS suffered setbacks elsewhere in Libya. Despite these setbacks, ISIS still maintained the capability to conduct attacks in Libya and had limited capability to facilitate attacks elsewhere in North Africa. In Tripoli, some militias imposed restrictions on women's dress and movement and punished men for behavior they deemed "un-Islamic." In October authorities uncovered a mass grave of 21 Coptic Christians beheaded by ISIS in 2015 near Sirte. The victims were kidnapped between December 2014 and January 2015 and decapitated on a Libyan beach, shown in a video released in February 2015. The remains of the Egyptians were scheduled to be returned to Egypt.

The eastern city of Derna was controlled by the Shura Council of Mujahideen in Derna, an umbrella organization consisting of Salafist groups opposed to ISIS, including Ansar al-Sharia. This group was widely reported to have restricted Sunni Muslims' freedom to worship.

On October 30, the press reported that among the 36 bodies found bound and shot outside Benghazi was 71-year-old Sufi Sheikh Muftah al-Bakoosh el-Werfalli, allegedly executed because he was Sufi. According to the United Nations Secretary General's Special Representative for Libya, the corpses showed signs of having been tortured before they were executed. No group claimed responsibility for the massacre.

Section III. Status of Societal Respect for Religious Freedom

Multiple sources, including international media, continued to report a restrictive social environment, particularly in Tripoli. This included a continuation of government officials at airports throughout the country preventing women from traveling alone outside the country, although no law or government regulation restricts such travel. NGOs and the UN attributed that environment to increasingly Salafist interpretations of sharia. 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.

Following an October suicide bombing attack by ISIS on a court complex in Misrata that killed four persons and injured 41, former Grand Mufti Sadeq Al-

Ghiryani stated, “the bombings are retaliation by God Almighty who is angry at us because the [prosecutor] general office has neglected thousands of cases in the court system.”

Unidentified assailants attacked two historic Sufi mosques in Tripoli. On November 28, the eve of a feast marking the birthday of Prophet Mohammed, assailants set fire to the Sufi mosque, Zawiyat Sheikha Radiya, causing extensive damage. On October 20, assailants destroyed the Sidi Abu Gharara Mosque, according to HRW. There were no reported arrests related to the attacks on the Sufi mosques by year’s end.

According to a human rights activist, a military force from a Salafi group arrested 10 religious leaders from the east because of their Sufi backgrounds.

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 of the Libya External Office have operated out of Tunis. There remained limited opportunities for high-level engagement on religious freedom with Libyan interlocutors due to the lack of permanent presence and access to discussion partners in country. 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, and made public statements condemning acts of physical mistreatment and destruction of property.