

# **LIBYA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The interim constitution protects religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. Following the fall of the Qadhafi regime after the 2011 revolution, the new government ceased actively regulating all aspects of religious life. Qadhafi-era laws that restrict religious freedom remained, but the government did not regularly enforce them. The government was limited in its ability to prevent violent extremist groups from taking advantage of the post-revolution security vacuum to attack religious minorities.

There were reports of societal abuses based on religious affiliation, belief, or practice. Two Egyptian nationals were killed in an attack on a Coptic Church in Misrata in December. Salafist groups vandalized and destroyed Sufi religious sites on several occasions, including most prominently in downtown Tripoli and Zliten in August. Salafists are fundamentalist Sunni Muslims. Salafists also threatened Sufi individuals and religious sites.

The U.S. government called for religious freedom in discussions with the government. U.S. embassy officials discussed religious freedom with local leaders representing a variety of religious groups. The U.S. embassy hosted an iftar breaking-of-fast meal for 100 local contacts in August during Ramadan.

## **Section I. Religious Demography**

According to U.S. government estimates, the population is 5.6 million. Ninety-seven percent is Sunni Muslim and the remaining 3 percent of the population 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 workers. Bishops in Tripoli, Misrata, and Benghazi lead an estimated 50,000 Coptic Christians who are mostly Egyptian foreign residents. Roman Catholic clergy are present in larger cities, working primarily in hospitals, orphanages, and with the elderly or physically impaired. A priest in Tripoli and a bishop resident in Tunis lead the Anglican community. A Greek Orthodox archbishop in Tripoli and priests in Tripoli and Benghazi serve

## LIBYA

approximately 80 regular Orthodox churchgoers. The Ukrainian embassy in Tripoli also maintains a small Orthodox church for Tripoli's Russian-speaking population. There are nondenominational, evangelical Unity churches in Tripoli and Benghazi, as well as small Unity congregations located throughout the country. Nondenominational churches in Tripoli serve primarily African and Filipino migrant workers. The overwhelming majority of Libya's Jewish population, estimated at 40,000, fled the country between 1948 and 1967. David Gerbi, a Libyan Jew active in the exiled Jewish community in Italy, estimates that there are around 200,000 Libyan Jews and their descendants living outside of the country. While there are reports of some Jews remaining, there are no known estimates of the current population. Representatives from the Jewish diaspora are unable to return to reopen the synagogue in Tripoli due to security concerns.

There are no known places of worship for members of other non-Muslim religious groups, although adherents are allowed to practice their religion in their homes.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal/Policy Framework**

The interim constitution protects religious freedom, although some laws and policies restrict religious freedom. The Transitional National Council (TNC) issued a temporary constitutional declaration in August 2011 that protects freedom of religion, the first constitutional protection for freedom of religion since 1969. The popularly elected General National Congress (GNC) assumed parliamentary functions from the TNC in August, the current prime minister was selected in October, and his cabinet was sworn in on November 14. The government remains bound by the August 2011 constitutional declaration until a new constitution is drafted and passes both a vote in the GNC and a public referendum. The interim constitution states that Islam is the state religion and Islamic law is the principal source of legislation, but that non-Muslims are accorded the freedom to practice their beliefs. The TNC adopted a declaration formally recommending the GNC establish Islam as the main source of legislation without recourse to a public referendum in July 2012. Article 6 of the interim constitution states "there shall be no discrimination among Libyans on the basis of religion or sect" with regard to legal, political, and civil rights.

There is no law providing for an individual's right to choose or change his or her religion or to study, discuss, or promulgate one's religious beliefs. There is also no

## LIBYA

law prohibiting conversion from Islam to another religion; however, in practice the government prohibited proselytizing to Muslims.

The Ministry for Awqaf and Islamic Affairs administers mosques, supervises clerics, and has primary responsibility for ensuring all religious practices within the country conform to state-approved Islamic norms. The TNC created the office of the Grand Mufti in May, appointing a cleric to be the leading religious scholar in the country and providing him with an office and staff to issue fatwas, or religious rulings, as the Mufti deems necessary. These fatwas carry no legal weight.

Religious instruction in Islam is required in public schools and in private schools that admit citizens, but there is no in-depth instruction on other religions available in the curricula. The government does not issue information on the religious affiliation of children in public schools, but there are no reports of children transferring to private schools for alternative religious instruction.

Sharia (Islamic law) governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under this body of law, a non-Muslim woman who marries a Muslim man is not required to convert to Islam, although many do so; however, a non-Muslim man must convert to Islam to marry a Muslim woman. Citizens must be at least 40 years old to perform the Hajj. The Ministry for Awqaf and Islamic Affairs administers non-Muslim family law issues, although without a parallel legal framework. The ministry draws upon neighboring countries' family law precedents for non-Muslims.

The government observes the following religious holidays as national holidays: the Islamic New Year, the birth of the Prophet Muhammad, Eid al-Fitr, and Eid al-Adha.

### **Government Practices**

There were reports of abuses of religious freedom, including reports of arrests and imprisonment on the basis of religious belief and government inaction in response to attacks on religious sites.

In November and December, officials reportedly detained ten Ahmadi Muslims, including six Pakistani nationals, in Zliten and Tripoli for either conversion or proselytizing. The group remained in custody at year's end.

## LIBYA

The government relied on groups outside of the formal armed forces and police to support local security, including auxiliary forces such as the Libyan Shield Forces and the Supreme Security Committee (SSC), revolutionary coalitions, and armed groups associated with the government. The government exerted varying degrees of control over these armed groups, and its response to a series of attacks on Sufi sites across the country was uneven. At times the security response was robust, as on September 7, when security forces repelled an attack on the Sidi al-Lafi mausoleum in Rajma. At other times the security response was wholly inadequate, as on August 25, when the SSC cordoned off the Sidi Sha'ab Mosque in downtown Tripoli as a Salafist group destroyed the site with heavy construction equipment in broad daylight. Authorities stated that after a small altercation with the attackers, the security forces chose not to intervene to avoid an escalation of violence. Members of the SSC and revolutionary militias also reportedly participated in an August 24 attack on Sidi Abdulsalam mosque complex in Zliten. The SSC is a semi-autonomous security force under the auspices of the Ministry of Interior.

Government authorities roundly condemned the violence against Sufi religious sites. The former Minister of Interior, Fawzi Abd al-Aal, resigned the day following the attacks, but later withdrew his resignation believing it would “complicate security.” The Grand Mufti, Sheikh Sadeq al-Ghariani, issued a fatwa condemning the desecration of graves and holy sites on August 26. Despite the public condemnation, there have been no known arrests or prosecutions in connection with attacks on Sufi sites.

The government did not explicitly repeal specific Qadhafi-era laws and regulations that limit religious freedom, but at the same time it did not regularly enforce them. The government did not continue the Qadhafi-era practice of censoring religious material that entered the country, nor did it arrest young men who attended dawn prayers at mosques (a practice the Qadhafi regime often viewed as a sign of “religious extremism”).

In the aftermath of the 2011 revolution, the judiciary was not fully functioning and citizens had little recourse if they believed their right to religious freedom was violated. Citizens did not have access to courts to seek remedy for religious freedom violations.

The Ministry for Awqaf and Islamic Affairs provided imams with texts for Friday sermons, which often contained political and social messages. The internal security agencies that in the past closely monitored and controlled citizens' religious activities were dissolved in 2011 and not reinstated. The government

## LIBYA

ended the Qadhafi-era practice of arresting imams who delivered their own Friday sermons instead of reading the government-sanctioned texts. The government permitted religious scholars to form independent organizations that issue fatwas (religious rulings) and provide advice to followers.

Members of minority religious groups, primarily Christians, worshiped with minimal restrictions. Most of the country's churches continued operating after the revolution. The government routinely granted visas and residence papers to religious staff from other countries. As with other classes of resident migrants, clergy generally were offered one-year residency permits.

In October the Grand Mufti called upon the Ministry of Education to remove passages relating to freedom of religion from school textbooks because they suggested to young students that they were free to choose any religion. The Grand Mufti also publically raised concerns about the expansion of Shia and Ahmadiyya Islam and Christianity in the country.

On October 1, president of the GNC Mohammed Magariaf stated the country should be a secular state where religious figures did not interfere in the political management of the state. In response to his comment, a number of GNC members walked out of Congress. Magariaf later stated that he spoke only in his personal capacity, not as president of the GNC.

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

On December 29, an explosion near the Coptic Orthodox Church in Misrata killed two men and injured three. Both men were killed while attending church services. This was the first attack specifically targeting a church since the 2011 revolution. The attackers and the motive remain unknown, and there have been no arrests. Officials from the Ministries of Interior and Foreign Affairs and International Cooperation condemned the attacks and pledged a full investigation.

Salafist groups, objecting to the presence of graves of venerated Sufi scholars in mosques, attacked Sufi religious sites across the country, destroying several mosques and tombs of Sufi religious leaders and scholars throughout the year. For example, the Sidi Abdulsalam Mosque complex in Zliten was heavily damaged in an attack on August 24. The attack occurred during a period of broader violence in

## LIBYA

the town. The following day in downtown Tripoli, the Sidi Sha'ab Mosque was attacked and destroyed with heavy construction equipment in broad daylight.

On November 15, violent extremists issued death threats to Abdullah Banum, head of a Sufi teaching center in Tripoli. The threats were made after Banum spoke out against the attack and destruction of Sufi shrines in Tripoli and Zliten.

There were also periodic reports of anti-Christian and anti-Semitic behavior during the year. A video on the Internet in March showed armed Muslim men in the British military cemetery in Benghazi desecrating Christian and Jewish head stones and attempting to destroy a large crucifix with sledge hammers. On September 14, private Internet television station Libya Alhurra aired a sermon from a mosque in Benghazi that called on Allah to “destroy the rancorous Christians and the corrupt Jews.”

### **Section IV. U.S. Government Policy**

The U.S. government called for religious freedom in discussions with the government. Embassy officers also discussed religious freedom with local leaders representing a variety of religious groups, and the embassy hosted an iftar for 100 contacts in August. A local imam gave the invocation and a Fulbright alumnus gave a speech detailing his experience sharing Ramadan in North Carolina, building a reservoir of goodwill and mutual understanding.