

# **Apostasy**

## **An Overview**

*A Submission  
at the Request of the  
Foreign & Commonwealth  
Office Religious Freedom Panel*

Maranatha Community

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# Apostasy : An Overview

## A. THIS DOCUMENT

This document has been prepared for the Foreign & Commonwealth Office Religious Freedom Panel at their request.

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## B. THE MARANATHA COMMUNITY

The Maranatha Community is a Christian movement with many thousands of members throughout the country active in all the main churches. Its membership includes a substantial number of people involved in work for the community in both professional and voluntary capacities. Since its formation 26 years ago, it has been deeply involved in a broad range of relief work in many countries and in the care of people from other countries resident in the United Kingdom who are in need.

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The Leader of the Community, which has thousands of members throughout the United Kingdom, is Mr. Dennis Wrigley.

## C. PREFACE

This paper is presented with immense respect to all who have a deep desire for peace between believers of all religions.

If the development of mutual respect and acceptance, together with religious harmony, is to take place and communal strife avoided, the global issue of apostasy urgently needs to be addressed with honesty and sensitivity. The scale and complexity of the problem cannot be ignored and this submission is made with goodwill and a desire for truth.

This paper is offered in good faith for consideration and discussion and it is recognised that there is a variety of conflicting views on this subject. Every effort has been made to ensure the accuracy of its contents. However, any corrections or observations will be welcome.



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# 1. Introduction

- 1.1 Apostasy is the renunciation of a previously held conviction or belief and the embracing of another belief system. Large numbers of people are today being punished for no other reason than renouncing their faith.
- 1.2 The liberty to change one's religion, and to live and proclaim it, is fundamental to a free and civilised society. Sadly, this is not yet universally accepted.
- 1.3 Article 18 of the Universal Declaration of Human Rights states: "*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*". Those countries which permit people to be punished and even killed for apostasy are clearly in breach of Article 18. The generally accepted understanding of international human rights is that any person who chooses to change his belief should be able to do so without having to face intimidation, persecution or violence.
- 1.4 The Western secular mind set, with its strong emphasis upon liberty of conscience and freedom of the individual, does not have any problems when a person changes from one set of religious beliefs to another. This tolerance is rooted in respect for the value of every person and his or her right to believe, to freely express and to change his or her beliefs. Therefore, the Western secular mind finds it extremely difficult to understand the Islamic approach to apostasy in which it is traditionally deemed acceptable and even necessary to inflict punishment, and perhaps death, upon a person who ceases to be a Muslim to follow another faith.
- 1.5 To understand the issue of apostasy there must be an awareness of the immense sense of dishonour and even outrage in many Muslim families when one of its members ceases to practice or believe their religion. Because of beliefs about *jihad*, this is frequently seen as capitulation to the enemy, which must be immediately reversed or severely punished. The presence of a perceived apostate in a Muslim family or community is seen as a threat or dishonour, which cannot be tolerated. Hence converts to another religion in Muslim societies frequently have to escape from their home or home country under pain of punishment or death.
- 1.6 The clash of cultures is manifest in few areas more dramatically than in Islamic and non-Islamic perceptions of apostasy. For Muslims, resistance to apostasy is an inherent part of upholding religious belief and tradition. It is virtually a duty laid upon every Muslim. It is offensive for a believing and practising Muslim for any member of his family to be guilty of apostasy. Equally so, it is offensive to non-Muslims that anyone should in any circumstance be severely punished for a change of religion.
- 1.7 The two views of apostasy are clearly incompatible and it is difficult to see how the situation can be altered without a change, political and religious, so that Muslims changing their faith are not punished.
- 1.8 The pluralist approach of the secular west which tends to encourage compromise and syncretism is unacceptable for most Islamic believers, as is the discouragement of proselytisation. Both Christianity and Islam are missionary movements and the issue of proselytisation needs to be addressed if social disorder is to be avoided. Mutual respect between religions and the recognition that individuals who are true to their conscience do, in fact, change their belief, is vital if injustice is to be avoided.

## 2. The nature of Apostasy

- 2.1 The word apostasy is derived from the Greek 'Apo' meaning a way apart and 'stasis' meaning standing, or 'statiso' meaning that which is stationary and stable. Apostasy is thus seen as the act of someone who abandons or criticises the 'true faith', hence threatening the stability of his or her community or society.
- 2.2 The Arabic word for apostate is 'Murtadd', signifying a person who turns back from Islam.<sup>1</sup> The final outcome remains the same in that those who reject Islam are seen as guilty of treason against Allah and his apostle Mohammad. Under Sharia law an apostate must be put to death provided he/she is an adult and is in full possession of his/her faculties.
- 2.3 According to the respected Islamic scholar Sheikh Muhammed Salih Al-Munajjid, the types of behaviour which constitute apostasy are divided into four categories:<sup>2</sup>
- (a) *Apostasy in beliefs*, such as associating others with Allah, denying Him, or denying an attribute which is proven to be one of His attributes, or by affirming that Allah has a son. Whoever believes that is an apostate and a disbeliever.
  - (b) *Apostasy in words*, such as insulting Allah or the Messenger namely Muhammad, or declaring that all religions are equal.<sup>3</sup>
  - (c) *Apostasy in actions*, such as throwing the Qur'an into a filthy place, because doing that shows disrespect towards the words of Allah, so it is a sign that one does not believe. Other such actions include prostrating to an idol or to the sun or moon.
  - (d) *Apostasy by omission*, such as not doing any of the rituals of Islam, or turning away from following it altogether
- 2.4 It is important for the West to recognise that to try to introduce western-type secular democracies into Muslim countries may at this stage be considered equal to introducing apostasy. This is because there is little distinction between what is deemed to be political and religious in Islamic states.
- "The idea that religion should be separated from the affairs of the state is viewed as a heresy. In Islam secularism is equated with apostasy."* Amir Butler, Executive Director of the Australian Muslim Public Affairs Committee.<sup>4</sup>



### **3. The outworking of Apostasy**

- 3.1** As a result of the application of Sharia law on apostasy in many Islamic countries, numerous Muslims or converts from Islam have been killed, deprived of basic human rights or suffered severe hardships. Converts frequently face extreme hostility from their own family or community: they may be disowned, ostracised, threatened or even killed. Those who leave Islam may find that their marriage is annulled, their children are removed and their assets confiscated. Many Islamic countries have the death penalty for apostasy enshrined in law. Moreover, even if an individual who has been accused of apostasy is acquitted, he or she may still be killed by extremists or even by his or her own family. These cases have even occurred in the UK.<sup>5</sup> *(A number of cases are listed in Appendices 1 and 2)*
- 3.2** Even in Western countries, including the United Kingdom, former Muslims who have left Islam for another religion or no religion face hostility, abuse, physical assaults and even death threats. Many converts have had to go into hiding or move out of the area where they live, or even leave the United Kingdom altogether. Girls who have renounced Islam have been forced to go abroad to a Muslim country and coerced into a marriage to a Muslim man.
- 3.3** The accusation of apostasy is not only being brought against those who have left Islam but even against other Muslims. Increasingly, the accusation of apostasy is being used by Muslims against other Muslims to silence opponents or critics of Islamic regimes. The accusation of apostasy is used to settle doctrinal differences of sectarian rivalry<sup>6</sup>, political views or even for personal vendettas. This creates an atmosphere of fear which stifles freedom of speech and undermines the expression of genuine beliefs and concerns. Ultimately, this hampers social and political progress. *(A number of cases where Muslims have become the victims of apostasy are listed in Appendix 3)*
- 3.4** If this situation is to change, there needs to be a change by Islamic leaders towards a fundamental reform or reinterpretation of Shariah law so that Muslims, who change their faith, will not in future be punished or killed as a result.

## 4. Concerns expressed in Parliament about Apostasy

- 4.1 A significant number of members of both Houses of Parliament have, either in Early Day Motions, or in debates, expressed concern at human rights violations associated with apostasy laws.
- Early Day Motion 1290, dated 22.05.2003, was signed by 93 MPs. It calls '*for an end to cruel traditional punishments for apostasy*'.
  - Early Day Motion 1886, dated 23.03.2006, was signed by 58 MPs. This motion expressed grave concerns about the death sentence against the 'apostate' Abdul Rahman in Afghanistan.
  - Early Day Motion, 1741, dated 22.03.2006, signed by 38 MPs, urged the UK government to seek an explanation from the Iranian authorities about the unexpected death of Mr Dhabihu'llah Mahrami. Mr Mahrami, a Bahai'i, was accused of apostasy and imprisoned in an Iranian jail at the time of his death.
- 4.2 The human rights implications of apostasy have been debated on many occasions in both Houses of Parliament with a number of members of both houses expressing very serious concern about this issue. In a debate in the House of Lords on 28.03.2006, a number of peers expressed serious concerns about the case of Abdul Rahman. It was pointed out, that Abdul Rahman is not an isolated case. The issue of religious freedom and apostasy was also debated in the House of Lords on 07.07.2005.
- 4.3 In response to a written question by Bob Spink, MP, about the issue of apostasy, Mr. Rammell, the then Parliamentary Under-Secretary of State at the Foreign & Commonwealth Office stated:
- The Government condemns instances where individuals are persecuted because of their faith or belief, wherever these happen and whatever the religion of the individual or group concerned. We are concerned about the plight of apostates throughout the world including those Muslims who are punished for choosing to convert to another faith. Both bilaterally and with our EU partners we regularly raise specific cases of religious persecution with the Governments concerned. Over the past year we have formally raised the treatment of religious minorities with both the Pakistani and Bangladesh Governments. The Foreign and Commonwealth Office's Panel on Religious Freedom, which brings together representatives from all of the faith communities in the UK, has also discussed the issue of apostasy. (House of Commons Hansard; 4 October 2004 : Column 1836W)*
- 4.4 More recently, the House of Commons Foreign Affairs Committee also expressed grave concerns about the human rights situation in Saudi Arabia regarding the death penalty for apostasy. In an analysis of the possible roots of terrorism, the Committee expressed concerns that religious text books, until recently, described communism, secularism and capitalism essentially as 'apostasy'. The Committee, however noted that Saudi Arabia is considering to change this.<sup>7</sup>

## 5. Islamic teaching on Apostasy

- 5.1 Islam makes no distinction between secular and religious life. It has its own legal system known as Shariah. The Qur'an and the Sunnah are its primary source. Shariah courts do not accept equality between Muslims and non Muslims, nor between men and women even if they be Muslims. In almost all Islamic countries matters of religion are governed by Shariah directives.
- 5.2 In Shariah apostasy is an extremely serious crime. Thus it comes under *Ihdar*<sup>8</sup> subsection of *Hudud*<sup>9</sup> and no mercy must be shown neither can its punishment be augmented in any way. (Surah 24: 2)
- 5.3 Apostasy is considered to be like 'waging war against Allah', which is a very serious offence and is condemned strongly. The Qu'ran states:
- *"The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter."* (5:33)
- 5.4 Expanding this concept of 'waging war against Allah', the respected Islamic scholar Sheikh Muhammed Salih Al-Munajjid states:
- *"Waging war against Islam is not limited only to fighting with weapons, rather it may be done verbally such as defaming Islam or the Prophet (peace and blessings of Allaah be upon him), or attacking the Qur'an, and so on. Waging verbal war against Islam may be worse than waging war against it with weapons in some cases. Shaykh al-Islam Ibn Taymiyah said: 'Muhaarabah (waging war against Islam) is of two types: physical and verbal. Waging war verbally against Islam may be worse than waging war physically (...) hence the Prophet used to kill those who waged war against Islam verbally, whilst letting off some of those who waged war against Islam physically. This ruling is to be applied more strictly after the death of the Prophet. Mischief may be caused by physical action or by words, but the damage caused by words is many times greater than that caused by physical action.'*"<sup>10</sup>
- 5.5 There are a substantial number of verses in the Qur'an condemning apostasy strongly:
- *"The religion before Allah is Islam."* (3:19)
  - *"If anyone desires a religion other than Islam, never will it be accepted of him and in the hereafter he will be in the ranks of those who have lost (All spiritual good)."* (3:85)
  - *"And if any of you Turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter; they will be companions of the Fire and will abide therein."* (2:217)
  - *"If anyone rejects faith (Islam) fruitless is his work and in the hereafter he will be in the ranks of those who have lost (all spiritual good)."* (5:5)
  - *"Ye who believe, obey Allah and obey the Messenger and those charged with authority among you."* 4:59
  - *"Those who believe, then reject faith, then believe (again) and (again) reject faith, and go on increasing in unbelief,- Allah will not forgive them nor guide them nor guide them on the way."* (4:137)
  - *"Those who turn back as apostates after guidance was clearly shown to them the evil one as instigated them and buoyed them up with false hopes."* (47:25)
  - *"Ye who believe raise do not your voices above the voice of the prophet"* (49:2)
  - *"Nor it is right for you to vex [or annoy] the messenger of Allah."* (33:53)
  - *"Those who annoy Allah and His Messenger - Allah has cursed them in this world and in the hereafter, and has prepared for them a humiliating punishment."* (33:57)
  - *"Fight / kill them Allah will punish them by your hands cover them with shame make you victorious over them and heal the breasts of the believer."* (9:14)
- 5.6 The Hadith (the narration of the vocalised, enacted and consented sayings, and demonstrated example of the prophet, normally known as traditions) stipulates the death penalty for apostasy, for example in Sahih Bukhari, which is considered to be a reliable source by most Muslims, where it says: *"Whoever changes his religion, execute him."*

- “Narrated Ikrima: Some Zanadiqa (atheists) were brought to Ali and he burnt them. The news of this event, reached Ibn Abbas who said, “If I had been in his place, I would not have burnt them, as Allah’s Apostle forbade it, saying, ‘Do not punish anybody with Allah’s punishment (fire).’ I would have killed them according to the statement of Allah’s Apostle, ‘Whoever changed his Islamic religion, then kill him.’” (Vol 9, Book 84, Nr 57)<sup>11</sup>
- “Narrated Abdullah: Allah’s Apostle said ‘The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am His Apostle, cannot be shed except in three cases: In Qisas for murder, a married person who commits illegal sexual intercourse and the one who reverts from Islam (apostate) and leaves the Muslims.’” (Vol 9, Book 83, Nr 17; also in Muslim 1676)
- “Narrated Abu Musa: A man embraced Islam and then reverted back to Judaism. Mu’adh bin Jabal came and saw the man with Abu Musa. Mu’adh asked, ‘What is wrong with this (man)?’ Abu Musa replied, ‘He embraced Islam and then reverted back to Judaism.’ Mu’adh said, ‘I will not sit down unless you kill him (as it is) the verdict of Allah and His Apostle.’” (Vol 9, Book 89, Nr 271).
- “Narrated Ikrima: (...) for the Prophet said, ‘If somebody (a Muslim) discards[changes] his religion, kill him.’” (Vol 4, Book 52, Nr 260)

### 5.7 The Hadith appear to place a duty upon Muslims to kill apostates and even offers the prospect of reward for their killing.

- “Narrated Ali: I heard the Prophet saying, ‘In the last days (of the world) there will appear young people with foolish thoughts and ideas. They will give good talks, but they will go out of Islam as an arrow goes out of its game, their faith will not exceed their throats. So, wherever you find them, kill them, for there will be a reward for their killers on the Day of Resurrection.’” (Sahih Bukhari Vol 6, Book 61, Nr 577)

### 5.8 Other Hadith sources appear to endorse the death penalty and also economic sanctions against apostates. (the following are shi’ia scholars of Akhbar, what the Sunnis call Hadith)

- “Shaykh al-Kulayni narrates a sahih (correct) hadith from ‘Ammār as-Sābāti who said: I heard (Imam) Abu ‘Abdullāh (as-Sādiq) saying, ‘A Muslim from among the Muslims who renounces Islam and rejects the prophethood of Muhammad and considers him untrue, then verily his blood is lawful (mubāh) for anyone who hears that from him, his wife is to be separated from him the day he became murtad, his wealth will be divided among his heirs, and his wife will observe the idda of a widow (ie, four months). The Imam is obliged to kill him, and not ask him to seek forgiveness.’”<sup>12</sup>
- “Shaykh at-Tusi narrates a sahih hadith from al-Husayn bin Sa‘id who said: ‘I read (a question) in handwriting of a person addressed to (Imam) Abu ‘l-Hasan ar-Rizā: “A person born as a Muslim, then becomes an unbeliever (kafir), polytheist (mushrik), and leaves Islam—should he be asked to seek forgiveness, or should he be killed and not be asked to seek forgiveness?” The Imam wrote: “He should be killed.”’<sup>13</sup>

### 5.9 The killing of those who criticise the prophet Muhammad appears to be condoned in the Hadith. One Hadith (Sunan Abu-Dawud, Number 4361 – see footnote) describes the killing of a pregnant mother (and possibly her baby) because she insulted the prophet Muhammad. A contemporary interpretation of this hadith states that “The scholars are unanimously agreed that a Muslim who insults the Prophet (peace and blessings of Allaah be upon him) becomes a kafir [unbeliever, infidel] and an apostate who is to be executed”.<sup>14</sup>

### 5.10 Although there is a significant number of further Ahadith which state that the apostate must be killed, another Islamic teaching is often raised in defence of Islam “There is no compulsion in religion,” (Sura 2:256). This implies that Islam is a peace-loving, tolerant religion, and that there is no compulsion to convert to Islam. While some subscribe to this interpretation, other Islamic scholars understand this as meaning that there is no compulsion to accept the religion (of Islam)<sup>15</sup>. Furthermore, it is important to note that this Sura has been abrogated<sup>16</sup> by later verses, especially Sura 9:5<sup>17</sup>; 3:19, 3:85, 110:1-3 and many others.

- “Then, when the sacred months [ie 1<sup>st</sup>, 7<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> months of the Islamic calendar] have passed, slay the idolaters wherever you find them, and take them (captive), and besiege them, and prepare for them each ambush. But if they repent [by rejecting Shirk/polytheism and accept Islam] and establish worship and pay the poor-due, then leave their way free. Allah is Forgiving, Merciful.” (9:5)

## **6. The punishment for Apostasy**

- 6.1** There appears to be unanimous agreement among the key Islamic schools of law that the punishment for apostasy is death.
- 6.2** The influential Islamic theologian Abdul Ala Mawdudi states in his book *The Punishment of the Apostate according to Islamic Law*:
- “To everyone acquainted with Islamic law it is no secret that according to Islam the punishment for a Muslim who turns to kufr (infidelity, blasphemy) is execution. Doubt about this matter first arose among Muslims during the final portion of the nineteenth century as a result of speculation. Otherwise, for the full twelve centuries prior to that time the total Muslim community remained unanimous about it. The whole of our religious literature clearly testifies that ambiguity about the matter of the apostate’s execution never existed among Muslims. The expositions of the Prophet, the Rightly-Guided Caliphs (Khulafa’-i Rashidun), the great Companions (Sahaba) of the Prophet, their Followers (Tabi’un), the leaders among the mujtahids and, following them, the doctors of the Sharia of every century are available on record. All these collectively will assure you that from the time of the Prophet to the present day one injunction only has been continuously and uninterruptedly operative and that no room whatever remains to suggest that perhaps the punishment of the apostate is not execution.”<sup>18</sup>*
- 6.3** In practice, fifteen Islamic countries make conversion from Islam a crime, with perhaps as many as eight or nine making it punishable by death: the latter group includes Afghanistan, the Comoros, Iran, Mauritania, Pakistan, Saudi Arabia, Sudan, Yemen and, very probably, Iraq. However, very few such state executions are actually carried out.<sup>19</sup> In Pakistan, blasphemy is punishable by death. (See Appendix 1 & 2 for detailed description of cases)
- 6.4** Other punishments for apostasy may include the annulment of marriage with a Muslim spouse, the removal of children and the loss of all property and inheritance rights.
- 6.5** Someone who is accused of apostasy may be threatened in one of two ways. The state in which he lives may sentence him/her to death; or he/she may be harassed, intimidated, assaulted or even killed by his own family, or other Muslims. At the same time the government may be either complicit, or unwilling or unable to protect the individual.
- 6.6** Human rights violations through Sharia apostasy laws are not limited to a small number of ‘extreme’ Islamic countries but occur in more ‘moderate’ countries such as Turkey and Indonesia. There is widespread concern about Turkey’s involvement in view of its aspirations to enter the European Union.
- 6.7** There is rising concern in a number of European countries that individuals who have left the Muslim faith are not safe from attacks by their own family or other Muslims.

## 7. Apostasy, Human Rights and Religious Freedom

### 7.1 The Universal Declaration of Human Rights

In 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. The voting was 48 for and none against. The Declaration is not a legally binding instrument as such, yet some of its provisions either constitute general principles of law or represent elementary considerations of humanity. More importantly it has status as an authoritative guide, produced by the General Assembly. In this capacity the Declaration has considerable indirect legal effect, and it is regarded by the Assembly and by some jurists as a part of the “law of the United Nations”.

- Article 18 of the Declaration specifically laid down the right to change religion: *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*<sup>20</sup>

The prosecution of apostates and the associated human rights violations in Islamic countries (both by government or former co-religionists) and the harassment of apostates in the West undoubtedly constitute a grave breach of the universally accepted human rights standards.

### 7.2 The International Covenant on Civil and Political Rights

Article 18 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200A of 16 December 1966) states:

*“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*

*“2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*

*“3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”*

The International Covenant on Civil and Political Rights has been signed by – among others – the following countries relevant to this Submission: Afghanistan, Bangladesh, Egypt, Indonesia, Iran, Mauritania, Nigeria, Sudan, Turkey and Yemen, as well as Austria, the Netherlands and the UK. It has not been signed by Saudi Arabia and Pakistan. The 1966 Covenant is a legally binding document for signatory countries. By creating a *legal obligation* it goes further than the Universal Declaration of Human Rights, which created a *moral obligation* to respect freedom of religion.

### 7.3 The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was adopted by the General Assembly of the United Nations on 25 November 1981 (Resolution 36/55). Article 1 of this Declaration states:

*“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*

*“2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.”*

Even though the Declaration does not have binding status, it carries the weight of an UN statement and a great degree of moral significance. It has, therefore, an important effect on international law, in that it carries an *“expectation of obedience within the international community to the degree that it is seen as the standard bearer of religious human rights.”*<sup>21</sup>

**7.4** When examining the combined effect of the 1948 Universal Declaration, the 1966 Covenant, and the 1981 Declaration, the expert on international law, Elizabeth Odio Benito, concluded:

*“Although they are varied slightly in wording, all mean precisely the same thing: that everyone has the right to leave one religion or belief and to adopt another or to remain without any at all. This meaning is implicit in the concept of the right to freedom of thought, conscience, religion or belief, regardless of how that concept is presented.”<sup>22</sup>*

In this context it is a matter of concern that many Islamic scholars do not seem to recognise a conflict between Sharia law regarding apostasy and generally accepted international human rights standards.

Professor Ann Mayer, a professor of law has examined a number of Islamic authorities on this subject. She comes to a startling conclusion:

*“The failure of [every] single one of these Islamic human rights schemes to take a position against the application of the sharia death penalty for apostasy means that the authors of these schemes have neglected to confront and resolve the main issues involved in harmonising international human rights and sharia standards. The authors’ unwillingness to repudiate the rule that a person should be executed over a question of religious belief reveals the enormous gap that exists between their mentalities and the modern philosophy of human rights.”<sup>23</sup>*

For a more detailed legal analysis of international law in relation to apostasy and freedom to change one’s religion see Appendix 4.

## **8. Conclusions**

- 8.1** There is an immediate need for a thorough investigation into the human rights implications of Shariah law and factual evidence of its application, for both Muslims and non-Muslims, with regard to apostasy.<sup>1</sup>
- 8.2** There is an urgent need for a United Nations resolution to condemn all applications of Shariah law which breach international human rights standards, and to outlaw any killing in the name of God or Allah.
- 8.3** There is a need for a greater awareness of this issue at all levels of the European Union, which ought to take major initiatives against human rights violations associated with allegations of apostasy, both within and outside the EU.
- 8.4** Leading Muslim organisations including the Muslim Council of Great Britain could be positively encouraged to condemn any harassment, discrimination or human rights violations against former Muslims who convert to a religion (or no religion) of their choice, whether in the UK or abroad. This could be done by the Muslim Council of Britain and its counterparts in Europe, ECF, through a fatwa explaining their position on the issue of apostasy and upholding democratic values and freedom of religion. This fatwa needs to be made public.
- 8.5** There is a need for the UK government to explore the situation of asylum seekers to Britain, who are accused of apostasy/blasphemy in their home countries, with their governments by encouraging those governments to pass laws decriminalising such acts – in line with internationally accepted human rights standards – both through their legislative bodies and the issuing of fatwas by appropriate religious bodies.
- 8.6** It is important to recognise – especially in the context of asylum applications – that individual converts accused of apostasy may be killed by zealots who take the Shariah law into their own hands. As such, converts are likely to suffer serious human rights violations and may be killed and hence government guarantees by the country of origin are unlikely to be effective unless they have passed laws making such acts criminal offences with serious penalties for the perpetrators.
- 8.7** The issue of indoctrination of school children should be addressed with particular reference to the use of educational materials which encourage a culture of ethnic and/or religious hatred (see Appendix 5). Materials of this kind appear to be used in several Muslim countries. It is important that this issue be raised with the UN (especially UNESCO), and with the EU, and to ensure that such teaching material is not being used.
- 8.8** The United Kingdom government should consider carrying out an analysis of potentially dangerous Islamic material on apostasy distributed in UK mosques and should seek to ban all forms of incitement being preached or taught against ‘apostates’.<sup>2</sup>

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<sup>1</sup> This investigation should include, but is not limited to, seeking clarification from national and international Islamic bodies with UK presence on the issues of equality of all men and women before the Law, the equality of men and women, the right of all human beings to change and follow the religion of their choice without a threat. Such bodies could include the Organization of the Islamic Conference (OIC), Muslim World League, the Azhar Ulema’s Union, the Muslim Council of Britain and others.

<sup>2</sup> A recent study carried out in the US of such material (see Appendix 6) revealed very disturbing content that appears to incite hatred towards Christians and Jews and called for apostates to be killed.



# APPENDIX 1

## Countries in which Apostasy or Blasphemy issues occur

This is a partial list of countries in which serious infringements of religious freedom and grave human rights violations occur, primarily due to apostasy punishment. The individual cases listed below are however not exhaustive.

These infringements and violations may occur as an outcome of official apostasy, or in some cases blasphemy laws; or because in many predominantly Muslim countries, some Muslims take the law into their own hands, and attack or even kill those they accuse of apostasy or blasphemy.

There appears to be little attempt by the governments of these countries either to prevent these human rights violations in the first place, or to prosecute the perpetrators. There is normally only very light punishment for the perpetrators on the rare occasions when they are convicted.

### AFGHANISTAN

- Abdul Rahman, an Afghan man, faced the death penalty for converting to Christianity 16 years earlier. He was charged with rejecting Islam and faced execution under Islamic Sharia law unless he became a Muslim again. Following intense international pressure, the country's Supreme Court suspended charges of apostasy against him, citing evidence from relatives that he was mentally ill, and he was granted asylum in Italy.<sup>24</sup> However, during the court case, thousands of young people descended on Kabul, demanding that he be hanged. Engineer Ahmad Shah, a prominent mujahideen leader, stated that "*there is unanimous agreement by all religious scholars that Abdul Rahman should be executed*". As the trial was going on, senior clerics in Afghanistan had already given their verdict: he should die. "*We will not allow God to be humiliated*," Abdul Raouf, a member of the Ulama Council, Afghanistan's main clerical organization, stated. "*We will call on the people to pull him into pieces so there's nothing left*."<sup>25</sup>
- The Taliban have shut down the offices of two Christian aid agencies. The decision to close the offices follows an investigation into eight Western Christian and sixteen Afghan staff members of another aid agency, Shelter Now International, who are being held under suspicion of trying to convert Muslims to Christianity. They are to be tried according to Islamic Sharia law. If any of the Afghans are found guilty, or if they themselves are discovered to be converts, they will face a death sentence. Their relatives have nevertheless declared that if any are found to be converts they will kill them themselves. "*If my brother has changed religion I would kill him first*," said one.<sup>26</sup>
- Ali Mohaqeq Nasab, editor of the Afghan magazine Haqqoq-i-Zan (Women's Rights) published articles questioning, "Islamic" punishments, including the death penalty for heresy. He was charged with blasphemy in October 2005 and was sentenced to two years in prison. Prosecutors continued to demand the death penalty up until the time he was released under international pressure.<sup>27</sup>

### ALGERIA

- The Algerian Parliament approved a previous Presidential Order which severely restricts religious freedom in the country. Anyone found guilty of shaking "the faith of a Muslim" or possessing material that promotes Christianity to Muslims will receive a jail sentence of up to five years and a fine of up to \$12,000. Non-Muslim organizations that disobey the law can be heavily fined, banned or dissolved; their assets will be confiscated. Foreigners convicted under the law will be expelled from the country after serving their prison term. House fellowships and informal gatherings of Christians will be illegal. The law states that: "Collective exercise of religious worship takes place exclusively in structures intended for this purpose, open to the public and identifiable from the exterior."<sup>28</sup>

### BANGLADESH

- There have been attacks on religious minorities, including Hindus and the Ahmadiyya community, since the BNP government came into power in October 2001. Some of these have been attributed to what is deemed to be apostasy.
- Towards the end of 2003, anti-Ahmadiyya groups grew more vociferous, demanding that the Ahmadiyyas be declared non-Muslim, and attacking Ahmadiyya mosques. Amnesty International has criticised the Bangladeshi government for not taking action against the hate campaign and for the January 2004 banning of Ahmadiyya publications. The police have recently proved more effective at preventing some of the threatened sieges to mosques, but attacks continue to take place.<sup>29</sup>
- Village leaders continue to issue declarations and claim them to be fatwas, often resulting in extra-judicial punishments of women for their perceived moral transgressions. Religious minorities remain underrepresented in most government jobs, especially at the higher levels of the civil and foreign services. Some foreign missionaries reported that internal security forces closely monitored their activities.<sup>30</sup>

- The British government has seen a dossier which detailed more than 700 attacks by fundamentalists on ethnic and religious minorities in Bangladesh. The document offers compelling evidence that persecution of Hindu, Christian and other minorities are rising. There are reports on tortures, extra-judicial killings, gang rapes, the looting and burning of temples and churches, evictions, beatings, the theft of land, destruction of property, financial extortion and threats of physical violence. All the cases have been reported to the police. The country, which is 85% Muslim, is being pushed towards fundamentalism by the Jamaat-e-Islami party, which is growing rapidly in the poorest rural areas, according to organisations on the ground. It now shares power with the majority Bangladesh National party and effectively runs two key ministries. The present wave of attacks was triggered by the 2001 elections when violence flared across Bangladesh. The Human Rights Congress for Bangladeshi Minorities estimated that dozens of people were killed, more than 1,000 women from minority groups were raped and several thousand people lost their land in the three months around the election. Amnesty International has expressed grave concern to the Bangladeshi government about mounting human rights abuses.<sup>31</sup>
- Purnima Rani, a 12-year-old Hindu girl from Bangladesh, was gang-raped and her family seriously beaten. Four young men, all supporters of the government and its coalition partner, the fundamentalist Jamaati-e-Islami party, were arrested but have not been charged. The family have now all fled the village after receiving death threats.<sup>32</sup>
- The oppression of minorities is becoming systematic. "This is like a silent revolution. We are returning to the dark ages," a leading lawyer said, asking not to be named. "I think the backdrop is being created for the introduction of strict Sharia laws." In the village of Fhainjana, a mob of 200 fundamentalists recently looted 10 Christian houses, allegedly assaulting many women and children. Christians were seriously beaten in the village of Kamalapur, near Dhaka. In Deuatala Bazaar, gangs of young men with knives told Hindus to leave. Hundreds fled.
- In western Bangladesh, where the Jamaat-e-Islami is particularly strong, many villages have been deserted by minorities. A man from Sri Rumpur, near Khulna said anonymously that there are no Hindus left in his village as they have all been driven out by threats of torture.
- Toab Khan, editor of the independent newspaper, The Daily Janakantha, said: "Repression of people who publicise human rights violations is growing. Our head office has been bombed, our agents have been threatened and beaten up. The government has withdrawn all its advertising and is pressurising and harassing reporters and the owner."  
*(The above four paragraphs are sourced in footnote 32)*

## BRUNEI

- Three people were detained under the Internal Security Act (ISA) for allegedly attempting to convert Muslims to Christianity.<sup>33</sup>
- Practitioners of non-Muslim faiths are not permitted to proselytise, and Christian-based schools are not allowed to teach Christianity. All schools must give instruction in the Islamic faith to all students. The Government uses municipal and planning laws and other legislation to restrict the expansion of any religion other than official Islam. The Government restricts the practice of non-Muslim faiths by occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and refusing permission to expand, repair, or build churches, temples, or shrines. Muslims who wish to change or renounce their religion face considerable difficulties. The dominant Islamic religious ethos discourages Muslims from learning about other faiths and forbids those of other faiths from proselytising. At the same time, Islamic authorities organize activities to explain and propagate Islam and also offer financial incentives and housing for converts to Islam.<sup>34</sup>
- In Brunei Darussalam, prisoners of conscience Yunus Murang, Freddie Chong and Malai Taufick, were released in October 2001 after being held without charge or trial for nine months under the Internal Security Act. The emergency powers of the ISA allow the Minister of Home Affairs to detain any person deemed to be a threat to national security. The three men were all linked to the Borneo Evangelical Church and had been accused of seeking to convert "by deception" members of the country's majority Muslim community. During prolonged interrogation, whilst held in isolation and denied access to lawyers, family members and independent medical attention, ISA detainees are at risk of torture or ill-treatment. The three detainees were subjected to intense psychological pressure, including threats of indefinite detention without trial, unless they admitted "subversive" activities or cooperated in a process of Islamic re-education. At least one detainee was reported to have been held for two months in a darkened cell. Amnesty International believes the detainees to be prisoners of conscience, detained for peacefully exercising their right to freedom of religion as enshrined in the international human rights standards and the Brunei Constitution. They were released after making a statement regretting their "past involvement in subversive activities", taking an oath of allegiance to the Sultan and pledging not to repeat their alleged wrongdoings. They had been held incommunicado and subjected to intense pressure.<sup>35</sup>

## EGYPT

- Sectarian tensions and discrimination exist, and non-Muslims remain under-represented in certain sectors of society, eg the armed forces. Other concerns include difficulties in obtaining permits for building churches, and problems faced by religious minorities, including converts from Islam to Christianity, when trying to obtain official documents.<sup>36</sup>
- The state-sponsored National Council for Human Rights, established in January 2004, issued its first report in March 2005 but neglected to discuss religious freedom. The Government continues to deny civil documents, including identification cards, birth certificates, and marriage licenses, to Baha'is. Persons accused of proselytising have been harassed by police or arrested on

charges of violating provisions in the Penal Code that prohibit ridiculing or insulting heavenly religions or inciting sectarian strife.<sup>37</sup>

- Nasr Abu Zayd, a practising Muslim, was professor of Koranic Studies in the faculty of Arts of the University of Cairo in Guiza. He questioned the strict application of the Sharia as a primary issue in religious thought, saying it did not do justice to the Islamic revelation to stone adulterers and cutting off the hand of thieves. He was taken to court for these and similar statements. It was demanded that his marriage be annulled, since he was an apostate from Islam. The court in Guizah ruled in Nasr Abu Zayd's favour, but the Cairo Court of Appeal ruled against him in June 1995. He was exiled to the Netherlands.<sup>38</sup>
- The secular intellectual Dr Farag Foda was assassinated by a fundamentalist gunman in the streets of Cairo on 08 June 1992. His crime was to have made fun of prominent fundamentalists, and having ridiculed their obsession with the koranic punishments for adultery.<sup>39</sup>
- Lawyer Nabih el-Wahsh brought a charge of apostasy against the prominent feminist writer Nawal el-Saadawi, aged 70. During a newspaper interview in 2001, she said that the Hajj (the annual pilgrimage to Mecca) was "a vestige of a pagan practice," and that Islamic inheritance law should be abolished.<sup>40</sup>
- The Egyptian government refuses to issue new identification papers to converts from Islam to Christianity that reflect their new religion. Without new identification papers, converts' children must be raised Muslim and the converts have to live their lives as though they were still Muslim. Those who attempt to raise their children in their new faith when their papers list their religion as Islam may be charged with blasphemy. Because of this, apostates in Egypt are routinely charged with falsifying documents.<sup>41</sup> This is relevant for the following situation.
- Miriam Girguis Makar, a convert to Christianity, was imprisoned outside Cairo. Makar, 30, has been accused by security police investigators of falsifying Christian identity papers for herself and other former Muslims. Under Egyptian law, Muslims are not allowed to change their religious identities to any other faith, although Christians are free to convert officially to Islam. Makar's husband, Yusuf Samuel Makari Suliman, 42, also a convert to Christianity, was also detained. According to Makari, the two were kept apart from each other in solitary confinement over the next three days and subjected to repeated interrogations, beatings and insults.<sup>42</sup>
- Gasir Mohammed Mahmoud was discharged from his locked psychiatric ward in Cairo and set free, five months after he was forcibly committed to a mental hospital for converting from Islam to Christianity. Mahmoud, 31, was tortured by security police, had his toenails pulled out and was then beaten, at the El-Khanka Hospital for Mental and Neurological Health. Mahmoud's supervising physician told him he would never be allowed to leave the hospital unless he came back to Islam. He was released following international media attention.<sup>43</sup>
- Two teenage Christian sisters in Egypt have gone to court to contest the forced change of their official religious identity to Islam. Iman and Olfat Malak Ayet, now 17 and 18 years of age, were raised as Christians by their Coptic Orthodox mother. Their father left his Christian wife, baby daughter and unborn child in 1986, converted to Islam and married a Muslim. He changed his daughters' official identities from Christian to Muslim several years before his death in November 2002. "*How can these children be forced to become Muslims, when they have never practiced Islam in their entire lives?*" their lawyer asked the court at the third trial hearing.<sup>44</sup>

## INDONESIA

- Indonesia is the country with the world's largest Muslim population. Although in many areas there is mutual tolerance between religions, many traditional Muslims view what they regard as apostasy with extreme distaste. The Government recognizes only five major religions, and persons of non-recognised groups frequently experience official discrimination, such as in the issuing of identity cards and the civil registration of marriages and births.<sup>45</sup>
- Three Christian schoolgirls were attacked with machetes and beheaded on their way to school on the Indonesian island of Sulawesi. The attack took place just outside a hill village called Byuym Boyo, 3 km from Poso city on Sulawesi, on Saturday 29 October 2005. Ida Sambue and Theresa, both 16, and Alfita, 18, were on their way to a Christian school they attend with 150 other children. A fourth girl, Noviana, 16, was left injured in the attack, which was witnessed by a woman and a 12-year-old boy who were on their way to the market. The bodies of the girls were discovered a few hours later. The heads were reportedly inside plastic bags, with a warning written on them that another 100 Christian teenagers would be killed.<sup>46</sup>
- Three Christian women have been sentenced to three years' imprisonment, having been found guilty of the charge of "Christianization". The charges against Dr Rebecca Laonita, Mrs Ratna Mala Bangun and Mrs Ety Pangesti stem from their involvement with a children's holiday initiative. The camp was organized for local Christian children but, with parental consent and supervision, Muslim children were also welcomed. The women were arrested despite the fact that all the children had full parental consent and none of the children had changed religion. The case of "Christianization" was brought against the women by the local chapter of the Indonesian Council of Muslim Clerics (MUI), who alleged the women enticed Muslim children to participate and tried to convert the children to Christianity by giving them gifts. On one occasion over 100 Islamist militants brought loudspeakers into the courtroom to make threats, including shouting "*Kill the Christians and drink their blood*". In his summing up, the prosecutor stated that a tough sentence - three years and a fine of 1.5 million rupees (about £90) - was sought because of the "feelings of the crowd". Moderate Muslim leaders have spoken out in favour of the defendants and the former President of Indonesia, Abdurrahman Wahid, asked for the case to be withdrawn.<sup>47</sup>
- There have been forcible closures of many Christian houses of worship in Bandung and neighbouring districts in West Java by Muslim hardliners from the Anti-Apostasy Movement Alliance. Police have so far refused to take any action against the activists,

who include the Islam Defenders Front (FPI), which claimed responsibility for the closures. FPI is better known for smashing nightclubs and discotheques and any other places it judges to be dens of iniquity.<sup>48</sup>

## IRAN

- There remain serious concerns about human rights in Iran. One particular and growing concern is the punishment of children, including juvenile offenders being sentenced to death or lashing, and of sentences, including hanging of children, being carried out in public. Restrictions on freedom of expression appear to have tightened. While three religious minorities are recognised by the constitution – Christians, Jewish and Zoroastrians – they remain vulnerable in a society governed by the laws and values of Islam. The Baha’i religion is not officially recognised, so members of the Baha’i community enjoy no constitutional freedoms. They face frequent persecution; two of their sacred sites were demolished in 2004 and they still face considerable problems gaining access to education. Under Iranian law, conversion from Islam to any other religion is a crime and may in theory be punished by death.<sup>49</sup>
- Members of religious minorities – including Sunni Muslims, Baha’is, Jews, and Christians – reported imprisonment, harassment, intimidation, and discrimination based on their religious beliefs. All religious minorities continued to suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. The Government vigilantly enforces its prohibition on proselytizing activities by evangelical Christians by closing evangelical churches and arresting converts. In September 2004, security officials arrested 85 leaders of the Assemblies of God Church.<sup>50</sup>
- Azam Kamguian, an atheist human rights activist from Iran, gave the following presentation at the UN Commission on Human Rights: *“I talk as an apostate, an atheist who left Islam and religion altogether at the age of 15. Though I left Islam, I had to live Islam. In my youth and young adulthood in Iran, I lived through thousands of days when political Islam shed blood. Since 1979, a hundred thousand men, women and children have been executed in the name of Allah. I have lived through years of assassination of infidels, apostates and opponents of the Islamic republic inside and outside Iran. Years of suppression of women and brutal treatment of those women who resisted the misery of mandatory Hijab and the rule of sexual apartheid. I, along with thousands of non-believers and political prisoners, was tortured by order of the representative of Allah and Sharia; tortured, while the verses of the Koran about non-believers were played in the torture chambers. Non-believers – atheists under Islam – do not have “the right to life”. They are to be killed. According to Islamic culture, sins are divided into great sins and little sins. Among the seventeen great sins, unbelief is the greatest, more heinous than murder, theft, adultery and so on. A free discussion of Islam is extremely dangerous not only in countries under Islamic rule but also in the west. Most keep their feelings to themselves. Those Muslims who disown or even criticize their faith publicly are likely to be accused of apostasy, a crime punishable by death under Islamic law – a penalty enforced by a number of Islamic states, including Iran, Saudi Arabia, and Sudan.*  
*In a feeble attempt to disguise the Islamic attitude to apostasy, apologists often quote the Koranic verse: “There shall be no compulsion in religion”. For a Muslim wishing to leave Islam this is simply not true. In Yemen it’s punishable by death as it is in Iran, Saudi Arabia, Afghanistan under the Taliban, and other Islamic states.*  
*In countries ruled by Islamic law and where political Islam holds sway, writers, thinkers, philosophers, activists, and artists are frequently denied freedom of expression. Islamic regimes are notorious for the violent suppression of free thought. Often, as a government allies itself closely with Islam, any critics of the government will be accused of blasphemy or apostasy. In Islam, there exists a horror of putting the Koran to critical scrutiny. Ordinary people do not dare to question the Koran. The result is tyranny, thought police, and stagnation, no intellectual and moral progress. In Iran the price for criticising Islam is death in its most horrendous way.”<sup>51</sup>*
- In the last 16 years, three Iranian church leaders have been charged with apostasy. All were convicted and sentenced to death. Pastor Hussein Soodman was hanged in 1989. Deacon Maher had a noose round his neck when he signalled his willingness to recant and was released after signing a paper to that effect in 1992. Pastor Mehdi Dibaj was condemned to death in December 1993. He was released three weeks later after a strong international outcry, only to be found murdered six months later.<sup>52</sup>
- Hamid Pourmand, a lay leader in an Iranian church and former army colonel, has been cleared of charges of apostasy and proselytising in May 2005. Had he been found guilty, Pourmand would have faced the death penalty. He became a Christian prior to the 1979 Iranian revolution, after which time conversion became illegal. He was arrested along with 85 other church leaders at the annual meeting of the Assemblies of God (AOG) Church in Iran in September 2004. He was the only person not to be released shortly after being detained. He was formally charged with apostasy and proselytising Muslims in early April 2005. He was brought before a Sharia court in Teheran on several occasions but was eventually acquitted.<sup>53</sup>
- Dhabihullah Mahrami, a Baha’i aged about 50, was detained in Yazd, central Iran, facing charges of apostasy, which can carry the death penalty. Amnesty International considers him to be a prisoner of conscience, ie, one held solely on account of his religious beliefs. In early 1996 he was convicted of apostasy by a Revolutionary Court, the state confiscated all of Mr. Mahrami’s property, and he was sentenced to death. Following an appeal to the Supreme Court the death sentence was overturned. After an appeal was filed by his attorney, Mahrami was granted a temporary stay of execution, but his death sentence was reaffirmed a year later. In December 1999, his sentence was commuted to life in prison.<sup>54</sup>
- In 1998, Ruhollah Rowhani, a 52-year-old medical supply salesman and father of four, was executed for converting a woman to the Baha’i religion, even though the woman insisted she had always been a Baha’i. Muslims who convert to this faith are singled out for especially severe punishment as “apostates,” a capital offence. Many have been imprisoned for long periods, and Amnesty International reports that more than 200 Iranian Baha’is have been executed since the 1979 Iranian revolution.<sup>55</sup>

- There has been a series of killings of Iranian pastors. The first to be killed was prominent evangelical pastor Haik Hovespian-Mehr, who launched an international campaign in 1993 on behalf of fellow pastor Mehdi Dibaj. Dibaj was imprisoned on death row on apostasy charges for converting from Islam to Christianity decades earlier. Dibaj was unexpectedly released from death row in January 1994, but Hovespian-Mehr disappeared a few days later. Authorities informed Hovespian-Mehr's family that he had been murdered by unknown assailants. On June 24, 1994, Dibaj himself disappeared.<sup>56</sup>
- Presbyterian minister Tateo's Michaelian, who had replaced Hovespian-Mehr as head of the Protestant Council, was also mysteriously murdered. Three days later, Iranian police announced that they had discovered Dibaj's murdered corpse "while searching for the killer of [Michaelian]".
- In October 1996, the body of another prominent leader, 34-year-old Assemblies of God pastor Mohammad Bagher Yusefi, was found hanging from a tree in a wooded area near his home in northwest Iran. A convert from Islam, he was close to the other murdered pastors and cared for Debaj's children. The murders have yet to be fully explained by authorities.  
(The above two paragraphs are also referred to in footnote 56)
- Ali Kaboli, 51, was arrested without explanation from his workshop but eventually released. Kaboli hosted house church meetings in his home and travelled in the Caspian Sea region as an itinerant evangelist. Under Iran's strict apostasy laws, Kaboli could face the death penalty for converting to Christianity 35 years ago.<sup>57</sup>
- An Iranian convert to Christianity, Ghorban Tori, 50, was pastoring an independent house church of convert Christians in Gonbad-e-Kavus. He was kidnapped from his home in north-eastern Iran and stabbed to death. His bleeding body was thrown in front of his home a few hours later. Within hours of the murder, local secret police arrived at the pastor's home, searching for Bibles and other banned Christian books in the Farsi language. According to one source, during the past eight days representatives of the Ministry of Intelligence and Security (MOIS) have arrested and severely tortured 10 other Christians in several cities, including Tehran.<sup>58</sup>

## KUWAIT

- The overwhelming majority of Kuwaitis are Muslim and Kuwait is an Islamic society. There are some Christians in Kuwait. Even though the Foreign Office states that there is "a high level of freedom of expression and tolerance of Christianity"<sup>59</sup>, the following case raises serious concerns:
- In 1996, a Kuwaiti Islamic court declared "Robert" Hussein Qambar 'Ali an apostate. The 45-year-old Kuwaiti businessman converted from Islam to Christianity more than a year prior to the conviction. Since reports about his conversion had appeared, he had received numerous death threats and was in constant fear for his life. His conversion was also reportedly denounced in Kuwaiti mosques by preachers, and in parliament by some Islamist members of parliament. He was forced to change his accommodation often as a security measure, and his marriage broke up because of family opposition to his conversion. A lawsuit to declare him an apostate and strip him of his civil rights was brought against him by three independent Islamist lawyers. Representing himself, he confirmed that he had become a Christian and asked for his case to be sent to the Constitutional Court, on the grounds that Article 35 of the Kuwaiti Constitution allows for freedom of thought and belief. (Article 35 states: "Freedom of belief is absolute. The state protects the freedom of practising religion in accordance with established customs, provided that it does not conflict with public policy or morals".) Following a hearing, the Islamic court declared Hussein Qambar 'Ali an apostate and ordered him to pay the costs of the case. The presiding judge of the Islamic court, Ja'far al-Mazidi, was later asked by the press if the ruling would be taken as permission to kill Hussein Qambar 'Ali. He was reported to have replied, "That is possible", but added that killing an apostate would be a violation of Kuwaiti criminal law. Amnesty International is extremely concerned that Hussein Qambar 'Ali has received death threats, following statements from religious figures that apostates from Islam should be punished by death. It has also been reported that earlier this year a member of the National Assembly said during a speech before that body that Hussein Qambar 'Ali should be stoned to death.<sup>60</sup>

## MALAYSIA

- Sunni Islam is the official religion, and the Government continues to place significant restrictions on the practice of non-Sunni Islamic beliefs. Muslims are not permitted to convert to another religion, and proselytising of Muslims by followers of other religions is strictly prohibited. The Government restricts the distribution in peninsular Malaysia of Malay-language translations of the Bible, Christian tapes, and other printed materials. Due to concern that "deviationist" teachings could cause divisions among Muslims, the Government continues to monitor the activities of the Shi'a minority. Shi'a followers could be arrested and detained, with the consent of the Islamic court, in order to be "rehabilitated" and returned to the "true path of Islam".<sup>61</sup>
- Lina Joy converted from Islam to Christianity in 1998. She is now in hiding after death threats from Islamic extremists, who accuse her of being an apostate. Five years ago she started proceedings in the civil courts to seek the right to marry her Christian fiancé and have children. Because she had renounced her Muslim faith, Joy, 42, argued that Malaysia's Islamic Shariah courts, which control matters like marriage, property and divorce, did not have jurisdiction over her. In rulings in her case, civil courts said Malays could not renounce Islam because the Constitution defined Malays to be Muslims. They also ruled that a request to change her identity card from Muslim to Christian had to be decided by the Shariah courts. There she would be considered an apostate, and if she did not repent she surely would be sentenced to several years in an Islamic centre for rehabilitation. Most recently, her lawyer appeared before Malaysia's highest court, the Court of Appeals, to argue that Joy's conversion be considered a right protected under the Constitution, not a religious matter for the Shariah courts. Threats against Joy had become so insistent, he had concluded there was no room for her and her fiancé in Malaysia. The most likely solution, he said, was for her to emigrate. The well-known human rights lawyer, Malik Intiaz Sarwar, a Muslim, who presented a brief in

support of Joy to the Appeals Court, had received death threats. With the heading "*Wanted Dead*," the death threat featured a photograph of Malik and said: "*This is the face of the traitorous lawyer to Islam who supports the Lina Joy apostasy case. Distribute to our friends so they can recognize this traitor. If you find him dead by the side of the road, do not help.*" Malik, 36, said he was seeking police protection.<sup>62</sup>

- Amnesty International reported recently that a mob of unidentified men carrying machetes set fire to the commune of the Sky Kingdom religious sect in Terengganu state. The sect, headed by Arrifin Mohamad, a 65-year-old ethnic Malay who claims to be a divine spiritual leader, calls for a peaceful synthesis of all faiths, and includes Muslim, Christian, Hindu, Buddhist and other followers. Following the attack, 58 sect members, including women and children, were arrested and detained. Forty-five people were subsequently charged for offences under Sharia law, including practising "deviant" or heretical Islamic beliefs. Only two arrests of those suspected of attacking the commune were reported. Under Sharia law, Malaysians wishing to renounce Islam (apostasy) to profess other faiths or beliefs are subject to criminal sanctions, as are those Muslims found to hold beliefs that "deviate" from Sunni Islam. The Malaysian government regards the maintenance of ethnic and religious stability as critical to Malaysia's continued peaceful development. Trying to convert Muslims is prohibited, and officials have labelled 22 religious sects as "deviant", threatening either prosecution under Sharia or detention without trial under the Internal Security Act.<sup>63</sup>
- Cases of aspiring apostates are handled by Sharia courts rather than civil courts, and according to the Koran, which states that no Muslim should assist another out of the religion, conversion to another faith is grounds for death. It is illegal, for instance, for the Bible and other Christian materials to be printed in the national language. Proselytising of Muslims by non-Muslims is also forbidden (though the reverse is accepted). And proselytisers have been put away under the Internal Securities Act (ISA), which allows for indefinite detention without trial. Authorities have begun to crack down on converts, restricting their activities in order to prevent them from introducing Malays to Christian doctrine. Appeals for conversion usually go unheard, and many would-be apostates don't live to see their conversion officially recognized. As one religious scholar put it, "*In Malaysia, there's a way into Islam, but no way out.*" (source of example from footnote 64)
- There is discrimination against non-Muslims, as evidenced by the following court case: The husband of a married Hindu couple converted to Islam in 2002 and, according to the wife, her husband also converted their two children to Islam, without her consent. The marriage has since ended, but when the wife filed for custodial rights with a civil court, it ruled that only a Sharia court could decide on her children's custodial rights because they are Muslim. Subsequently, a Sharia court upheld the children's conversion and awarded custody to the father. However, any case dealing with Muslims goes to Sharia court. But the mother could not testify in Sharia court because she is not Muslim. Eventually, the high court granted custodial rights to the mother (and actual custody to both parents). There are estimates that 100 Muslims are converting to Christianity every month in Malaysia. Christian groups estimate that there are 30,000 Malay converts in Malaysia. Some Muslim groups put the figure much lower, but then, say non-denominational observers, most converts are said to live in secrecy for fear of harassment from the government, family and fellow Malays.<sup>64</sup>

## MAURITANIA

- The Constitution of the Islamic republic of Mauritania reflects Islamic teaching on apostasy, calling for the death penalty for anyone convicted of apostasy. However, it would appear that no person has actually been executed for apostasy. Article 306 of the Mauritanian Constitution states:  
*"If a Muslim is found guilty of the crime of apostasy, either through words or through actions, he will be asked to repent during a three day period. If he has not repented within this time limit, he will be sentenced to death as an apostate and his property will be seized by the Revenue office. Every Muslim who refuses to pray will be asked to comply with the obligation to pray within the prescribed time limit. If he persists in his refusal, he will be punished by death."*<sup>65</sup>

## NIGERIA

- The introduction of the Sharia penal code in 12 northern, largely Muslim, states in 1999 provoked tensions between Moslems and Christians. Hudood punishments (fixed punishments, such as amputation for theft, stoning for adultery, etc) meted out by Sharia courts have caused international concerns.<sup>66</sup>
- In a recent report on Nigeria, Freedom House's Center for Religious Freedom deplores the violent rise of Islam as a political force in Nigeria, leading to a "*stunning spread of hard-line Islamic law*" in the northern and central parts of the country. The type of Islam being propagated is "*alarmingly similar to that imposed by the Taliban in Afghanistan*".<sup>67</sup>
- Even though the Nigerian Constitution guarantees the right to change one's religion, under the Sharia law adopted by some Nigerian states the punishment for conversion can be death. Even trying to appeal a Sharia verdict to one of Nigeria's higher courts might be taken as a rejection of Sharia and therefore a sign of apostasy. There are grave concerns about the possibility of family and vigilante enforcement, which some officials openly encourage and to which the government turns a blind eye.
- For example, while Zamfara State Governor Ahmed Sani has stated that his state Sharia law does not cover the situation of someone changing his religion from Islam, he adds that leaving Islam is not allowed by the Quran, and that it is up to the convert's family to take "proper action" in such an instance. When asked directly whether the death penalty for apostasy applied in Zamfara, Governor Sani appeared to give approval for extrajudicial execution: "*We have not had such incident.... It is in the Quran. It is everywhere, all over the Muslim world, but as I said, our Sharia law is clear. We have not included that in our law.... It is a thing all Muslims believe in and it is up to the family to decide what to do.*" Although Governor Sani says there have been

no cases in his area, there are examples of converts from Islam who have been killed, and additional examples, including from Zamfara, of converts who have fled and are in hiding for fear of their lives. (The following five examples are taken from the report by Freedom House – see footnote 67.)

- In late May, 2000, in renewed religious violence in Kaduna City, Father Clement Ozi Bello, a convert from Islam who became a Catholic Priest, was mutilated and killed. Fellow priest, the Rev. Yakubu, reported “He was attacked by a mob. They dragged him, killed him, tied a rope round his mouth and dragged him into a culvert and left him there.... They plucked off his eyes.”
- On August 6, 2001, the popular Christian preacher James Abdulkarim Yahaya was killed in Abuja, the federal capital city in the centre of the country. Four armed men broke into his apartment and shot him at close range. Mohammed Abdulrahman, a Muslim who shared the apartment with Yahaya, was not shot. Yahaya was a former Muslim who converted to Christianity several years ago, and Christian leaders believe that this was connected to his murder.
- The Freedom House delegation interviewed several converts from Islam who were in hiding. Ibrahim Shetima had been a spiritual advisor to the late Military Head of State, Ibrahim Abacha. Shetimah said that for becoming a Christian he was ejected from his residence in October 1999 by security men hired by his previous employer. “They took away my properties. Soldiers came and gave me a minute to pack. I had to leave and they’ve been on my trail since. I have been hunted and harassed, along with attempts to take my life.”
- Bala Malani, an 18 year old from Zamfara State, who is also in hiding, was sent away by his parents when he became a Christian. He told Freedom House he fears that, if he returns and refuses to return to Islam, “They may even follow the Islamic law and kill me.”
- In most cases, Muslim converts have tried to escape death at the hands of self-appointed Sharia enforcers by relocating. The Anglican Church in northern Nigeria has a camp in Plateau State, in the centre of the country, where converts are protected from hostile families. In early 2001, the Catholic Church set up an additional centre at a hidden location in Kaduna State to protect Muslims who had decided to become Christians. A director of the Centre says “they are not even totally safe in this building; in some cases, they must be sent to Jos or other regions, where Christians are not in such a minority.”
- An unidentified Christian woman was stoned to death in Nigeria on 28 June 2006. The young woman, reportedly in her late teens to 20 years old, was evangelising on the streets of Izom in Niger state when she shared some tracts with a group of youths in front of a mosque. She was accused of insulting Islam. The allegations spread quickly and a crowd of Muslim extremists gathered and started beating the woman. Police became involved and took the woman to the police station, but when the extremists threatened the police station, the police abandoned the woman. She was stoned and clubbed to death by a group of Muslims. Some people were arrested in connection with the killing but were freed the next day and no one has been charged to date.<sup>68</sup>
- From a Joint statement by Amnesty International and Baobab for Women’s Human Rights, a womens’ organisation in Nigeria: *“We... welcome the decision by the Sharia Court of Appeal of Sokoto State, in northern Nigeria, to act positively on Safiya Yakubu Hussaini’s appeal against her sentence of stoning to death for adultery and ordering her acquittal. Safiya was condemned to the death penalty on 9 October 2001 in a Sharia Court in Gwadabawa, Sokoto State. Baobab and Amnesty International are however, deeply concerned about the implementation of new Sharia-based penal codes since January 2000 in a number of northern states in Nigeria. Both organisations express grave concerns about the application of Sharia law including the application of “Cruel, Inhuman and Degrading Punishments. Punishments such as stoning, flogging or amputation are considered cruel, inhuman and degrading treatment by international human rights standards.”*<sup>69</sup>
- Nigerian pastor Zacheous Habu Bu Ngwenche was attacked for allegedly hiding a convert from Islam to Christianity.<sup>70</sup>
- Sharia courts in the northern Nigerian Provinces sentenced several people to cruel, inhuman and degrading punishments. Dozens of people were sentenced to have their hands amputated for theft or armed robbery, and to flogging for fornication, consumption of alcohol and other offences. The sentences were passed in Sokoto, Zamfara, Kano, Kebbi, Bauchi, Kaduna, Jigawa and other northern states. At least three sentences of flogging or amputation were carried out in Zamfara and Bauchi States.<sup>71</sup>
- A pregnant girl aged 17, Bariya Ibrahim Magazu was sentenced to 180 strokes of the cane by a Sharia court in Zamfara State in northern Nigeria. She had no legal representation and was unable to produce sufficient witnesses to substantiate her allegation that she had been forced to have sex with three men, one of whom had made her pregnant. She was sentenced to 100 lashes for having sexual relations outside marriage, and to a further 80 lashes for falsely accusing the three men. The authorities are not known to have ordered paternity tests when the child is born.<sup>72</sup>

## PALESTINE NATIONAL AUTHORITY

- On several occasions the Palestinian National Authority has stated that it is committed to respecting all internationally recognised human rights standards. However, the practice of detention without trial or charge is used, and beatings and torture are not uncommon in Palestinian detention centres.<sup>73</sup>
- The body of a Muslim convert to Christianity who went missing in 2003 has been returned to his family, cut into four pieces by Islamic extremists. The man left his friends and family almost two weeks ago heading into a mountainous region of the Palestinian Authority area, where he was killed. Local Christians working to support converts from Islam report that Islamic militants in the Palestinian Authority area deliberately target converts. Hamas in particular reportedly receives funding from Iran specifically for this purpose.<sup>74</sup>

## PAKISTAN

Although it is recognised that generally there is a clear distinction between Apostasy and Blasphemy, this distinction is frequently blurred in the case of Pakistan and the evidence of this has been deliberately included in this paper.

- There are persistent concerns at the application of the blasphemy laws leading to many facing the death penalty on blasphemy charges. Other human rights issues of concern include discrimination against the Ahmadiyya community, forced marriages, honour killings, child and bonded labour and the treatment of women, particularly in rural communities.<sup>75</sup>
- The Constitution requires that laws be consistent with Islam and imposes some elements of Islamic law on both Muslims and religious minorities. Discriminatory legislation and the failure to take action against societal forces hostile to those who practice a different faith fostered religious intolerance and acts of violence and intimidation against religious minorities. The Government took steps to improve the treatment of religious minorities, but there were instances in which authorities failed to intervene in cases of societal violence directed at minority religious groups, including the Ahmadiyya religious minority.<sup>76</sup>
- During former president Zia-ul Haq's Islamisation drive, several new sections relating to religious offences were added to the Pakistan Penal Code; in 1980, section 298-A was inserted which made the use of derogatory remarks in respect of persons revered in Islam an offence, punishable with up to three years' imprisonment. In 1986, this was further narrowed down, by inserting an offence specifically directed at the person of the prophet: *defiling* the name of the Prophet Mohammed was declared a criminal offence which, under section 295-C, was to be punished with death or life imprisonment. It says: "295-C: Use of derogatory remarks, etc., in respect of the Holy Prophet: whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him), shall be punished with death, or imprisonment for life, and shall also be liable to fine." In October 1990, the Federal Shariat Court (FSC) ruled that "the penalty for contempt of the Holy Prophet ... is death and nothing else" and directed the Government of Pakistan to effect the necessary legal changes. The government of Prime Minister Nawaz Sharif did not file an appeal against the FSC decision; the death penalty is thus the mandatory punishment for blasphemy. The law does not prescribe a particular manner or place in which the death penalty for blasphemy is to be carried out.
- Ever since the new sections of the Pakistan Penal Code relating to religious offences against Islam, including section 295-C, were introduced in the 1980s, they have been extensively abused to harass members of the religious minorities such as Christians and Ahmadis, as well as members of the Sunni majority. Hundreds of people have been charged under these sections: in all the cases known to Amnesty International, these charges have been arbitrarily brought, founded solely on the individual's minority religious beliefs or on malicious accusations against individuals of the Muslim majority who advocate novel ideas. In mid-1996, Amnesty International was aware of over 140 people charged with blasphemy under section 295-C PPC and of six people in detention on such charges. The six death sentences for blasphemy imposed so far have all been overturned on appeal and the defendants acquitted and released. In none of the cases that have come to Amnesty International's attention over the years have the defendants been responsible for acts that could be construed as constituting blasphemy. Amnesty International has concluded that the individuals now facing charges of blasphemy are or could become prisoners of conscience, detained solely for their real or imputed religious beliefs in violation of their right to freedom of thought, conscience or religion.  
A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by the prosecuting authorities who themselves may face intimidation and threats should they fail to accept them.  
(The evidence for the above two paragraphs is taken from the Amnesty International Report on Pakistan: <sup>77</sup>)
- At least 72 people were charged and arrested under blasphemy laws, including laws that make it a criminal offence for members of the Ahmadiyya community to practise their faith. Among the accused were 39 Muslims, 26 Ahmadis, four Hindus and three Christians.  
Eight Ahmadis were shot dead and 22 injured in their mosque by men shooting from a passing motorbike. Eighteen men arrested shortly afterwards were released without charge.  
Mohammad Younus Shaikh was sentenced to life imprisonment in August on charges of blasphemy for writing about religious matters in a book. He was held in solitary confinement in Karachi Central Prison after fellow prisoners threatened him. No action was taken against those threatening violence.<sup>78</sup>
- At least 25 people were charged with blasphemy and at least six of them remained in detention at the end of 2004. Hostility to anyone charged with blasphemy endangers their lives. Samuel Masih, a 27-year-old Christian, was arrested in August 2003 and charged with having thrown litter on the ground near a mosque in Lahore. This was deemed an offence under section 295 of the Pakistan Penal Code, which provides up to two years' imprisonment for defiling a place of worship. Samuel Masih was held in a Lahore prison but transferred to hospital in May, suffering from tuberculosis. He died after his police guard attacked him in the hospital. The police officer stated that he had done his "religious duty"; he was charged with murder.<sup>79</sup>
- Pakistan's blasphemy law continued to be abused to settle all kinds of personal scores. Mushtaq Zafar was shot dead by two unidentified gunmen. He was on his way home from the High Court while on bail in a blasphemy case brought against him by his neighbours. A dispute between Mushtaq Zafar and his neighbours apparently resulted in his house being set alight and shots being fired at him, killing a friend of his. The neighbours were arrested for the murder; court proceedings in the case were continuing at the end of the year. However, according to Mushtaq Zafar's son, the neighbours' family put pressure on his father to withdraw the murder case, and the accusation of blasphemy against him was part of an attempt to intimidate him. Friends and relatives of the neighbours allegedly wrote to religious leaders, demanding Mushtaq Zafar's death.  
Nasim Bibi was accused under the blasphemy law of desecrating the Holy Qu'ran. She had initially been granted bail by the Lahore High Court but was later taken back into judicial custody. In August she died in the Kot Lakhpat Jail, Lahore, the same



prison where Yousuf Ali, also accused of blasphemy and held in solitary confinement, died in 2002. Nasim Bibi, who suffered from asthma, was allegedly denied medical treatment while in prison. The Human Rights Commission of Pakistan called for an investigation into her death. The Deputy Superintendent of the prison claimed Nasim Bibi had a pre-existing heart condition and died of heart failure.<sup>80</sup>

- Several men were sentenced to death for blasphemy. Others accused of blasphemy were killed, some in circumstances suggesting official complicity or acquiescence in the killings.  
Anwar Kenneth, a Roman Catholic who had claimed to be a prophet, was sentenced to death in July. His mental health had not been taken into consideration during the trial.  
A prisoner in Kot Lakpat Jail, Yousuf Ali, was shot dead by a fellow convict. His appeal against his conviction for blasphemy and death sentence, imposed two years earlier, was pending at the time of his death. Punjab Governor Khalid Maqbool held prison staff responsible and ordered an inquiry but no further action was reported.  
Zahid Mahmood Akhtar was stoned to death by a mob after a local Muslim cleric called for his death. He had claimed to be a prophet of Islam, and had been charged with blasphemy but freed on bail by a court in 1997 on account of mental illness. Police took no action for two weeks and then arrested several suspects.<sup>81</sup>
- Four journalists at the daily newspaper *Mohasib* of Abbotabad in Punjab province were arrested on charges of blasphemy. The charges related to the publication of an article discussing whether pious Muslim men must wear beards. They were released on bail in mid-July.  
A Christian teacher, Pervez Masih, was charged with blasphemy. He said that police officers beat him with rifle butts and kicked him until he almost lost consciousness.  
Yunus Sheikh, a doctor and lecturer, was convicted of blasphemy and sentenced to death in Rawalpindi. His appeal was pending.  
The government failed to provide adequate protection to religious minorities against attacks by Islamist groups. In particular Sunni militants in Karachi targeted Shi'a professionals openly and with impunity. Few of those responsible for sectarian killings were prosecuted as witnesses and the families of victims feared revenge attacks, and judges were afraid to convict.  
The government ordered a judicial inquiry and payment of compensation after 17 Christians were shot dead in a church in Bahawalpur by unidentified Islamists.<sup>82</sup>
- Pakistan announced procedural changes to the blasphemy law, which carries a mandatory death penalty, to prevent its misuse. One month later, following protests by Islamists, the amendment was withdrawn. At least 60 people were charged with religious offences. About half of these were detained as prisoners of conscience.  
Yousuf Ali was sentenced to death for blasphemy after a manifestly unfair trial amid media vilification. He denied ever having claimed to be a prophet of Islam as alleged. Several prosecution witnesses admitted that they had not fully understood what the Sufi mystic taught. His appeal was pending.  
At least a dozen members of the Ahmadiyya community were killed by people opposing their beliefs. Five Ahmadis including two children were killed by a mob in Sargodha district and their bodies mutilated with axes. No one was arrested. Although the police were asked for help as tension built up before the incident, they took no protective or preventive steps. A judicial inquiry was set up.<sup>83</sup>
- At least 54 Ahmadis were charged under the blasphemy laws; eight of them were charged under a section of the law which carries a mandatory death sentence. In many cases, judicial officers added criminal charges to complaints, after which the cases were tried in anti-terrorism courts which did not provide fair trials. The procedures of such courts, especially the rigid time frame, make a fair trial difficult if not impossible. There is also no bail available for people to be tried by such courts.  
Ghulam Mustafa arrested for preaching his faith and subsequently had additional charges added to the complaint against him, was sentenced to 13 years' imprisonment in March. His case was concluded within a week by an anti-terrorism court.  
At the end of the year 30 Ahmadis were prisoners of conscience held solely on account of their conscientiously held beliefs.  
Nazeer Ahmad Baluch was 15 years old when he was arrested in village Chak 4 near Naukot, Mirpurkhas district, Sindh province. He and other Ahmadis had been pulling down a mosque owned by the Ahmadi community in order to rebuild it. Orthodox Muslims passing the mosque, however, alleged that it belonged to their community and that the Ahmadis were injuring their feelings as Muslims by desecrating the mosque and a Qu'ran allegedly lying inside it. This incident led to further attacks on Ahmadi mosques in a nearby town and the arrest of 14 other Ahmadis on similar charges. Nazeer Ahmad Baluch was held throughout the year in Hyderabad Central Jail. An appeal against his trial by an anti-terrorism court was still pending before the Supreme Court of Pakistan at the end of the year.<sup>84</sup>
- At least 106 members of the Ahmadiyya community were charged with religious offences; of these, 28 were charged with blasphemy under Section 295-c of the Penal Code, which carries a mandatory death penalty. Twenty-three of the Ahmadis were prisoners of conscience.  
Two Christians were charged with blasphemy for allegedly desecrating posters bearing Islamic words during demonstrations which followed the suicide of the Bishop of Faisalabad, John Joseph, in protest against the continued abuse of the blasphemy laws.  
Ayub Masih, a Christian man from Pakpattan, was sentenced to death for blasphemy by a sessions court in Sahiwal; observers believed that the charge was brought on the basis of a land dispute. An appeal was pending.<sup>85</sup>
- Retired Lahore High Court Judge Arif Iqbal Bhatti was shot dead by unidentified members of religious groups in October. His death was believed to be linked to his role in the acquittal in 1995 of Salamat Masih and Rehmat Masih who had been sentenced to death for blasphemy.  
Riaz Ahmed Chowdhury and three of his relatives from Mianwali in Punjab province, who were detained in November 1993 and charged with blasphemy, continued to be held without trial. Their bail application had been pending in the Supreme Court since 1994.

A 16-year-old Ahmadi boy from Sanghar district, Sindh province, was charged with blasphemy for reciting Muslim words of belief. He was also charged with possessing a gun, and consequently his case was to be tried by a special anti-terrorist court. He went into hiding before he could be arrested.

The trial of Ayub Masih, a Christian, on blasphemy charges was continuing at the end of the year. He escaped unhurt when attackers shot at him in Sahiwal court in November.<sup>86</sup>

- The British Foreign and Commonwealth Office recently assembled a human rights programme to raise awareness of the misuse of the blasphemy laws, including a “rescue” package to help the wrongfully accused to find refuge. *“We are concerned about the treatment of Christians in Pakistan and the misuse of the blasphemy laws,”* said a British official. *“The EU raised specific cases with the Pakistani authorities in 2003.”*<sup>87</sup>
- According to Nasir Saeed, the author of a report on the persecution of Pakistan’s religious minorities, fundamentalist Islam is on the rise in Pakistan: the Muttahida Majlis-e-Amal (MMA), a hardline Islamic coalition party with links to al-Qaeda, won the federal elections in Pakistan’s North-West Province and introduced Shariah (Islamic law). “The majority of Pakistanis are worried about the MMA, not just Christians,” a spokesman for the Pakistan High Commission in London says. *“We have taken many steps to protect Christians but we do not always know where the terrorists will strike.”* President Musharraf, has pledged to crack down on fundamentalists, but he has limited control over them, according to Saeed. Nasir Saeed believes that the British Government should automatically grant asylum to all Pakistani Christians seeking refuge here. He points out that last year the Home Office granted asylum to three former Taliban fighters who claimed that they had been forcibly recruited and had never engaged in fighting against the allies. Why, asks Saeed, does the Government reject Christians seeking asylum who face genuine danger? He cites the case of Frederick D’Costa, a minister in the United Church of Pakistan who has been refused asylum. D’Costa believes that his work – converting Muslims to Christianity – automatically renders him a target for the Taliban. *“In Pakistan the Taleban say ‘Go and hide yourself. We’ll give you a week and then we’ll find you and kill you.’ And they do,”* he says. *“I explained this to the Home Office but they don’t understand. They accepted my story was genuine. But they said that if I go back to Pakistan as a minister the Government there has to give me protection. I am 100 per cent sure I will be killed if I return.”*<sup>88</sup>

## SAUDI ARABIA

- According to the Foreign Office, there remain serious concerns about human rights in Saudi Arabia. These include the implementation of basic international human rights norms; aspects of the judicial system; corporal and capital punishment; torture; discrimination against women and non-Muslims; and restrictions on freedom of movement, expression, assembly and worship.<sup>89</sup>
- Islam is the official religion, all citizens must be Muslims, and the public practice of any other religion is forbidden. Religious freedom is not recognised and basic religious freedoms are denied to all but those who adhere to the state-sanctioned version of Sunni Islam. The Government’s official policy is to permit non-Muslims to practise their religions freely at home and in private; however, the Government does not always respect this right in practice. Citizens are denied the freedom to choose or change their religion. Members of the Shi’a minority are subject to officially sanctioned political and economic discrimination, including limited employment opportunities, little representation in official institutions, and restrictions on the practice of their faith and the building of mosques and community centres. The Government prohibits the public practice of other religions; non-Muslim worshippers risk arrest, imprisonment, lashing, deportation, and torture for engaging in religious activity that attracts official attention, especially that of the Mutawwa’in (religious police). While there has been an improvement in press freedom, open discussion of religious issues is limited.<sup>90</sup>
- A Report by Amnesty International<sup>91</sup> expresses serious concerns about religious freedom of non-Muslims and Shi’a Muslims in Saudi Arabia: *“The judicial punishments embodied in the Hanbali interpretation of the Sharia are formally enforced in Saudi Arabia. Public flogging, amputation and beheading are prescribed by the Saudi Arabian legal system as punishments for a variety of crimes. These rulings are applicable to both Muslims and non-Muslims resident in the Kingdom. For example, Muslims convicted of apostasy, ie those deemed to have renounced Islam, may be sentenced to death. Other methods used to punish religious minorities in Saudi Arabia include the arrest and detention, often without charge or trial, of prisoners of conscience; the torture or flogging of detainees and, in the case of expatriates, deportation.”*
- There are no public places of worship for non-Muslims in Saudi Arabia, and foreign nationals must practice their religion in private. The Christian community has tended to form private Bible study and prayer groups based on country or region of origin, although there are some racially-mixed groups. The size of these groups ranges from a handful of individuals to several hundred people. Most of these groups are to be found in the major cities, including Riyadh, Jeddah, Jubail and al-Dammam. Since the building of churches in Saudi Arabia is illegal, the groups often meet in private homes or in rooms adjoining private homes which are constructed for the purpose of worship. Others, however, meet in the embassy compounds of their country of origin.
- The Christians who participate in these groups or fellowships claim that they must always be on their guard and must be secretive about holding meetings. The possession of non-Islamic religious material, such as rosary beads, crosses, pictures of Jesus Christ and the Bible, have in numerous instances led to arrest. Furthermore, the publication and distribution of literature favourable to religious beliefs which are deemed incompatible with the Wahabi interpretation of Islam, are strictly forbidden.
- In November 1989, a prayer meeting of the “Christ Liveth In Me Fellowship”, a Pentecostal group and one of the larger fellowships in Riyadh, with an estimated 300 members, was broken up by the shurta and members of the CPVPV. The pastor of the group, Renee Murphy, was arrested and subsequently deported. Three months later, the acting pastor, Morgan Gonzales,

was arrested, questioned and allegedly forced to resign his post at the Ministry of Telecommunications. He subsequently left the country.

- In January 1990, a house in the Sulaimaniyya district of Riyadh, where members of the "Living Water Fellowship" had gathered, was raided by the shurta and Louie Salonga, a dental surgeon and reportedly the pastor of the group, was arrested. Louie Salonga was held at a local police station in Riyadh where he was interrogated and reportedly flogged. He was later deported.
- In February 1990, another private house where members of the "Upper Room Fellowship" in al-Dammam met was raided by the shurta and CPVPV members. At least 10 Filipino nationals were arrested, interrogated and subsequently deported to the Philippines. On 23 September 1990, a prayer meeting of the "Riyadh International Charismatic Fellowship", a Pentecostal assembly, which was being held on the roof of a private villa near the al-Kharj Road in Riyadh, was raided by shurta officers. Three of the worshippers, Francis Mariano, Rolando Villegas and Tor Marianas, all Filipino nationals, were arrested and taken to a local police station, questioned and released shortly thereafter. On 8 December, however, the three men were rearrested and charged with building a house without proper authorization. It is not known whether or not the three men denied the charges against them. Rolando Villegas was reportedly sentenced to two months' imprisonment, while Francis Mariano and Tor Marianas were each sentenced to one month's imprisonment. They were first held in the 'Asasir police station in Riyadh, before being transferred to Malaz Prison where they served their sentences. The three men were also reportedly flogged.
- On 25 December 1990, three other Filipino nationals from the "Riyadh International Charismatic Fellowship", Artemio Desugo, Manny Vivencio and Paulino Bruvibvilla, were arrested at the same villa off the al-Kharj Road in Riyadh. The three men were reportedly interrogated and beaten before their release in early 1991.
- On 4 October 1991, armed shurta officers and CPVPV members raided the place of worship of the Korean church in Wadi Hanifa on the outskirts of Riyadh, and arrested up to 180 Korean nationals. Bibles, Christian literature and audio cassettes as well as office machinery were reportedly confiscated from the building. Many of those arrested were released the same day, but 67 of them, including approximately 53 women and children, were held for up to four days and then released without charge. The pastor of the group, Mr Kang il Yong, and his family were reportedly deported.
- Shi'a Muslims in Saudi Arabia are generally prevented from constructing Husseiniyyas and publishing or disseminating Shi'a religious books. Furthermore, fatwas that are derogatory to the Shi'a faith have on several occasions been issued by members of the Council of Senior 'Ulama. Textbooks used in public schools also denigrate Shi'a Muslims as al-Rafidha (Rejectionists [of the Faith]). In recent years, several cases of attempts at forcibly converting Shi'a Muslims to Wahabi Islam have been reported to Amnesty International. Furthermore, all Shi'a religious and political activities are strictly monitored and generally banned. Shi'a Muslims critical of the government's policy towards their community are regularly arrested, detained and ill-treated.
- In February 1993 Sayyid Munir al-Khabbaz, a well-known Shi'a Muslim religious scholar from the Eastern Province, was interrogated by members of al-Mabahith al-'Amma and ordered to limit the number of sermons which he had been giving regularly at mosques in the Province.
- In August 1988 Muhammad Ja'afar Al-Sheikh was reportedly arrested in al-Dammam for printing a Shi'a prayer book at a local printing press. 'Ali Ahmad al-Shihab was arrested in 1989 while crossing into Saudi Arabia from Bahrain and accused of smuggling 17 copies of two different books, one of them a Shi'a prayer book. He was sentenced to eight months' imprisonment and 180 lashes. He is believed to have been administered the lashings and to have been released upon the completion of his sentence.
- Zahra' Habib Mansur al-Nasser, a 40-year-old housewife from the village of Awjam in the Eastern Province, died in July 1989 while in custody, reportedly as a result of torture. Zahra' al-Nasser was arrested with her husband, Salih al-'Akbari, on 15 July at the Hudaitha check-point on the Saudi Arabian-Jordanian border. They were returning from performing religious rites at the Sayyida Zainab shrine in Syria, a holy Shi'a place of worship. Upon searching them, the police found a photograph of Ayatollah Khomeini and a Shi'a prayer book in Zahra' al-Nasser's possession. She was held at the Hudaitha check-point detention centre with her husband and was reportedly subjected to torture. She died three days later on 18 July and her body, allegedly bearing marks of torture, was handed over to her family. Her husband was subsequently released.
- On 3 September 1992 Sadiq 'Abdul-Karim Malallah was publicly beheaded in al-Qatif after being convicted of apostasy and blasphemy. Sadiq Malallah, a Shi'a Muslim, was arrested in April 1988 and was initially charged with throwing stones at a police patrol. He was reportedly held in solitary confinement for long periods during his first months in detention, and tortured prior to his first appearance before a judge in July 1988. The judge reportedly charged him with smuggling the Bible into Saudi Arabia, a charge he denied. He was then asked to convert to Wahabism, which he refused to do. Sadiq Malallah is believed to have been involved in efforts to secure improved rights for Saudi Arabia's Shi'a Muslim minority.

*(The source for the above paragraphs is shown in footnote 91)*

- Amnesty International has continued to document the cases of Shi'a Muslims arrested solely because of their conscientiously held beliefs:  
Sayyid Taher al-Shimimy, a 33-year-old religious scholar and alleged OIRAP supporter who was released in a royal pardon on 5 April 1990, said he had been repeatedly tortured following his arrest on 15 June 1989, including by having been deprived of sleep and having his face pushed down a lavatory. He spent 130 days in solitary confinement in al-Mabahith al-'Amma Prison in al-Dammam and required hospital treatment for spinal injuries following his release.  
In 1990 at least 83 critics or opponents of the government were arrested and held as prisoners of conscience. Most were released within a short period of time.  
On 20 October 1992 Muhammad Hassan Daoud al-Shabeeb was arrested by al-Mabahith al-'Amma apparently on suspicion of being in possession of Shi'a Muslim opposition literature and audio cassettes. He was reportedly subjected to torture while held at al-Mabahith al-'Amma Prison in al-Dammam. Muhammad al-Shabeeb, who comes from Um al-Hammam village, al-Qatif, is a

student at the Institute of Administration (Ma'had al-Idara) in al-Dammam. He was reported to have been held incommunicado and in solitary confinement for nearly two months. On 2 February 1993 he was transferred to the intensive care unit at al-Dammam Central Hospital.<sup>92</sup>

- In 2001, Prabhu Isaac, an Indian national, Afobunor Okey Buliamin, an Nigerian national, Baharu Mesgistu an Ethiopian national, Tinsae Gizachew, Eskinder Menghis, Mr Gabayu, Mr Kebrom, and Mr Mesfin, all Eritrean nationals, are currently in detention. At least six of the men may be held incommunicado. They may have been arrested for their Christian beliefs and activities and as such would be prisoners of conscience. Amnesty International fears that they may be at risk of torture or ill-treatment.<sup>93</sup>
- Furthermore, Afobunor Okey Buliamin, could face the death sentence for apostasy from Islam. Buliamin's passport states that he is a Muslim, but he is reported to have converted to Christianity whilst working in Saudi Arabia, a "crime" punished by beheading.<sup>94</sup>

## SUDAN

- The Government considers itself an Islamic government, and Islamisation is an objective of the governing party. It continues to place many restrictions on and discriminate against non-Muslims, non-Arab Muslims, and Muslims from tribes or groups not affiliated to the ruling party. Applications to build mosques are generally granted; however, the process for applications to build churches continued to be difficult – the last permit was issued around 1975. Many non-Muslims stated that they are treated as second-class citizens and discriminated against in government jobs and contracts. Some Muslims received preferential treatment regarding limited government services, such as access to medical care, and preferential treatment in court cases involving Muslims against non-Muslims.<sup>95</sup>
- Testimony by Dr. Hamouda Fathel-Rahman Bella.  
Myself, I am a victim of a group of fanatic extremist Muslim Brothers who seized power in the Sudan through a coup d'etat on 30<sup>th</sup> June 1989. Most of them were trained by Hezbollah in Lebanon and by the Mujahideen in Afghanistan. On 22<sup>nd</sup> November 1989, after midnight, a group of armed civilians and regular soldiers broke into my house in Kosti town. We were taken to the outskirts of the town where there [were] two other cars waiting. From one of those cars stepped a man in civilian clothes carrying a pistol, he approached our car and gave orders to the soldiers to shoot to kill if anyone said a word. He told the soldiers that we were infidels and as Muslims they had the right to kill us. This man later on superintended our torture; his name is Omar Al-Hag (Wad Al-Hag), he was a captain at that time, better known amongst his colleagues by Malak Almout (Angel of Death), but for sure he was no Angel. We were taken to Khartoum (360 kilometers away) to security headquarters. On the night of 4<sup>th</sup> December 1989, seven of us were told to come out for interrogation; we were taken outside where many cars were waiting with armed guards; I was put in the middle of a truck after being blindfolded, dark blankets were put over us and the guards put their heavy boots over our bodies. The trucks moved and after two hours we could hear a heavy iron door being opened and many cries of joy and some people shouting Allah Akbar, the sheep are here. In summary, for more than eight days we were subjected to the severest forms of torture including daily flogging by whips, mock executions, suspension by the legs, and we had no sleep. As a result my flesh was firmly attached to my dirty clothes and my wounds were infected and smelly. My legs, specially the knees suffered the most and I was left crippled afterwards.  
I and my colleagues are very much indebted to the BBC and Amnesty International for saving our lives. The BBC was the first to announce and make public the fact that there were detainees kept in secret houses "Ghost Houses", subjected to severe torture by the Sudanese regime.  
I tried afterwards to find an answer to the question, "Why did this happen to me?" I still do not know. With the other atrocities taking place in my country, and with a Jihad war claiming so far more than two million lives and resulting in the complete destruction of the infrastructure of the Southern Sudan and Nuba Mountains, with thousands of families losing contact with each other, with thousands enslaved, and with many extra-judicially killed in both the north and the south, the question must be: does this Jihad war have any roots in our religion?  
This coup brought a regime unparalleled in modern Sudan. It aimed at establishing a religious state in a multi-religious, multi-racial and multi-lingual country. To carry out its design it used deceit, coercion, destruction and genocide, with verses from the Koran to justify its goals. Its ideology divided the world between Muslims, living in Dar Al-Salam (the realm of Islam) and called "Hizb Allah," and non-Muslims living in Dar Al-Harb (the realm of war) and called "Hizb Al-Shaitan" (Satan Party). Those in Dar Al-Harb were to be killed if they opposed the implementation of Sharia or objected to pay a jizya "protection tax" to the Islamic state.  
The regime's constitution states in Article 6 that "Governance is for God in Sudan", which means any opposition to the regime would be considered against God and the dissidents considered apostates. On April 27, 1993 the regime issued a religious edict, a Fatwa, for Muslims who do not agree with the Jihad war. The fatwa stipulated:  
*"Those Muslims who try to question or doubt the Islamic justification of Jihad are hereby classified as 'hypocrites' who are no longer Muslims, and also 'apostates' from the religion of Islam; and condemned permanently to the fire of hell".*  
*".....therefore the rebels who are Muslims and are fighting against the 'Muslim State' are hereby declared Kaffirs (infidels) who have been standing up against the efforts of preaching, proselytization and spreading Islam into Africa. However, Islam has justified the fighting and the killing of both categories without any hesitation whatsoever with the following Koranic evidence..."*  
So according to this Fatwa, war was also to be waged against Muslim opponents of the regime, and many human rights organisations have documented the violations of the regime against Khatmyiah and Ansar, the main Sufi sects, the Beja Muslim tribes in the east, against Ansar Al-sunna in 1994, and lately against the Muslim tribes of African origin in Darfur. In its ongoing efforts to transform an ethnically and religiously diverse country into an Arab and Islamic state, the regime devastated the infrastructure of the regions that refused to submit, killing the people and destroying the economy, the health system, education,

and the communications network. The mass displacement of the population by the war led to starvation, and the spread of disease and death, leading to the complete desolation of many areas. The war has already claimed over two million lives, and displaced over five million people. The mass displacement and deaths, the ongoing aerial bombardment and ground attacks on civilians, systematic slavery, seized water supplies, and the obstruction and manipulation of humanitarian aid constitute genocide, and have been described as such by the U.S. House of Representatives.<sup>96</sup>

- Testimony by Simon Aban Deng.

I thank you for giving me this opportunity to address you, and not only or primarily on my own behalf, but far more importantly on behalf of my people, the Southern Sudanese victims of Islamization, Arabization and enslavement at the hands of the tiny Arab minority in my country.

My name is Simon Aban Deng. I am from Sudan. I am a Christian by religion. I belong to a people who have been subjected to mass murder, slavery, systematic rape, religious persecution, enforced starvation, dislocation, exile. We are the victims of genocide, both physical and cultural. We have been targeted for annihilation as human beings and as members of a culture. These miseries did not fall upon us from the sky; we have been and remain the victims of the radical jihadist regime in Khartoum.

The scale of our losses has been enormous in the two genocides perpetrated by the Islamists - two, not one. Starting in 1955, the year before independence was granted by the British, up until 1973, 1.5 million Southern Sudanese Christians were slaughtered by the Arab/Muslim dominated government in Khartoum. From 1983 until just 3 months ago when a peace treaty was brokered by the United States, we Southern Sudanese lost 2 million more to what Khartoum calls a holy war against the infidels. Yes, I am an infidel according to their definition. I think many of you are as well. We black 'infidels' in the South, Christians and other non-Muslims, refused to be ruled by Islam, and we refused to be Arabized.

Our only offence was our determination to remain faithful to our religion and to honour our African cultures. For these "crimes" the National Islamic Front regime has committed genocide against us. Not only has that genocide produced the largest body-count of murdered innocents since the Nazis and the work of Joseph Stalin's followers, but it has also produced the largest population of refugees anywhere on earth since the Second World War.

It is important to bear in mind that by definition the African Christians of the Southern Sudan are the victims of jihad Islamism. The war against us (I should add that the word "war" is misleading because it has not been conventional war we have experienced but a genocidal war of extinction) has been and is being conducted in the name of jihad. According to the murderers, rapists and slavers - they are engaged in a holy war in the name of Allah. The Sudanese jihadists have a simple-minded, cruel, binary worldview. If you are not a Muslim you are a khoufar, an infidel, an enemy, a human being with no right to life who may be treated with terrible inhumanity. The jihadists in Khartoum have a great challenge in Sudan, the Land of the Blacks. Those Arabs and Sudanese who have chosen to be culturally Arab are so comparatively few - and the blacks are so many. Still, they have done their work with great efficiency. They have been well-armed by their friends in the Arab world. They committed genocide against us in the South and they got away with it: the world simply looked away.<sup>97</sup>

- Mahmoud Mohamed Taha was a Sudanese political figure and theologian. Taha played a prominent role in Sudan's struggle for independence, and was a cofounder of the Sudanese Republican Party. He was notable for his advocacy of liberal reform within Sudanese society and within Islam itself. He had been accused of renouncing the Muslims duty of Jihad and convicted of the crime of apostasy because of his public objection to the implementation of Sharia. On the basis of the testimony of just one witness, he was accused of apostasy and hanged in 1985.<sup>98</sup>
- A Sudanese convert to Christianity, Aladin Omer Agabni Mohammed, was forced into hiding after severe beatings and torture by state security police, who for the second time refused to allow the former Muslim to leave Sudan through the Khartoum airport. Instead, Mohammed was taken off for interrogation by two security officers and two soldiers, who confiscated his passport and beat him severely. Mohammed's family home has since been searched, with two of his brothers arrested by the police to force them to confess where their brother is hiding. Now 34, Mohammed converted to Christianity 11 years ago while a university student. At the hands of the Khartoum regime's security police, he has since had his right hand broken, undergone torture with melting blocks of ice on his chest, and been beaten severely while under arrest.<sup>99</sup>
- Al-Faki Kuku Hassan, aged 44 was a former Muslim sheikh who converted to Christianity in 1995. He was arrested and charged with apostasy, a capital offence under criminal laws passed in 1991. In the first public mention of his case inside Sudan, an article in the daily "Akhbar al-Youm" newspaper reported that an unnamed Sudanese man faced execution for deserting the Muslim religion unless he "repented" and returned to Islam within two months. Sudan's Minister of Justice ordered the complete court file on Al-Faki Kuku Hassan to review his case.<sup>100</sup>
- Two other Sudanese converts to Christianity remain imprisoned for more than a year in Khartoum, facing what local Christians say are false charges of subversive activities against the government. Faisal Abdallah and Ahmad Abdulraham were accused of criminal violence and attempting to overthrow the Sudanese government, together with 11 other men they had never met before. The prosecutor in the case has refused to allow defence lawyers for the 13 prisoners to visit their clients privately in prison.<sup>101</sup>
- Mohamed Saeed, a Christian convert from Islam, was arrested and tortured by police. Three of his fingernails were pulled out, he was forced to sit on a broken glass bottle, and may also have been smothered by a sack containing hot peppers. He became a Christian whilst studying in India. After Mohamed's arrest and torture he was forced to sign a statement saying he would not attend any more church meetings, and was returned to his family who are holding him under house arrest.<sup>102</sup>
- Alladin Omer Ajjabna and Nasir Hassan, both converts to Christianity, are reported to have disappeared, Alladin after he had been summoned to police headquarters under accusations of apostasy. Meanwhile, the state-controlled media continues to churn out abuse against Christians and their faith, and in the South fifteen children were killed and eight injured, the youngest

only three years old, when a Government of Sudan plane bombed their villages. The eighteen-year civil war against the majority black African Christian population of the South was again described as a jihad by First Vice-President Ali Osman Taha.<sup>103</sup>

- In response to international pressure a Sudanese Appeals Court has overturned a death sentence imposed by a lower court on an 18-year-old illiterate woman. Abok Alfa Akok, a Christian living in Southern Darfur, became pregnant during her husband's 6-month absence in Khartoum. She informed the police who arrested her that she had been raped. However, the alleged rapist, a Muslim, denied the charge and was acquitted because Abok was unable to produce the 4 male witnesses required by Sharia law to validate her version of events. A criminal court in Nyala City, Southern Darfur subsequently found her guilty of adultery and she was sentenced to death by stoning following a flawed judicial process during which she had no legal representation and was not offered the services of a translator, despite the fact that the entire proceedings were conducted in Arabic and she only speaks Dinka. However, a higher court has overturned the sentence and recommended a "rebuke" sentence. It is as yet unclear what a "rebuke" sentence will entail. After usurping power in 1989 the ruling Sudanese regime proceeded to introduce Sharia (Islamic) Law throughout the ethnically and religiously diverse country.<sup>104</sup>

## TURKEY

- Turkey is a predominantly Muslim country although it has generally embraced the principles of a democratic secular state. However, there have been concerns about human rights violations in Turkey especially about the use of torture, freedom of speech and protection of minorities.<sup>105</sup>
- There has been some deterioration in respect for religious freedom, in contrast to previous positive trends. The Government's Directorate of Religious Affairs has initiated a public campaign against Christian missionary activity. High-level government officials have made statements depicting missionaries as a threat. There has also been an increase in anti-Christian media coverage. Threats and vandalism against Christians and church facilities have increased. In addition, some Muslims, Christians, and Baha'is face restrictions and occasional harassment for alleged proselytising or unauthorized meetings.<sup>106</sup>
- Kamil Kiroglu was beaten unconscious and threatened with death if he refused to deny his Christian faith and return to Islam.<sup>107</sup>
- Yakup Cindilli, a Turkish convert from Islam to Christianity was beaten until he slipped into a coma in October 2003. He had been beaten for distributing New Testaments in his home town.<sup>108</sup>

## YEMEN

- The Foreign Office expresses concerns about the human rights situation in Yemen.<sup>109</sup>
- Christian convert Mohammed Omer Haji and his family are preparing to move on to New Zealand. Haji, a former Muslim who converted to Christianity in Yemen two years ago, was granted resettlement through the United Nations High Commissioner for Refugees (UNHCR) after a Yemeni court sentenced him to death for committing apostasy. After seven weeks in jail, he was given permanent religious asylum in New Zealand with his wife Sara and infant son Roger. Since the repatriated couple arrived from Yemen, the wife in particular has been under "strong pressure" from some quarters to revert back to Islam.<sup>110</sup>

## APPENDIX 2

### Apostasy and Blasphemy issues in Western countries

The evidence below gives some indication of problems faced by converts from Islam in Western countries. Even though there is official freedom of religion and of speech, those Muslims who leave Islam for another faith or become atheists can experience harassment and even death threats from their own family or members of the Muslim community. Their right to change religion is often denied on grounds of apostasy.

#### AUSTRIA

- A 20-year-old former Muslim, Sabatina James requires round-the-clock police protection because of threats to her life. She has published a book entitled, *Sabatina: From Islam To Christianity - A Death Sentence*, in which she describes her father's death threats, which he made under the Muslim laws of Sharia. James comes from a Muslim family but converted to Christianity. The book forced her to live under constant police protection at her home in the Austrian capital Vienna. She said: *"The fear is still there. The fear that my parents could murder me under the laws of Sharia."* She also told how she learned of her father's plan to get her grandfather from Pakistan to carry out her death sentence. He told her: *"Your grandfather is already an old man and will die soon. It wouldn't bother him to spend time in an Austrian jail."* Austrian author, Guenther Ahmed Rusznak who converted from Islam to Catholicism and tried to arbitrate between Sabatina and her father, said what made the threat worse was that a large part of Austria's Muslim community agreed. He said: *"Ninety-nine per cent of the Islamic Community here in Linz condemn this girl, calling her a whore. This is ghastly."*<sup>111</sup>

#### NETHERLANDS

- Dutch film maker Theo van Gogh, who made a controversial film about Islamic culture, was stabbed and shot dead in Amsterdam. Police arrested a man in a nearby park after an exchange of gunfire. The man, aged 26, had joint Dutch and Moroccan nationality, they said. Van Gogh, 47, had received death threats after his film *Submission* was shown on Dutch TV. It portrayed violence against women in Islamic societies. The film was made with liberal Dutch politician Ayaan Hirsi Ali, a Somali refugee who fled an arranged marriage. Ayaan Hirsi Ali has been under police protection since the film was aired. She has also received death threats and has renounced the Islamic faith. The film *Submission* told the story of a Muslim woman forced into an arranged marriage who is abused by her husband and raped by her uncle. It triggered an outcry from Dutch Muslims. In one scene the film showed an actress in see-through garments with Koranic script written on her body, which also bore whip marks. One of the film maker's colleagues at the film production company said Van Gogh had received death threats "but he never took them quite seriously".<sup>112</sup>
- The Muslim extremist on trial in the slaying of Dutch filmmaker Theo van Gogh confessed yesterday, saying he was driven by religious conviction. Mohammed Bouyeri stunned the courtroom when, in the final minutes of his two-day trial he declared: *"If I were released and would have the chance to do it again ... I would do exactly the same thing. What moved me to do what I did was purely my faith,"* he said. *"I was motivated by the law that commands me to cut off the head of anyone who insults Allah and his prophet."* Bouyeri, 27, faces life imprisonment for the killing of Van Gogh, who was shot, stabbed and nearly beheaded on an Amsterdam street. At one point, he addressed the victim's mother, Anneke, who was sitting in the public gallery. *"I have to admit I don't have any sympathy for you,"* he said. *"I can't feel for you because I think you're a non-believer."*<sup>113</sup>
- Ayaan Hirsi Ali, now a Dutch MP, describes her story: *"I left Somalia when I six years old. I lived in Saudi Arabia for one year, in Ethiopia for one and a half years, in Kenya for 11 years, and I live in the Netherlands now. I left Kenya because my father had chosen someone for me to marry. I came from a continent which is torn apart by civil war, and I wanted to understand that. I took political science in college, and that's how I got involved with learning about power, about governments, about institutions, about citizenship - what makes Europe Europe, and what makes developing countries what they are now. I wanted to understand - I came from a country in civil war, and I really wanted to understand why we had civil war and why it was peaceful and prosperous here. I am now a member of parliament for the Liberal Party. My subjects - my portfolio - include the migration of non-Western migrants to the Netherlands, the emancipation of women, and development aid to developing countries. Unfortunately I cannot do this line of work in my country of birth. Somalia is made up of a population which is 100% Muslim. The radical leanings of a huge number of the population is unfortunately growing, and the position of the Somali woman has never been worse than it is now. If I were to say the things that I say now in the Dutch Parliament in Somalia, I would be killed. I wish I could go back, and I would love to go back, even if it's just to see my parents and brother. But I can't go back, because the situation is that I have said things about the Islamic religion, I have said things about my past, I have said things about the Prophet Mohammed and his message about women."*<sup>114</sup>

#### UNITED KINGDOM

- There appears to be a growing number of former Muslims in Britain who have left Islam. One estimate suggests that as many as 15% of Muslims in Western societies have lost their faith, which would mean that in Britain there are about 200,000 "apostates". Those who leave Islam face not just being shunned by family and community, but attacked, kidnapped, and in some cases killed. There is even a secret underground network to support and protect those who leave Islam.<sup>115</sup>

- Nissar Hussein, 39-year old hospital nurse from Bradford, was born into Islam and converted eight years ago to Christianity, as did his wife. He and his family have become victims of a three-year campaign of religious hatred, Mr Hussein's car has been rammed and torched, and the steps to his home have been strewn with rubbish. He has had bricks thrown through the sitting room window at one in the morning, waking his wife and five children. The second brick went through his car window. He and his family have been regularly jostled, abused, attacked, shouted at to move out of the area, and given death threats in the street. His wife has been held hostage inside their home for two hours by a mob. His car, walls and windows have been daubed in graffiti: "Christian bastard". Mr Hussein stated: *"It's been absolutely appalling. This is England — where I was born and raised. You would never imagine Christians would suffer in such a way."* The police have not charged anyone, but told him to leave the area. *"We feel completely isolated, utterly helpless. I have been utterly failed by the authorities. If it was white racists attacking an Asian guy, there would be an absolute outcry,"* he said. *"They are trying to ethnically cleanse me out of my home. I feel I have to make a stand as an Asian Christian."*
- Yasmin, who was raised in the North of England, has been forced out of her town once, and is now trying to resist being chased out again. Brought up in a Muslim family, she converted after having a vision of Jesus when she gave birth to her youngest son, and was baptised in her thirties. She said. *"My family completely disowned me. They thought I had committed the biggest sin — I was born a Muslim, and so I must die a Muslim. When my husband found out, he totally disowned my sons. One friend tried to strangle me when I told him I was converting. We had bricks through our windows, I was spat at in the street because they thought I was dishonouring Islam. We had to call the police so many times. I had to go to court to get an injunction against my husband because he was inciting others to attack me."* She fled to another part of Britain, but the attacks soon started again as locals found out about her. *"I wasn't going to leave again,"* she said, adding that it was the double standards of her attackers that made her most angry. *"They are such hypocrites — they want us to be tolerant of everything they want, but they are intolerant of everything about us."* With other converts, Yasmin has helped to set up a series of support groups across England, who have adopted a method of operating normally associated with dissidents in dictatorships, not democracies. They not only have to meet in secret, but cannot advertise their services, and have to vet those that approach them for infiltrators. *"There are so many who convert from Islam to Christianity. We have 70 people on our list who we support, and the list is growing. We don't want others to suffer like we have,"* she said.
- The family of an 18-year-old girl whom Yasmin was helping found that she had been hiding a Bible in her room, and visiting church secretly. *"I tried to do as much as possible to help her, but they took her to Pakistan 'on holiday'. Three weeks later, she was drowned — they said that she went out in the middle of the night and slipped in the river, but she just wouldn't have done that,"* said Yasmin.
- Ruth, also of Pakistani origin, found out recently that she had only just escaped being murdered. When she told her family that she had converted, they kept her locked inside the family home all summer. *"They were afraid I would meet some Christians. My brother was aggressive, and even hit me — I later found out he wanted me dead,"* she said. A family friend had suggested taking her to Pakistan to kill her, and her brother put the idea to her mother, who ruled against it. *"You are very isolated and very alone. But now, my brother is thinking about changing and a cousin has made a commitment to Christianity."*
- Noor, from the Midlands, was brought up a Muslim but converted to Christianity at 21. *"Telling my father was the most difficult thing I have ever done. I thought he would kill me on the spot, but he just went into a state of shock,"* she said. He ended up almost kidnapping her. *"He took drastic actions — he took the family to Pakistan, to a secluded village with no roads to it. He kept us there for many years, putting pressure on me to leave my Christian faith. I endured mental and emotional suffering that most humans never reach,"* she said. Eventually, her father realised that he could not shake her faith, and released her with strict conditions. *"In desperation, my father threatened to take my life. If someone converts, it is a must for family honour to bring them back to Islam, if not, to kill them."*
- Imams in Britain sometimes call for apostates to be killed if they criticise their former religion. Anwar Sheikh, a former mosque teacher from Pakistan, became an atheist after coming to Britain, and now lives with a special alarm in his house in Cardiff after criticising Islam in a series of hard-line books. *"I've had 18 fatwas against me. They telephone me — they aren't foolhardy enough to put it in writing. I had a call a couple of weeks ago. They mean repent or be hanged,"* he said. *"What I have written, I believe and I will not take it back. I will suffer the consequences. If that is the price, I will pay it."*
- The most high-profile British apostate is Ibn Warraq, a Pakistani-born intellectual and former teacher from London, who lost his faith after the Salman Rushdie affair and set out his reasons in the book *Why I am not a Muslim*. He recently edited the book *Leaving Islam*, but finds it hard to explain the hostility. *"It's very strange. Even the most liberal Muslim can become incredibly fierce if you criticise Islam, or, horror of horrors, leave it."* He himself has taken the precaution of using only a pseudonym, and lives incognito in mainland Europe. He thinks that Islamic apostasy is common. *"In Western societies, it is probably 10-15 per cent. It's very difficult to tell, because people don't admit it."*  
*(All the above are sourced from footnote 115)*
- A Kurdish Muslim murdered his 16-year-old daughter because he disapproved of her western way of life and Christian boyfriend, the Old Bailey heard yesterday. Abdalla Yones, 48, cut his daughter Heshu's throat and left her to bleed to death. He had subjected her to months of beatings before killing her in a frenzied knife attack. He was jailed for life. Scotland Yard described Heshu's death as an "honour killing" brought about by a "clash of cultures" between Yones - a refugee from Iraqi Kurdistan, where such murders are common - and his westernised daughter.<sup>116</sup>



## APPENDIX 3

### Muslim victims of Apostasy

Sanctions for apostasy are not limited solely to those who leave Islam for another religion or become atheists. Punishment is frequently inflicted upon Muslims who dare to criticise an Islamic government by expressing concerns about totalitarian regimes or by asking for reforms in Islamic policies. Some leading Muslim politicians have been accused of being apostates and have been assassinated. The accusation of apostasy has also been used to settle civil disputes, for example property issues.

- A famous victim of apostasy was the Egyptian President Sadat, who was shot in 1981. His assassins killed Sadat for signing a peace treaty with Israel, therefore disobeying the Islamic doctrine of *Alwala Walba'ra*, famously known as *taqfir*. His killers left an elaborate statement to this effect which they had entitled "The Neglected Duty".<sup>117</sup>

Fatwas are often issued against apostates which inevitably generate hatred and violence towards the accused.

- A famous victim of apostasy is Salman Rushdie. The fatwa calling for his death is still in place, over 16 years later: Marking the 16<sup>th</sup> anniversary of the fatwa calling for his death issued by Ayatollah Khomeini, the Iranian Revolutionary Guards announced: "*The day will finally come when the apostate Salman Rushdie will receive his due punishment for his disgraceful and slanderous move against the Qu'ran and the Prophet [Muhammad].*" Iran's Leader, Ali Khamenei, stressed that the death sentence following the publication of Rushdie's "The Satanic Verses" is irrevocable.<sup>118</sup>

Student protestors demanding political reforms and seeking to exercise political and civil rights can be branded as apostates and victimised.

- In 2002, when thousands of Iranians demonstrated asking for political reforms, many were arrested. Saeed Razavi-Faqih, a philosophy PhD student at Tarbiat-e-Modarres University in Tehran, wrote shortly after being released from detention for leading student protests: "*The issue facing the Iranian people is whether they have the right to discuss religious reform and the question of "Islamic Protestantism" – or any politically sensitive matter – without the slander of apostasy and the threat of death or imprisonment. It is telling that the student protestors are as diverse as they are committed. Many are secular, but just as many are highly devout Muslims. They all share the same desire for political and civil rights.*"<sup>119</sup>

Arab intellectuals who are out of line with traditional Islamic teaching are to an increasing extent vilified and often threatened because they are deemed to be guilty of apostasy.

- A three-volume treatise by Sa'id ibn Nasser Al-Ghamdi, titled *Deviation from the Faith as Reflected in [Arab] Thought and Literature on Modernity*, has recently gained publicity in the Arab world. The book, published in December 2003 in Saudi Arabia, is based on Al-Ghamdi's 2000 doctoral dissertation, submitted to the Imam Muhammad Ibn Saud Islamic University, for which he received his degree *summa cum laude*. In his treatise, Al-Ghamdi names more than 200 modern Arab intellectuals and authors whom he accuses of heresy – thus making it permissible to kill them. Al-Ghamdi's book was reviewed by Egyptian poet and literary critic 'Abdallah Al-Samti, who said: "*The most dangerous thing in this book is its outright call to murder, and the fact that it legitimizes the killing of Arab intellectuals*", since Sa'id Al-Ghamdi claims that "*the statements, actions, and beliefs of [these intellectuals] demand the ridda [ie apostasy] punishment and legitimize their killing.*"<sup>120</sup>

The Wahabi doctrine – predominant in Saudi Arabia – is said to interpret every passage in the Qu'ran literally. In recent years Wahabi religious scholars in Saudi Arabia have issued a number of officially sanctioned fatwas which have denigrated the Shi'a faith. These fatwas are considered by many individual Wahabis to be authoritative and their content has thus inevitably caused considerable anxiety within the Shi'a community.

- In 1990, in response to a question as to whether it is permissible to eat meat which has been butchered by a Shi'a Muslim, Sheikh 'Abdullah bin 'Abdul-Rahman bin Jabreen, then a member of the Council of Senior 'Ulama, issued the following fatwa: "*The slaughtering by a [Shi'a] is unlawful and so is the meat from his slaughter. The Shi'a are mostly polytheists since they always call on 'Ali [the Prophet's cousin and son-in-law] in times of difficulty as well as in times of comfort... This is the greatest act of polytheism and apostasy from Islam for which they deserve to be killed...*"<sup>121</sup>

Ironically, Islamic terrorists often accuse orthodox Islamic administrations of apostasy.

- The Saudi government which is considered to be a very conservative Islamic government and which allows no freedom of religion, is regularly accused of apostasy, for example by Al-Qaeda.<sup>122</sup>

The accusation of apostasy can be levelled against anyone who criticises the religious leaders of Islam and their particular interpretation of scripture.

- According to Sheikh Yousef Al-Qaradhawi, one of the most prominent clerics in Sunni Islam, [the *ridda* – ie, apostasy from Islam] punishment applies not only to someone who decides freely to leave Islam: it applies in principle also to the Muslim who clings to the laws of his religion ... but disagrees with those who have appointed themselves the priests of Islam, especially when the disputes concern the understanding of a particular matter in Islam, because the priests of the religion have determined that their understanding of the holy scriptures is the only permitted understanding and the absolute truth, and anything else is absolute falsehood... the punishment for new thought or expressing a different opinion is death.<sup>123</sup>

Many Muslims appear to have doubts about Islam, but cannot express these and live in a climate of fear and in danger of being accused of being apostates.

- An anonymous letter from Pakistan to the editor of *The Observer* at the time of the Rushdie affair: *“Salman Rushdie speaks for me. Mine is a voice that has not yet found expression in newspaper columns, it is the voice of those who are born Muslims but wish to recant in adulthood, yet are not permitted to, on pain of death. Someone who does not live in an Islamic society cannot imagine the sanctions – both self-imposed and external – that militate against expressing religious disbelief. ‘I don’t believe in God’ is an impossible public utterance, even among family and friends. So we hold our tongues, those of us who doubt”*.<sup>124</sup>

There are signs that liberal academics, for example in Kuwait, question current trends in the Islamic world.

- The Kuwaiti progressive scholar Ahmad Al-Baghdadi, a political science lecturer at Kuwait University, recently published several articles in the Kuwaiti daily *Al-Siyassa*, denouncing Islamic religious thought and praising secularism. The following are excerpts from the articles:

*“Islamic religious thought is the only way of thought nowadays to persist in [accusations] of ridda [apostasy]... Unfortunately, this persistence [leads to] the killing of human beings, even without trial.*

*“There is no Islamic country in which a Christian or a Jew could reveal a cross or a skullcap, and get away with it peacefully. In addition, members of [other] human religions, like Buddhism and Hinduism, are prohibited from conducting their ceremonies in public, even with governmental approval. In contrast to this religious persecution [in Islamic countries,] of which the [Islamic] religious stream boasts, there is no secular country that prohibits the construction of mosques, even in the event that the government does not finance them. Moreover, there is no secular country that prevents the Muslim from praying in public...*

*“There is no church in the secular Christian world in which a priest stands and curses anyone who disagrees with his religion or prays for trouble and disaster to befall them, as do the preachers in our Friday sermons. [Moreover,] our religious thought has no parallel to the message recently pronounced by the present Pope regarding the importance of peace for all. Contrary to the ease with which a mosque is built in secular Europe and America, the construction of a church [in a Moslem country] is carried out only with the approval of the country’s president, [and even then] it is rare.*

*“There is no non-Muslim religious institute that teaches its students to hate the Other, claiming that he is considered an infidel, doomed to hell, regardless of whether he was of any use to mankind. This hatred is present in the curricula of the Islamic religion.*

*“Throughout [Muslim] history there has not been one Muslim judge who strived to attain justice for a non-Muslim who was wronged, whereas the U.S. and Europe have saved many peoples from oppression, while sacrificing human life and property in order to save other [peoples.]*

*“In the secular world the author, the intellectual, and the journalist are not sent to jail for their opinions – with the exception of the European laws concerning the denial of the Holocaust that annihilated the Jews of Europe, because this is a fact from which the European conscience still suffers. [Even in such a case, the Holocaust denier] is not imprisoned, but is merely fined. They do not consider him a murtadd [apostate], and do not seek his death, try to assassinate him, harm his livelihood, or separate him from his wife and children. In contrast, the extremist Muslims and the Islamic clerics often adopt ideological terror, issuing calls for killing, and accusations of ridda [apostasy]”<sup>125</sup>*

## APPENDIX 4

### An analysis of international law relating to apostasy and freedom to change one's religion

This analysis is based upon advice given by Paul Diamond, Barrister. (July 2006).

Introduction:

1. International law forms a relevant consideration in relation to the decision of an individual to change his or her religion; the obligations in international law arise in treaty provision, customary international law and the principle of *jus cogens*.

United Nation Treaty Provision:

2. Article 103 of the United Nations Charter gives primacy to the obligations under the United Nations Charter over any other international agreement.
3. Article 56 requires Member States of the United Nations to “pledge themselves to take joint and separate action in co-operation with the Organisation for the achievement of the purposes set forth in Article 55”.
4. Article 55 states that the United Nations shall promote:

Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

5. The lexicon of human rights to which Islamic states must adhere to are established in the *Universal Declaration of Human Rights (1948)* and, arguably, in the *International Covenant on Civil and Political Rights (1966)*.

Customary International Law:

6. International customary law is binding on States and is self-executing. A State need not make prior authorisation, or statutory provision for the custom to be effective.
7. The *Universal Declaration on Human Rights (1948)* establishes the norms under the United Nations Charter and, additionally, is declaratory of customary international law. It is part of the structure of the world community and is a basic component of customary law binding on all states and not solely on members of the United Nations: *Filartiga v Pena-Irala* 630 F 2<sup>nd</sup> 876, 883 (2<sup>nd</sup> Cir. 1980).
8. The widespread acceptance of the *Universal Declaration of Human Rights (1948)* and the *International Covenant on Civil and Political Rights (1966)* means that the terms of these Declarations and Treaty provisions are binding on all States. Customary international law includes gross violations of internationally recognised human rights: *Restatement (Third) of the Foreign Relations Law of the United States*.
9. More important is its status as an authoritative guide, produced by the General Assembly, to the interpretation of the United Nations Charter. In this capacity the Declaration has considerable indirect legal effect, and it is regarded by the Assembly and by some jurists as a part of the “law of the United Nations”.
10. Only Saudi Arabia abstained on voting for the *Universal Declaration*; however this does not suffice as a repudiation of international norms.
11. Article 18 of the *Universal Declaration of Human Rights* states:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

12. Article 18 of the *International Covenant on Civil and Political Rights* states:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

13. These provisions on *freedom to change religion* and *freedom to adopt a religion* **with** *freedom from coercion* clearly indicated that freedom of religion are part of the human rights components of international customary law.

14. *General Comment 22 of the Human Rights Committee (1993)* has placed the interpretation of the *International Covenant on Civil and Political Rights* beyond doubt and has held:-

The freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to change one’s current religion or belief with another.

15. The European Court of Human Rights in the case of *Hoffmann v Austria (1993)* recognised the right to evangelise and seek converts from other faiths; further the Court rejected the concept of any protected religious group (in this case, the Greek Orthodox community, but *mutandis mutatis*, the Islamic community).
16. The European Convention area is recognised as the most developed and successful international human rights treaty; its decisions are used regularly by other regional organisations in the process of cross fertilisation of human rights norms.

#### Jus Cogens:

17. Finally, it is arguable that freedom of religion (including the *right to change religion*) is a peremptory norm of international law within the definition of the *Vienna Convention on Treaties (1969)*. This is by virtue of the violation of the *inner forum* and, thus, conscience and dignity of a human being.
18. Special consideration needs to be given to United Nations resolutions as a vehicle for expressing the acceptance of the international community of the norms of *jus cogens* and the general principles of international law: *Article 38(1) c) of the Statute of the International Court of Justice*.
19. In 1981 the General Assembly passed the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*. Article 1(2) prohibits coercion of one’s freedom of belief.
20. It is important to note that this Declaration was adopted without vote by the General Assembly of the United Nations on 25 November 1981 (Resolution 36/55). The Declaration was prepared by the Human Rights Commission of the Economic and Social Council.
21. Article 1 of this Declaration states:

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.  
2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice. “

#### Conclusion:

22. It is clear that membership of the United Nations and the provisions of *customary international law* clearly protect the right of an individual to change religion. These provisions are binding on Islamic States. An interesting case has arisen in Malaysia; in *Lina Joy* the Malaysian courts have granted leave to a convert from Islam to Christianity to challenge the designation of Muslim by the National Registration Department.
23. The World Evangelical Forum (Lausanne Conference) has recognised that Islamic states now pose the greatest threat to the free practise of religion by minority groups in the majority of States. Additionally, a small number of Communist States (Vietnam, North Korea and Cuba) are responsible for serious violations of freedom of religion.

## APPENDIX 5

### Teaching on Apostasy and Jihad in Egyptian and Saudi school books

The educational system of a country is fundamental in shaping values and behaviour. Often, what is taught at school will be accepted uncritically by pupils. For this reason, there is concern at the negative outlook on the West in general and all non-Islamic religions in particular in school textbooks used in Saudi Arabia and Egypt, as documented in a recent analysis of a large number of school textbooks<sup>126</sup>:

#### SAUDIA ARABIA

- An analysis of 93 school textbooks, most from 1999-2000 & 2001, describes an outlook on Christianity and the West. There, Islam is presented as the only true religion, while all others are presented as false. Islam leads its followers to paradise, whereas all others lead their believers to destruction in hell. Saudi children are taught that they are superior, as Muslims, in both this world and the next. Christians and Jews are explicitly denounced as infidels, and are also called the enemies of Islam and Muslims. They should not be befriended, nor emulated in any way, as this is strictly forbidden. The West is the source of evil that has afflicted the Muslim world. Western democracy is totally rejected. As for “the Jews”, the report cites religious references to them as a wicked nation – in their relations with Arabs and Muslims, and in the context of world history. Their disappearance is, therefore, desirable. Israel is not recognised as a State, and a Middle East peaceful solution is not advocated.

#### EGYPT

- An analysis of 103 school textbooks – most from 2002, some 1999-2001 – reveals a description of Jihad in Grade 11 from an al-Azhar schoolbook: *“Obligation to fight the infidels with utmost vigor and power until they become weak, their state disappears and they submit to the rule of the law of Islam.”* And: *“When you meet them in order to fight [them], do not be seized by compassion [toward them], but strike the[ir] necks powerfully...Striking the neck means fighting, because killing a person is often done by striking off his head...This expression contains a harshness and emphasis that are not found in the word “kill”, because it describes killing in the ugliest manner, “ie cutting the neck and making the organ - the head of the body - fly off [the body].”*

Another school text provides young “Jihadist martyrs” a justification for this:

Encouraging the faithful to perform jihad in the path of Allah, to behead the infidels, take them prisoner, break their power, and make their souls humble (...) You see that in His [Muhammad] words: *“When you meet the unbelievers in the battlefield strike off their heads and, when you have laid them low, bind your captives firmly. Then grant them their freedom or take a ransom from them, until war shall lay down its burdens.”*

“Martyrdom,” as a result of “Jihad in the path of Allah,” is an exalted value in the Egyptian school textbooks. These books define the martyr, talk of his elevated position in Allah’s eyes and of his reward in heaven, and provide the students with examples of heroic martyrdom, both in Islamic and modern history, featuring various expressions of readiness for such action.

The image of the Jews - historically and at present - as portrayed in all the Egyptian school textbooks of the State and religious school systems is very negative. With the exception of Albert Einstein, no Jewish individual is portrayed in positive terms, other than some key biblical figures - considered, traditionally, as Muslims.

*(Source for the above paragraphs is footnote 126)*

## APPENDIX 6

### Material published in the USA by Saudi Arabia which appears to incite hatred

In a recent report, Freedom House's Center for Religious Freedom released a new report on the dissemination of publications with intent to incite hatred towards non-Muslims by the government of Saudi Arabia. The report, "*Saudi Publications on Hate Ideology Fill American Mosques*," is based on a year-long study of over two hundred original documents, all disseminated, published or otherwise generated by the government of Saudi Arabia and collected from more than a dozen mosques in the United States.<sup>127</sup>

Within worldwide Sunni Islam, followers of Saudi Arabia's Wahhabi ideology are a distinct minority. The evidence reflects a very clear attitude to apostasy by the Saudi authorities. The report concludes that the Saudi government publications examined reflects a "*totalitarian ideology of hatred that can incite to violence, expressing grave concern that the Saudi government seems to spread hate ideology within U.S. borders.*" Among the key findings of the report:

- Various Saudi government publications gathered for this study, most of which are in Arabic, assert that it is a religious obligation for Muslims to hate Christians and Jews and warn against imitating, befriending, or helping them in any way, or taking part in their festivities and celebrations.
- The documents promote contempt for the United States because it is ruled by legislated civil law rather than by totalitarian Wahhabi-style Islamic law. They condemn democracy as un-Islamic.
- The documents stress that when Muslims are in the lands of the unbelievers, they must behave as if on a mission behind enemy lines. Either they are there to acquire new knowledge and make money to be later employed in the jihad against the infidels, or they are there to proselytize the infidels until at least some convert to Islam. Any other reason for lingering among the unbelievers in their lands is illegitimate, and unless a Muslim leaves as quickly as possible, he or she is not a true Muslim and so too must be condemned.
- For example, a document in the collection for the "Immigrant Muslim" bears the words "Greetings from the Cultural Attache in Washington, D.C." of the Embassy of Saudi Arabia, and is published by the government of Saudi Arabia. In an authoritative religious voice, it gives detailed instructions on how to "hate" the Christian and Jew: "*Never greet them first. Never congratulate the infidel on his holiday. Never imitate the infidel. Do not become a naturalized citizen of the United States. Do not wear a graduation gown because this imitates the infidel.*"
- The opening fatwa in one Saudi Embassy-distributed book, published by the Saudi Air Force, responds to a question about a Muslim preacher in a European mosque who taught that it is not right to condemn Jews and Christians as infidels. The Saudi state cleric's reply rebukes the Muslim cleric: "*He who casts doubts about their infidelity leaves no doubt about his.*" Since, under Saudi law, "apostates" from Islam can be sentenced to death, this is an implied death threat against the tolerant Muslim imam, as well as an incitement to vigilante violence.
- Sufi and Shiite Muslims are viciously condemned.
- For a Muslim who fails to uphold the Saudi Wahhabi sect's sexual morale (ie through homosexual activity or heterosexual activity outside of marriage), the edicts published by the Saudi government's Ministry of Islamic Affairs, and found in American mosques advise, "*It would be lawful for Muslims to spill his blood and to take his money.*"
- Regarding those who convert out of Islam, the Saudi Ministry of Islamic Affairs explicitly asserts, they "*should be killed.*"
- Saudi textbooks and other publications in the collection, propagate a Nazi-like hatred for Jews, treat the forged Protocols of the Elders of Zion as historical fact, and avow that the Muslim's duty is to eliminate the state of Israel.
- Regarding women, the Saudi publications instruct that they should be veiled, segregated from men and barred from certain employment and roles.

The research, translation and principal analysis of the materials for the report were carried out by both Muslims and non-Muslims. The large majority of the publications are in Arabic; two independent translators reviewed each Arabic document.

## APPENDIX 7

### A simple glossary of terms used in this paper

Ahl al-kitab	People of the Book (ie Jews and Christians)
Ahmadiyyas	A religious group considered to be apostates by orthodox Islam with main presence in Pakistan.
Ayatollah	Leading Shi'ite Imam.
Dhimmi	Non-Muslims in an Islamic society. This implies protection and subjugation. Dhimmi are exempt from duties of Islam but must pay a (humiliating) tax called jizyah. (Surah 9.29)
Fatwa	Legal opinion concerning Islamic Law; religious decree, normally issued by an Islamic jurist.
Fiqh	Study of Islamic law; understanding, comprehension, knowledge, and jurisprudence in Islam.
Hadd (pl. Hudood)	Sharia term meaning boundary, limits set by Allah and his apostle. Severe punishment for a crime as specified in the Qu'ran or Ahadith.
Hadith (pl. Ahadith)	Record of the sayings of the prophet. A precedent set by Muhammad or his early followers. Highest authority after the Qu'ran.
Irtidad	Apostasy from Islam
Islam	Submission to the will of Allah.
Jihad	Literally "an effort"; a holy war; as expanded by the four Sunni scholars, military action to expand or defend Islam.
Jizya	Tax payable by dhimmi, as a sign of their subjugation to Muslims. Jizya should guarantee security and protection.
Kafir (pl Kuffar), khoufar	Unbeliever, infidel, non-Muslim; a person who refuses to submit himself to Allah.
Muslim	A follower of Islam; literally "one who submits".
Qu'ran	Sacred book of the Muslims. The collected texts of Allah's revelation to Mohammad.
Qisas	Retaliation for injury or homicide; retaliation "eye for eye".
Ridda	Apostasy from Islam.
Shariah	"The Way of Islam"; Islamic Law.
Shi'a	An Islamic denomination which believes that the rightful successor to Muhammad was Ali.
Shirk	Associating anyone with Allah as a co-deity (essentially idolatry or blasphemy). The worst sin in Islam which cannot be forgiven.
Sunnah	Written tradition; Literally "the trodden path" ie a custom, habit, practice, or norm sanctioned by tradition; the words and actions of Muhammad and his early followers.
Sunni	Literally "one of the path"; orthodox or mainstream Islam; followers of Abu Bakr and Umar as successors of Muhammad (as distinguished from Shi'a Islam).
Surah	A chapter in the Qu'ran.
Ta'zir	A section of Sharia; discretionary punishment for a crime to reform the culprit.

Taqiyya	Literally "guarding oneself"; the action of concealing one's real beliefs in order to save one's life. A doctrine mainly in Shi'a Islam but also in Sunni Islam. It has been extended to permit lying in a variety of circumstances.
Ulema	Group of Islamic theologians.
Umma	The whole community or family of Islam, the totality of all Muslims.
Wahabism	Radical reform movement of Sunni Islam founded in the 18 <sup>th</sup> century by Muhammad al-Wahab. Dominant in Saudi Arabia.
Zakat	Alms due from every Muslim; one of the five pillars of Islam.
Zina	Adultery

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<sup>1</sup>There is a technical difference in terms. A *Murtadd Fitri* is a person who has Muslim parents and who rejects Islam. *Murtadd Milil* is a person who converts to Islam and later leaves it. For the purpose of this paper, this distinction is of secondary importance and not discussed further.

<sup>2</sup> Answer to Question 20327. *Why is the apostate to be executed in Islam?* <http://islamqa.com/index.php?ref=20327&ln=eng&txt> accessed 31.08.2006; The website 'Islam question and answer' provides answers to questions about Islam. These answers are compiled by internationally recognised and qualified Islamic scholars and contain many fatwas.

<sup>3</sup> Answer to Question 10213. *Ruling on the call to unite all religions.* In this fatwa, it is stated that: "One of the basic principles of belief in Islam, something which is obviously a basic principle and on which all the Muslims are agreed (*ijmaa'*) is that there is no true religion on the face of the earth apart from Islam. It is the final religion which abrogates all religions and laws that came before it." <http://islamqa.com/index.php?ref=10213&ln=eng&txt=all%20religions%20are%20equal> accessed 31.08.2006

<sup>4</sup> Amir Butler. Leave revolution to the Saudis. *Asia Times* 15.1.2004

<sup>5</sup> Abdul Malik of Albert Road, Aston Birmingham, cut his 16 year old daughter's throat when she told him she attended meetings of the Jehovah's Witnesses and planned to become a Christian in November of 1988. (Daily Telegraph, July 4th 1989 reported by James O'Brien)

<sup>6</sup> <http://islamqa.com/index.php?ref=4060&ln=eng&txt=apostasy> accessed 31.08.06

<sup>7</sup> Foreign Affairs Committee. Foreign policy aspects of the war against terrorism. Fourth Report of session 2005-2006; 21.06.2006

<sup>8</sup> This essentially means to declare *unprotected* or *exposed to impunitive injury*. The provision pertains to it is applicable to a human being and property. If the injunction is applied to a person, it is permissible to injure him, cut any part of his body or kill him. (Abdul Qader 'Oudah Shaheed, Criminal Law of Islam. published by S.M. Shahid, International Islamic publishers New Delhi, India Vol 2; page 250.)

<sup>9</sup> Hadd (plural Hudood) is an unalterable punishment prescribed by canon law which is considered *Haqq Allah*, i.e. the right of Allah (See: Brill EJ ed. Shorter Encyclopaedia of Islam, 1997 Leiden. page 116)

<sup>10</sup> Answer to Question 14231. *Some of the rulings on apostasy and apostates.*

<http://islamqa.com/index.php?ref=14231&ln=eng&txt=apostasy> (accessed 31.08.06)

<sup>11</sup> Quotes from the Hadith are, unless otherwise specified, taken from the online section on Islamic Scriptures, University of Southern California, see <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/>.

<sup>12</sup> Furu al-Kāfi, vol. 7, p. 257. quoted in Sayyid Muhammad Rizvi: *Apostasy in Islam (Irtidad)* [http://al-islam.org/short/apostasy/6.htm#\\_ftn11](http://al-islam.org/short/apostasy/6.htm#_ftn11). Al-Islam.org is a website that "attempt(s) to present a balanced and accurate picture of Islam as it has been taught and practised by the Most Noble Messenger Muhammad (...)"

<sup>13</sup> Tahdhibu 'l-Ahkām, vol. 10, p. 139; quoted in Al-Islam.org. *Apostasy*. [http://al-islam.org/short/apostasy/6.htm#\\_ftn11](http://al-islam.org/short/apostasy/6.htm#_ftn11)

<sup>14</sup> Answer to question 22809: *Ruling on one who insults the Prophet;*

<http://islamqa.com/index.php?ref=22809&ln=eng&txt=apostasy>; accessed 31.08.2006 (emphasis ours)

*Question: I heard on a tape that whoever insults the Prophet (peace and blessings of Allaah be upon him) should be executed even if he shows that he has repented. Should he be killed as a hadd punishment or because of kufr? (...)*

*Answer: "The ruling on one who insults the Prophet (peace and blessings of Allaah be upon him)*

*The scholars are unanimously agreed that a Muslim who insults the Prophet (peace and blessings of Allaah be upon him) becomes a kaafir and an apostate who is to be executed.* This consensus was narrated by more than one of the scholars, such as Imaam Ishaq ibn Raahawayh, Ibn al-Mundhir, al-Qaadi 'Iyaad, al-Khattaabi and others. *Al-Saarim al-Maslool*, 2/13-16. This ruling is indicated by the Qur'aan and Sunnah. In the Qur'aan it says (interpretation of the meaning):

*'(...If you ask them (about this), they declare: 'We were only talking idly and joking.' Say: 'Was it at Allaah, and His Ayaat (proofs, evidences, verses, lessons, signs, revelations, etc.) and His Messenger that you were mocking?' Make no excuse; you disbelieved after you had believed' [al-Tawbah 9:64-66]* This verse clearly states that mocking Allaah, His verses and His Messenger constitutes kufr, so that applies even more so to insulting.

With regard to the Sunnah, Abu Dawood (4362) narrated from 'Ali that a Jewish woman used to insult the Prophet (peace and blessings of Allaah be upon him) and say bad things about him, so a man strangled her until she died, and the Prophet (peace and blessings of Allaah be upon him) ruled that no blood money was due in this case.

Shaykh al-Islam Ibn Taymiyah said in *al-Saarim al-Maslool* (1/162): This hadeeth is jayyid, and there is a corroborating report in the hadeeth of Ibn 'Abbaas which we will quote below. This hadeeth clearly indicates that it was permissible to kill that woman because she used to insult the Prophet (peace and blessings of Allaah be upon him).

*Abu Dawood (4361) narrated from Ibn 'Abbaas that a blind man had a freed concubine (umm walad) who used to insult the Prophet (peace and blessings of Allaah be upon him) and say bad things about him. He told her not to do that but she did not stop, and he rebuked her but she did not heed him. One night, when she started to say bad things about the Prophet (peace and blessings of Allaah be upon him) and insult him, he took a short sword or dagger, put it on her belly and pressed it and killed her. The following morning that was mentioned to the Messenger of Allaah (peace and blessings of Allaah be upon him). He called the people together and said, "I adjure by Allah the man who has done this action and I adjure him by my right over him that he should stand up." The blind man stood up and said, "O Messenger of Allaah, I am the one who did it; she used to insult you and say bad things about you. I forbade her, but she did not stop, and I rebuked her, but she did not give up her habit. I have two sons like pearls from her, and she was kind to me. Last night she began to insult you and say bad things about you. So I took a dagger, put it on her belly and pressed it till I killed her." Thereupon the Prophet (peace and blessings of Allaah be upon him) said: "Bear witness, there is no blood money due for her." (Classed as saheeh by al-Albaani in Saheeh Abi Dawood, 3655)*

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It seems that this woman was a kaafir, not a Muslim, for a Muslim could never do such an evil action. If she was a Muslim she would have become an apostate by this action, in which case it would not have been permissible for her master to keep her; in that case it would not have been good enough if he were to keep her and simply rebuke her. It may be noted from this that the Prophet (peace and blessings of Allaah be upon him) had the right to kill whoever insulted him and spoke harshly to him, and that included both Muslims and kaafirs."

<sup>15</sup> <http://al-islam.org/short/apostasy/3.htm>

<sup>16</sup> Abrogation means the cancellation of earlier verses in the Qu'ran and replacing them with later and better verses. Sura 16:101 describes this: "And when We put a revelation in place of (another) revelation, - and Allah knows best what He reveals - they say: you are but inventing. Most of them know not." This principle applies to verses that appear contradictory: Sura 2:256 – 'there is no compulsion in religion' was revealed in the earlier Meccan period, when Islam had only few followers. Sura 9:5 – 'slay the idolaters' – was revealed in the later Medina period, where Islam had increased its military power. Sura 9:5 therefore abrogates Sura 2:256. However, other verses could also be cited that abrogate 2:256 such as 9:73 and 9:123. (see for example Abdul Ala Mawdudi. The punishment of the apostate according to Islamic law. Translated by Syed Silas Husain and Ernest Hahn. 1994.)

<sup>17</sup> Sheikh Muhammed Salih Al-Munajjid. states regarding verse 9:5 "These and similar verses abrogate the verses which say that there is no compulsion to become Muslim". (Answer to Question #34770: There is no compulsion to accept Islam. [www.islam-qa.com](http://www.islam-qa.com) accessed 21.6.06.)

<sup>18</sup> Abdul Ala Mawdudi. The punishment of the apostate according to Islamic law. (Originally published in Urdu as *Murtadd ki Saza Islami Qanun men*) Syed Silas Husain and Ernest Hahn, translators. 1994.

<sup>19</sup> Nina Shea, Director, Freedom House Center for Religious Freedom; Before the Congressional Human Rights Caucus "Abdul Rahman and Anti-Conversion Laws"; April 7, 2006. <http://www.freedomhouse.org/> accessed 21.6.06.

<sup>20</sup> Ian Brownlie, Ed. Basic Documents on Human Rights. Third Edition, Oxford University Press. 1992. (emphasis ours)

<sup>21</sup> Derek H. Davis The Evolution of Religious Freedom as a Universal Human Right: Examining the Role of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Brigham Young University Law Review. 2002. p. 217-36.

<sup>22</sup> Elizabeth Odio Benito, Study of the Current Dimensions of the Problems of Intolerance and of Discrimination on Grounds of Religion or Belief, 1987; quoted in. Derek H. Davis The Evolution of Religious Freedom as a Universal Human Right. Brigham Young University Law Review. 2002. p. 217-36.

<sup>23</sup> Ann Elizabeth Mayer. *Islam and Human Rights: Tradition and Politics*. Westview, Boulder, Colorado. 1991. quoted in Caroline Cox and John Marks. *The 'West', Islam and Islamism*; Civitas: Institute for the Study of Civil Society; London; 2003 p. 37.

<sup>24</sup> Hilary Clarke, David Rennie. Death-case Christian flees Afghanistan for Italy. Telegraph, 30/03/2006.

<sup>25</sup> Syed Saleem Shahzad. Losing faith in Afghanistan. Asia Times. 25.3.2006.

<sup>26</sup> [http://www.barnabasfund.org/archivenews/text.php?ID\\_news\\_items=14](http://www.barnabasfund.org/archivenews/text.php?ID_news_items=14) 16.6.06.

<sup>27</sup> Nina Shea, Director, Freedom House Center for Religious Freedom; Before the Congressional Human Rights Caucus "Abdul Rahman and Anti-Conversion Laws"; April 7, 2006. <http://www.freedomhouse.org/> accessed 21.6.06.

<sup>28</sup> [http://www.religioustolerance.org/isl\\_apos.htm](http://www.religioustolerance.org/isl_apos.htm) accessed 20.6.06

<sup>29</sup> Foreign and Commonwealth Office. Country Profile Bangladesh. Accessed 22.6.06. [www.fco.gov.uk/](http://www.fco.gov.uk/)

<sup>30</sup> US Department of State. International Religious Freedom Report. 2005; <http://www.state.gov/drl/rls/irf/2005/51386.htm>.

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