

POLITICAL AND LEGAL STATUS OF APOSTATES IN ISLAM



Council of Ex-Muslims of Britain was formed in June 2007 in order to break the taboo that comes with renouncing Islam. The main aims of the organisation are to provide support to and highlight the plight of ex-Muslims, challenge Sharia and apostasy and blasphemy laws and take a stand for reason, universal rights and secularism.

For further information contact:

CEMB

BM Box 1919

London WC1N 3XX, UK

Tel: +44 (0) 7719166731

exmuslimcouncil@gmail.com

www.ex-muslim.org.uk

Political and Legal Status of Apostates in Islam

First Published by Council of Ex-Muslims of Britain, December 2013

Revised Edition, Published by Council of Ex-Muslims of Britain, August 2017

© Council of Ex-Muslims of Britain 2017 – All rights reserved

ISBN number: 978-0-9926038-0-9

Died Standing

A severed head in between your hands
my eyes on the broken clock
And sad and rebellious poems
and the wolf, unafraid of the gun
On my doubts of the origin of existence,
on choking loneliness when drunk
And longing and inhaling you,
and the depth of the tragedy not seeing you
The artery destined to blockage,
and your crime, a scream against the wind
The end of the story is always a bitter one,
and the poet whose conviction is apostasy
The good God sleeping in my book,
the dried semen on my bed
The good God of wrath, death, and fatwa,
and my cries over Yaghma's poetry
Let me be like a cactus
Stay with me who has read poetry,
next to you, with covenant with the desert,
that our code is to die standing up
that our code is to die standing up
Tell them, our Hadith was a Hadith of blood,
contempt, born out of insanity
Tell them, how I did not give in
Tell them, how I died standing up
The good God sleeping in my book,
the dried semen on my bed
The good God of wrath, death, and fatwa,
and my cries over Yaghma's poetry
Let me be like a cactus
Stay with me who has read poetry,
next to you, with covenant with desert,
that our code is to die standing up
that our code is to die standing up
Tell them, my story was a tale of blood,
contempt, born out of insanity
Tell them, how I did not give in
Tell them, how I died standing up
that our code is to die standing up

Shahin Najafi, Iranian musician living in Germany. Following release of the song "Hey, Naghi!" several fatwas were issued by Grand Ayatollahs in Iran declaring his death sentence for apostasy. The song has drawn sharp anger from Islamists who believe it is offensive towards Imam Naghi, the tenth Imam in Shi'a Islam.

Contents

Introduction	7
Apostasy and Islam	27
Country Conditions for Apostates	31
Afghanistan	32
Algeria	35
Azerbaijan	36
Bahrain	40
Bangladesh	41
Brunei	42
The Chechen Republic	42
Comoros	46
Egypt	49
Indonesia	54
Iran	56
Iraq	57
Jordan	59
Kuwait	61
Libya	62
Malaysia	64
Maldives	66
Mauritania	68
Morocco	69
Oman	71
Pakistan	71
Qatar	81
Saudi Arabia	82
Somalia	86
Sudan	87
Syria	90
Tunisia	92
Turkey	95
United Arab Emirates	97
Yemen	98
Acknowledgements	100

Introduction

This report examines the sources of Sharia law; namely the Quran, Hadith, and Islamic jurisprudence which form the basis for rulings that prohibit apostasy from Islam in a large number of countries. Under the governments of Malaysia, Morocco, Jordan, and Oman, punishments for apostasy include fines, imprisonment, flogging, and exclusion from civil or family rights (such as the right to child custody.) In 13 countries: Afghanistan, Iran, Malaysia, Maldives, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, UAE, and Yemen, atheism is punishable by the death penalty (as well as under territories under control of Daesh).

This text reviews the legislative and government policies in which target apostates, and emphasises individual cases in order to provide a better understanding of the inexcusable situations of apostates.

According to their nationality, these apostates are persecuted to varying degrees of severity:

- Charging and sentencing based on the Sharia concept of apostasy – even if apostasy is not specifically defined as a crime in said legislation.
- Using public disorder or incitement to hatred legislation against apostates.
- Capricious arrest and harassment.
- Restrictions on media outlets, which in turn restrict the freedom of speech. These approaches target journalists, writers, and more recently, users of social media, including bloggers.

The freedom afforded by the Internet has allowed people from throughout the world to express their opinions on governments, Islam, and atheism alike – and their opinions have prompted legal cases against them. Activists and social network users have been harassed, imprisoned, or killed for their online content.

Due to the subjectivity and discretion involved in defining and punishing offences of blasphemy and apostasy, different practices are carried out between countries, and even within a single country. As a result, victims of mere allegation often do not realise that they have committed an “offence.”

The intent of this report is to expose the laws and states that persecute and execute the apostate or blasphemer, and to bring to light the cases of some of the many persecuted individuals, with a particular focus on atheists, secularists, and freethinkers. The Council of Ex-Muslims of Britain calls for the total condemnation of such laws, and full protection for apostates and blasphemers across the globe.

Apostasy and Islam²

The Arabic word for apostate is ***murtadd***, “the one who turns back from Islam,” and apostasy is denoted by ***irtidād*** and ***ridda***. ***Ridda*** seems to have been used for apostasy from Islam into unbelief (in Arabic ***kufr***) and ***irtidād*** from Islam to some other religion. A person born of Muslim parents who later rejects Islam is called a ***murtadd fitri***; ***fitri*** meaning “natural.” It can also mean “instinctive, native, inborn, innate.” One who converts to Islam and subsequently leaves it is a ***murtadd milli***; from ***milla***, meaning “religious community.” The ***murtadd fitri*** can be seen as someone unnatural, subverting the natural course of things, whose apostasy is a wilful and obstinate act of treason against god and the one and only true creed, a betrayal and desertion of the community. The ***murtadd milli*** is a traitor to the Muslim community, and therefore equally disruptive.

The punishment of apostates is an old and fundamental feature of all major religions. Repudiating religion is deemed to be the worst of crimes.

However, in the twenty-first century, it is only apostates from Islam that continue to face execution, due to the power and influence of the political Islamic movement, or Islamism. This far-right movement is our era’s Inquisition and totalitarianism.

To the degree Islamism has power, is the degree to which it controls every aspect of people’s lives in society through its Sharia law – from what people wear, who they have sex with, what music they listen to, even what they are sanctioned to think.

One of the chief characteristics of an Inquisition is the policing of thought. Freethinking and one’s freedom of conscience is banned. Even for Muslims, a personal understanding of religion is impossible under an Inquisition. You cannot pick and choose as you wish. Any transgression is met with threat, intimidation, imprisonment, or execution. Islamists will kill, threaten, or intimidate anyone who interprets doctrine differently, those who dissent, think freely, or transgress their conventions. That people resist is testament to the human condition, despite Islamism and despite Sharia. If we look at the purpose of the Sharia “justice” system, it exists to teach the masses the damnable nature of dissent and free thought. Where it has power, such as in Iran, there are 130 offences punishable by death: from heresy, blasphemy, enmity against god, adultery, or homosexuality.

2 All references and information pertaining to Islam and apostasy have been taken directly from Ibn Warraq’s book, *LEAVING ISLAM: APOSTATES SPEAK OUT* (Prometheus Books, 2003) with his permission.

Apostasy, however, is the highest and most heinous crime. To date, 27 countries consider apostasy from Islam to be illegal and a prosecutable offence. Depending on the influence of Islamism and Sharia, in places like Malaysia, Morocco, Jordan and Oman, punishments vary from fines to imprisonment, to flogging, and exclusion from civil or family rights. In 13 countries, Afghanistan, Iran, Malaysia, Maldives, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, UAE, and Yemen, atheism remains punishable by the death penalty.

Whilst there are religious justifications for the execution of apostates, apostasy laws today are the ultimate means of political control.

Certainly, from a religious standpoint, apostasy is the unravelling of the entire system from within by those considered to be “members” of the imagined Muslim community – the Ummah. Question but one law, one Hadith (the sayings and actions of Mohammad, Islam’s prophet), or one Sura in the Quran, and you begin to unravel it all. To question and dissent denies the Islamic Inquisitor the opportunity to feign representation. It prevents the very submission that they demand. If you are allowed to leave, you undermine it all.

The rejection of religion, with emphasis on Islam, obstructs the Ummah’s movement towards an eschaton.

As a leading Egyptian cleric who supports the killing of apostates has said, “If they left apostasy alone, there wouldn’t have been any Islam.”

Historically, apostasy laws have been used as a form of control. It remains no different today. Islamists use these laws as a means of political control. After all, they represent god’s rule on earth and any opposition to their rule is a direct affront to god himself.

Apostasy laws are the most expedient way for an Inquisition to eradicate its political rivals, dissenters, and opponents. However, one need not renounce Islam in order to be branded as an apostate. The verbal denial of any principle of Islamic belief can be considered apostasy.

In fact, if we look at those charged with apostasy, the allegation could include anything from Tweeting about Mohammad, Islam’s prophet, to challenging the state. The accusation of apostasy is often coupled with other charges such as blasphemy or enmity against god. With such charges, there is no need to prove anything in lengthy court procedurals or to meticulously gather evidence, as any transgression can be deemed to be an act of apostasy –both a crime against god and political treason against his representatives on earth.

Under Islamic law an apostate must be put to death. There is no dispute on this ruling among classical or modern Islamic scholars; however, there is some controversy as to whether the Quran prescribes any punishment for apostasy in *this* world.

For example, the Surah XVI.106: "Whoso disbelieveth in Allah after his belief - save him who is forced thereto and whose heart is still content with the Faith - but who so findeth ease in disbelief: On them is wrath from Allah. Theirs will be an awful doom."

Similarly, in Surah III.90–91: "Lo! Those who disbelieve after their (profession of) belief, and afterward grow violent in disbelief: their repentance will not be accepted. And such are those who are astray. Lo! Those who disbelieve, and die in disbelief, the (whole) earth full of gold would not be accepted from such an one if it were offered as a ransom (for his soul). Theirs will be a painful doom and they will have no helpers."

This strikes at the heart of the problem with various interpretations of religious texts, and why religion must be kept out of the state and legal systems to safeguard the individual's rights and life. Needless to say, it is those in power who decide the interpretation of the day, and it is always those in power that determine which interpretations take precedence. Furthermore, many leading authorities interpret certain Suras of the Quran to validate that the death penalty is proscribed for apostates.

Sura II.217 is interpreted by no less an authority than al-Shāfi'i, the founder of one of the four orthodox schools of law of Sunni Islam, to mean that the death penalty should be prescribed for apostates. Sura II.217 reads: "...But whoever of you recants and dies an unbeliever, his works shall come to nothing in this world and the next, and they are the companions of the fire forever." Al-Tha'ālibi and al-Khazan concur. Al-Rāzi, in his commentary on II.217, says the apostate should be killed.

Similarly, Sura IV.89 states: "They would have you disbelieve as they themselves have disbelieved, so that you may be all like alike. Do not befriend them until they have fled their homes for the cause of god. If they desert you seize them and put them to death wherever you find them. Look for neither friends nor helpers among them..."

Baydāwi, in his celebrated commentary on the Quran, interprets this passage to mean: "Whosoever turns back from his belief (*irtada*), openly or secretly, take him and kill him wheresoever ye find him, like any other infidel. Separate yourself from him altogether. Do not accept intercession in his regard."

Ibn Kathir, in his commentary on this passage, quoting Al-Suddi, says that since the unbelievers have manifested their unbelief they should be killed.

Abul Alâ Mawdudi (1903–1979), the founder of the Jamâ'at-i Islâmi, is one of the most influential Islamists of the twentieth century. He has called for a return to the Quran and a purified sunna to revive and revitalise Islam. In his book on apostasy from Islam, Mawdudi argued that even the Quran itself prescribes the death penalty for all apostates.

He points to Sura IX:11,12 for evidence:

But if they repent and establish worship and pay the poor-due, then are they your brethren in religion. We detail our revelations for a people who have knowledge. And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief - Lo! they have no binding oaths in order that they may desist.

Mawdudi argues that:

...the following is the occasion for the revelation of this verse: During the pilgrimage (hajj) in A.H. 9 God Most High ordered a proclamation of immunity. By virtue of this proclamation all those who, up to that time, were fighting against God and His Apostle and were attempting to obstruct the way of God's religion through all kinds of excesses and false covenants, were granted from that time a maximum respite of four months. During this period, they were to ponder their own situation. If they wanted to accept Islam, they could accept it and they would be forgiven. If they wanted to leave the country, they could leave. Within this fixed period nothing would hinder them from leaving. Thereafter those remaining, who would neither accept Islam nor leave the country, would be dealt with by the sword. In this connection, it was said: "If they repent and uphold the practice of prayer and almsgiving, then they are your brothers in religion. If after this, however, they break their covenant, then war should be waged against the leaders of kufr (infidelity). Here "covenant breaking" in no way can be construed to mean "breaking of political covenants." Rather, the context clearly determines its meaning to be "confessing Islam and then renouncing it." Thereafter the meaning of "fight the heads of disbelief" (IX:11,12) can only mean that war should be waged against the leaders instigating apostasy.

For even if there is disagreement on whether apostasy is punishable by death in this world, according to the Quran, such a punishment is called for in the Hadith, which are the sayings and actions of Mohammad, Islam's prophet.

There is dishonesty in such a statement that the punishment of death for apostates is not in the Quran and is therefore not Islamic. Even if there was no mention of apostasy in the Quran, Islamic law includes not only that which is in the Quran but also what is in the Hadith, and Islamic jurisprudence.

In the Hadith there are many examples of the death penalty for apostasy. According to Ibn Abbās, the Prophet said, "Kill him who changes his religion" or "behead him."

The only argument is over the precise nature of the death penalty: do not burn them, as that is Allah's job in the afterlife. In general, execution must be by the sword, though there are examples of apostates tortured to death, strangled, burned, drowned, impaled, or flayed.

Bukhārī recounts this gruesome tradition:

Narrated Anas: Some people from the tribe of Ukl came to the Prophet and embraced Islam. The climate of Medina did not suit them, so the Prophet ordered them to go to the (herd of milch) camels of charity to drink their milk and urine (as a medicine). They did so, and after they had recovered from their ailment they turned renegades (reverted from Islam, irtada) and killed the shepherd of the camels and took the camels away. The Prophet sent (some people) in their pursuit and so they were caught and brought, and the Prophet ordered that their hands and legs should be cut off and that their eyes should be branded with heated pieces of iron, and that their cut hands and legs should not be cauterised, till they die.

Abu Dāwud has collected the following saying of the Prophet:

Ikrimah said: Ali burned some people who retreated from Islam. When Ibn Abbās was informed of it he said, If it had been I, I would not have them burned, for the apostle of Allah said: Do not inflict Allah's punishment on anyone. But would have killed them on account of the statement of the Apostle of Allah, Kill those who change their religion.

According to a tradition of Ā'isha's, apostates are to be slain, crucified, or banished.

The abstract traditions on providing apostates with an opportunity to repent have always varied.

In one tradition, Mu'ādh Jabal refused to sit down until an apostate brought before him had been killed, "in accordance with the decision of god and of his apostle." But in Abu Dāwud's account of this tradition, it seems they tried in vain to convert the apostate for twenty nights:

Abu Burdah said: A man who turned back from Islam was brought to Abu Musā. He invited him to repent for twenty days or about so. Mu'ādh then came and invited him (to embrace Islam) but he refused. So he was beheaded.

Abu Dāwud also gives an example of the prophet forgiving an apostate – once the latter had agreed to come back into the fold, of course. However, Ibn Hanbal and others hold traditions according to which god does not accept the repentance of an apostate.

The "Sufi" theologian al-Ghazali promoted a broader definition of apostasy, accompanied by unforgiving punishments. Al-Ghazali rejected the obligation to grant the right of *istitaiba* (the invitation to repent and to return into the community of Muslims). He says:

The meaning of 'repentance' of an apostate is his abandoning of his inner religion. The secret apostate does not give up his inner confessions when he professes the words of the shahada [the Muslim profession of faith]. He may be killed for his unbelief because we are convinced that he stays an unbeliever who sticks to his unbelief.

Ultimately, al-Ghazali's thought evolved to this more draconian view because as he believed: "Islamic law could not remain on the same level it was in the times of Muhammad (and the nascent Muslim community) to combat the threat posed to the Islamic community by the activities of such 'secret apostates'."

Under Sharia law, the male apostate must be put to death, as long as he is an adult and in full possession of his faculties. If an underage boy apostatises, he is imprisoned until he comes of age; if he persists in rejecting Islam, he must be put to death. Drunkards and the mentally ill are not held responsible for their apostasy. If a person has acted under compulsion, he is not considered an apostate, his wife is not divorced, and his lands are not forfeited.

According to some schools, a woman is imprisoned until she repents and adopts Islam once more – yet, according to the influential Ibn Óanbal and the Malikis and Shāfi'is, she is also put to death.

Some jurists accept the distinction between *murtadd fitri* and *murtadd milli*, and argue that the former be put to death immediately. Others, leaning on Sura

IV.137 ("Lo! those who believe, then disbelieve and then (again) believe, then disbelieve, and then increase in disbelief, Allah will never pardon them, nor will he guide them unto a way"), insist on three attempts at conversion, or to have the apostate imprisoned for three days. Others argue that one should wait for the cycle of the five times of prayer and ask the apostate to perform the prayers at each. Only if he refuses at each prayer time is the death penalty to be upheld. If he repents and embraces Islam once more, then he is released.

If the apostate is not executed due to a particular influence or a progressive social movement which has brought forth more secular laws, many lose all civil rights – their property is taken, their right to inheritance is denied, they are forcibly divorced, lose custody of their children, and so on.

Of course, Islamists will often say that "there is no compulsion in religion" (II.256). Again, this is but another of their dishonest attempts at duping the public: this verse is applicable only to Christians and Jews who have not converted to Islam and is not applicable to Muslims. Muslims are not free to choose any religion other than Islam. A Muslim must live and die with Islam whether he or she wishes it or not.

Comparable to the other verse often quoted by Islamists, "Whoever killed a human being shall be looked upon as though he had killed all mankind" (V.32), the supposedly noble sentiments are in fact, once contextualised, a warning to Jews:

That was why We laid it down for the Israelites that whoever killed a human being, except as a punishment for murder or other villainy in the land, shall be looked upon as though he had killed all mankind; and that whoever saved a human life shall be regarded as though he had saved all mankind. Our apostles brought them veritable proofs: yet it was not long before many of them committed great evils in the land. Those that make war against god and his apostle and spread disorder shall be put to death or crucified or have their hands and feet cut off on alternate sides, or be banished from the country.

Further Documents

There are four major schools of law in Sunni Islam; three are addressed below as are one modern Sunni pronouncement on apostasy and a modern Shi'a declaration.

1. Malik ibn Anas

His doctrine is recorded in the work al-Muwatta', which has been adopted by most Muslims in Africa with the exception of Lower Egypt, Zanzibar, and South Africa.

1410: Zayd B. Aslam reported that the Apostle of Allah declared that the man who leaves the fold of Islam should be executed.

1411: Muhammad b. 'Abd Allāh b. 'Abd al-Qāri' reported that a man came to Umar b. al-Khattāb from Abu Musā Ashar (Yemen). Umar b. al-Khattāb asked him about the condition of the people there. He gave the information. Umar b. al-Khattāb then said: Have you anything extraordinary to report? The man said: Yes. Aman had left the fold of Islam and became an infidel. He asked: What treatment had been meted out to him? He replied: We caught him and beheaded him. Umar declared: It would have been better if you had cast him in prison for three days and given him one bread each day and asked him to repent. Perhaps he would have repented and obeyed the commands of the Lord. Umar added: Oh, Allah, I was not present there, neither did I give any order, nor did I feel happy when I learnt it." (chap. 440)

2. Abu Óanifa

The Muslims of India and Turkey follow this school.

The following quotes are from the greatest compendium of Hanifi law, called the Hidāya, which was compiled by Burhān al-Din Ali al-Marghināni:

"When a Mussulman apostatises from the faith, an exposition thereof is to be laid before him, in such a manner that if his apostasy should have arisen from any religious doubts or scruples, those may be removed. The reason for laying an exposition of the faith before him is that it is possible some doubts or errors may have arisen in his mind, which may be removed by such exposition; and as there are only two modes of repelling the sin of apostasy, namely, destruction or Islam, and Islam is preferable to destruction, the evil is rather to be removed by means of an exposition of the faith; but yet this exposition of the faith is not incumbent, (according to what the learned have remarked upon this head), since a call to the faith has already reached the apostate."

"An apostate is to be imprisoned for three days, within which time if he return to the faith, it is well: but if not, he must be slain. It is recorded in the Jama Sagheer that 'an exposition of the faith is to be laid before an apostate, and if he refuse the faith, he must be slain:' and with respect to what is above stated, that 'he is to be imprisoned for three days,' it only implies that if he require a delay, three days may be granted him, as such is the term generally admitted and allowed for the purpose of consideration. It is recorded from Abu Hanifa and Abu Yusuf that the granting of a delay of three days is laudable, whether

the apostate require it or not: and it is recorded from Shâfi'i that it is incumbent on the Imam to delay for three days, and that it is not lawful for him to put the apostate to death before the lapse of that time; since it is most probable that a Mussulman will not apostatise but from some doubt or error arising in his mind; wherefore some time is necessary for consideration; and this is fixed at three days. The arguments of our doctors upon this point are twofold. First, god says, in the Quran, 'Slay the unbelievers,' without any reserve of a delay of three days being granted to them; and the prophet has also said 'Slay the man who changes his religion,' without mentioning anything concerning a delay: secondly, an apostate is an infidel enemy, who has received a call to the faith, wherefore he may be slain upon the instant, without any delay. An apostate is termed on this occasion an infidel enemy, because he is undoubtedly such; and he is not protected, since he has not required a protection; neither is he a Zimmee [Dhimmi], because capitation-tax has not been accepted from him; hence it is proved that he is an infidel enemy. It is to be observed that, in these rules, there is no difference made between an apostate who is a freeman, and one who is a slave, as the arguments upon which they are established apply equally to both descriptions."

"The repentance of an apostate is sufficiently manifested in his formally renouncing all religions except the religion of Islam, because apostates are not a sect: or if he formally renounces the religion which he embraced upon his apostasy, it suffices, since thus the end is obtained."

"If any person kills an apostate, before an exposition of the faith has been laid open to him, it is abominable, (that is, it is laudable to let him continue unmolested). Nothing however, is incurred by the slayer; because the infidelity of an alien renders the killing of him admissible; and an exposition of the faith, after a call to the faith, is not necessary."

"If a Mussulman woman become an apostate, she is not put to death, but is imprisoned, until she returns to the faith. Shâfi'i maintains that she is to be put to death; because of the tradition before cited; and, because, as men are put to death for apostasy solely for this reason, that it is a crime of great magnitude, and therefore requires that its punishment be proportionally severe, (namely, death), so the apostasy of a woman being likewise (like that of a man) a crime of great magnitude, it follows that her punishment should be the same as that of a man. The arguments of our doctors upon this point are twofold."

“First, the prophet has forbidden the slaying of women, without making any distinction between those who are apostates, and those who are original infidels. Secondly, the original principle in the retribution of offences is to delay it to a future state, (in other words, not to inflict punishment here, but to refer it to hereafter), since if retribution were executed in this world, it would render defective the state of trial, as men would avoid committing sin from apprehension of punishment, and therefore would be in the state of persons acting under compulsion, and not of free agents: but in the case of apostasy of men the punishment is not deferred to a future state, because it is indispensably requisite to repel their present wickedness, (namely, their becoming enemies to the faith), which wickedness cannot be conceived of women, who are, by natural weakness of frame, incapable thereof: contrary to men.”

“A female apostate, therefore, is the same as an original female infidel; and as the killing of the one is forbidden, so is the killing of the other also. She is however, to be imprisoned, until she returns to the faith; because, as she refuses the right of god after having acknowledged it, she must be compelled, by means of imprisonment, to render god his right, in the same manner as she would be imprisoned on account of the right of the individual. It is written in the Jama Sagheer, ‘A female apostate is to be compelled to return to the faith, whether she be free, or a slave’ The slave is to be compelled by her master; she is to be compelled, for the reasons already recited; and this compulsion is to be executed by her master, because in this a regard is had to the right both of god and of the master. It is elsewhere mentioned that a female apostate must be daily beaten with severity until she returns to the faith.”

3. Al-Shāfi'i

Al-Shāfi'i was considered to be a moderate in most of his positions. The adherents of his school are to be found in Indonesia, Lower Egypt, Malaysia, and Yemen. He placed great stress on the sunna of the Prophet, as embodied in the Hadith, as a source of the Sharia.

The quotes below are from the celebrated Minhāj al-tālibin, a manual of Shāfi'i law, compiled by al-Nawawi:

“Apostasy consists in the abjuration of Islam, either mentally, or by words, or by acts incompatible with faith. As to oral abjuration, it matters little whether the words are said in joke, or through a spirit of contradiction, or in good faith. But before such words can be considered as a sign of apostasy they must contain a precise declaration:

- (1) That one does not believe in the existence of the Creator, or of His apostles; or
- (2) That Muhammad, or one of the other apostles, is an imposter; or
- (3) That one considers lawful what is strictly forbidden by the *ijmā'*, e.g., the crime of fornication; or
- (4) That one considers to be forbidden what is lawful according to the *ijmā'*
- (5) That one is not obliged to follow the precepts of the *ijmā'*, as well positive as negative; or
- (6) That one intends shortly to change one's religion; Or that one has doubts upon the subject of the truth of Islam, etc."

"As to acts, these are not considered to be incompatible with faith, unless they show a clear indication of a mockery or denial of religion, as, e.g., throwing the Quran upon a muck heap or prostrating oneself before an idol, or worshipping the sun. No account is taken of the apostasy of a minor or a lunatic, nor of acts committed under violent compulsion. Even where the guilty person, after pronouncing the words or committing the acts, becomes mad, he may not be put to death until he has recovered his sanity. This favour, however, does not, according to our school, extend to the case of drunkenness. Apostasy, and a declaration of having returned from one's errors, pronounced by a drunken person, have the ordinary legal consequences."

"Witnesses need not recount in all their details the facts that constitute apostasy; they may confine themselves to affirming that the guilty person is an apostate. Other authorities are of the contrary opinion; but the majority go so far as to make no account of the mere denial of the accused, even where the assertions of the witnesses are made in general terms. But where, on the other hand, the accused declares that he acted under compulsion, and the circumstances render this assertion plausible, e.g., if he has been kept a prisoner by infidels, he has a presumption in his favour, provided he takes an oath; but this presumption does not arise in the absence of such circumstances. Only where the two witnesses required by law do not declare that 'the accused is apostate,' but that 'the words pronounced by him are words implying apostasy,' and the accused then maintain that he only pronounced them under compulsion, the presumption is in his favour, and it is not necessary for him to give more detailed explanations."

"Where, after the death of an individual whose faith has never been suspected, one of his sons who are both Muslims declares that his father abjured Islam and died impenitent, and adds the cause of the apostasy, this son alone is excluded from the succession, and his portion escheats to the State as a tax; but his deposition has no effect upon the rights of his coinheritors. The same rule

applies also where the cause of the crime is not mentioned and the son limits himself to saying that his father died apostate.”

“An attempt should be made to induce the apostate to return from his or her errors, though according to one authority this is only a commendable proceeding. The exhortation should take place immediately, or, according to one jurist, in the first three days; and if it is of no effect, the guilty man or woman should be put to death. Where, on the contrary, the guilty party returns from his or her errors, this conversion must be accepted as sincere, and the converted person left alone; unless, according to some authorities, he has embraced an occult religion such as the Zend, whose adherents, while professing Islam, are none the less infidels in their heart, or some doctrine admitting of a mystic or allegorical interpretation of the Quran.”

“The child of an apostate remains a Muslim, without regard to the time of its conception, or to one of its parents remaining a Muslim or not. One authority, however, considers the child whose father and mother have abjured the faith to be an apostate, while another considers such a child to be by origin an infidel.”

(The child should be considered as an apostate. This is what the jurists of Iraq have handed down to us as the universally accepted theory.)

“As to the ownership of the property of an apostate dead in impenitence, it remains in suspense, i.e., the law considers it as lost from the moment of abjuration of the faith; but in case of repentance it is considered never to have been lost. However, there are several other theories upon the subject, though all authorities agree that debts contracted before apostasy, as well as the personal maintenance of the apostate during the period of exhortation, are Charges upon the estate. It is the same with any damages due in consequence of pecuniary prejudice caused to other persons, the maintenance of his wives, whose marriage remains in suspense, and the maintenance of his descendant or descendants.”

“Where it is admitted that ownership remains in suspense, the same principle must be applied to dispositions subsequent to apostasy, in so far as they are capable of being suspended, such an enfranchisement by will, and legacies, which all remain intact where the exhortation is successful, though not otherwise. On the other hand, dispositions which, by their very nature, do not admit of such suspension, such as sale, pledging, gift, and enfranchisement by contract, are null and void ab initio, though Shâfi'i, in his first period, wished to leave them in suspense. All authorities, however, are agreed that an apostate's property may in no case be left at his disposition, but must be deposited in charge of some

person of irreproachable character. But a female slave may not be so entrusted to a man; she must be entrusted to some trustworthy woman. An apostate's property must be leased out, and it is to the court that his slave undergoing enfranchisement by contract should make his periodical payments."

A Sunni Muslim Pronouncement on Apostasy from Lebanon

Several years ago, a Lebanese family in Germany requested official information from the Office of the Mufti in Lebanon regarding the law of apostasy in Islam.

The translation of the response is as follows:

In the Name of the Merciful and Compassionate Allah, Dār al-Fatwā in the Republic of Lebanon, Beirut. Praise be to Allah, the Lord of the Universe; blessings and peace be upon our Master Muhammad, the Apostle of Allah, and upon his Family, his Companions, his Followers, and those who have found the way through him.

A question has come: "What is the stand of the Islamic Law regarding the Muslim who has renounced Islam and embraced another religion?" The answer is, with Allah's help: Etymologically, *raddah* (renouncing) means to go back on a thing to something else. As far as religious law is concerned, it means the severing of the continuity of Islam. The *murtadd* (apostate) is the one who has renounced Islam. The state of *raddah* (apostasy), should it continue and he die in it, will nullify the value of his work. Such a person will have died outside Islam. This is based on the saying of the Exalted One (i.e., Allah, in the Qur'ān):

"Those who among you renounce their religion and die as unbelievers, their works would have failed them."

The loss of the merit of one's works is linked to two conditions: apostasy, and dying in the state of apostasy. These two conditions are necessary and are not the same. Should the apostate renounce his apostasy and return to Islam, his status would be valid if he gave these two testimonies:

"I testify that there is no god but Allah, and that Muhammad is the Apostle of Allah."

(The second testimony) should be a clear declaration that he is free from every religion which is contrary to Islam; that he no longer adheres to the faith which had caused him to apostatize; that he is not innocent from the transgression he fell into on account of his apostasy.

The person who renounces his apostasy is not obliged to repeat the performance of everything he had accomplished prior to his apostasy (i.e., while he was still

a practicing Muslim), such as the hajj (pilgrimage) and the prayers. His works will no longer be counted as having failed him, now that he has returned to Islam. But he must perform all that he has missed during the *raddah* and the period leading up to it. For he is still under obligation, (even) while he was in the state of apostasy, to perform all that is required of a Muslim.

Now, should the apostate (male or female) persist in his apostasy, he should be given the opportunity to repent, prior to his being put to death, out of respect for his Islam. A misunderstanding on his part may have taken place, and there would thus be an opportunity to rectify it. Often apostasy takes place on account of an offer (of inducement). So Islam must be presented to the apostate, things should be clarified, and his sin made manifest. He should be imprisoned for three days, so that he may have the opportunity to reflect upon his situation. This three-day period has been deemed adequate. But if the man or the woman has not repented of his or her *raddah*, but has continued to persist in it, then he or she should be put to death. (This is in harmony with) Muhammad's saying, may Allah's blessings and peace be upon him: "Kill him who changes his religion," as related by the Hadith authority al-Bukhārī (in his Hadith collection). He who executes the apostate is the imam (ruler or leader in Islam) or, with his permission, his deputy. When a person deserves capital punishment, in accordance with the will of Allah, the carrying out of the penalty is left to the imam or the one he has authorized. But if some person, other than the imam or his deputy, has not abided by this rule and executed the apostate, that person should be punished because he has usurped the function of the imam. This punishment is not specifically described. It is left to the judge to decide the amount of the punishment in order that it will keep people from usurping the role of the imam. An apostate may not be buried in the cemetery of the Muslims, since by his apostasy he has departed from them.

According to Imām Abu Hanifa, may the mercy of Allah be upon him, the female apostate should not be put to death, but must be imprisoned until she Islamises. Reference is then made to Khatib al-Sharbini, Ibn Hajar al-Haythami, and other authorities. Allah knows best. May Allah bless our Master Muhammad, his Family and his Companions. Thanks be to god, the Lord of the universe. Beirut, the 14th of Rabi' al-Thani in the year 1410 A.H. 13 November 1989. Deputy to the Mufti of the Republic of Lebanon.

A Shi'a Muslim Pronouncement on Apostasy

The following Shi'a pronouncement on apostasy from Islam appeared in the ultraconservative Tehran daily *Kayhan International*, March 1986:

Introduction

In Islam, apostasy is a flagrant sin and guilt for which certain punishments have been specified in *fiqh* (Islamic law). Apostasy means to renounce the religion or a religious principle after accepting it. In other words, one's departure from Islam to atheism is called apostasy.

A person who abandons Islam and adopts atheism is called an apostate.

There are special laws concerning apostates in the Islamic *fiqh*. In this lesson, we will be familiarized with them. In light of the above-mentioned points, we will continue to discuss the issue of apostasy and apostates in the following parts:

(There follows an outline.)

1. Types of apostasy: As it was mentioned, apostasy means to return from Islam to atheism and polytheism. That is why it can also be called "reaction." Therefore, from the standpoint of Islam and the Islamic *fiqh*, reaction is to give up Tawhid (monotheism) and return to atheism and polytheism. Reaction is to abandon monotheism and take up paganism, idolatry, and materialism. Reaction is to return from faith and knowledge to ignorance. Therefore, the exact examples of reaction in the current world, especially Muslim-inhabited regions, are apostate materialists, Marxists, and polytheistic capitalists and Zionists who have abandoned Tawhid and resorted to Trinity and racism. Heretical groups in the Muslim world, such as Ba'athists and the likes of them are reactionary and apostate. Because by denying the genuineness of Islam, or many of its rules, they have practically become apostate and contracted the fatal disease of apostasy and reaction.

Apostasy has two types: one is "voluntary" apostasy and the other is "innate" apostasy. Therefore, there are also two types of apostates: voluntary apostates and innate apostates who are treated according to different rules. In the jurisprudential book of Tahrir al-Wassilah voluntary and innate apostates are defined as follows:

An apostate, that is, one who abandons Islam and takes up atheism, may be of two types:

a. Voluntary apostate: a person whose parents, or either of them, were Muslim at the time of his or her development in the mother's womb and who takes up atheism after growing up.

b. Innate apostate: a person who is born of atheist parents and who accepts Islam after growing up, but returns to atheism later.

2. The way to prove one's apostasy: After the meaning of apostasy and its two types have been clarified, this question may come to mind: How can a person's apostasy be proven? In response, I should say that, since Islam is an easy religion, it has adopted an easy and untroubled manner in this connection, which does not involve any slander and accusation. Here, before anything else, the judge attaches importance to the confession of the accused person. Whatever the charged person says about himself or herself, the judge takes it as an evidence. If the charged person confesses to his apostasy, his word will be accepted; if he denies the charge of apostasy and claims Islam, again his word will be taken as valid.

Tahrir al-Wassilah reads so in this regard:

Apostasy is proven in two ways: First, the person himself confesses to his apostasy twice. Second, two just and truthful men bear witness to the person's apostasy.

But women's testimonies do not prove apostasy in any case; either they bear witness individually, in a group or beside a man.

There should also be several conditions or prerequisites in a person charged with apostasy to be convicted of this guilt. These conditions are: adulthood, wisdom, free will, and intention. Therefore, apostasy does not apply to children, lunatics, and those who have been forced to pretend it. Also, apostasy does not apply for a Muslim who utters a blasphemous word or commits a blasphemous act neglectfully or jokingly and without intention, or in a coma, or in anger; that is to say, he is still a Muslim and considered a Muslim.

If a person utters or does something indicative of apostasy, and he claims that he was compelled to do so, or did not have real intention and uttered it unconsciously, his or her claim is accepted, even though there is already ample proof of his having done a blasphemous act.

3. The punishment of apostates: The punishment that Islam has considered for voluntary and innate apostates differ.

a. Voluntary apostate: If this apostate is a man, the following punishment will be imposed upon him:

His wife is separated from him (that is, she becomes forbidden to him) and, as though her husband is dead, she should not marry another man for a certain period and after that period, she can marry someone else if she wants. In addition

to this, the property of a male apostate is divided among his lawful heirs. In this division, they won't await his death and his property is distributed among them while he is still living; of course, his debts are first repaid (and the apostate himself is executed). The repentance of a voluntary apostate is not accepted and has no effect in regaining his property and wife. His inward repentance will be accepted by god (that is to say, the other worldly chastisement will be lifted from him).

In some cases, a voluntary apostate's apparent repentance is also accepted and as a result his prayers and worship will be accepted, his body will be clean and touchable again; he will be allowed to gain new property through legitimate ways such as trade, work, and inheritance. He can also marry a Muslim woman or marry his former wife again.

This is the punishment of a male voluntary apostate. As you observe, Islam considers him a dead person and issues the rule of the dead about his property and wife.

The words of the great Faqih Imam Khomeini indicate that, if a voluntary apostate repents, he will be relieved of death punishment. However, some of the earlier Faqihs such as Allamah Helli believed that a voluntary apostate should be executed immediately and that his repentance was not acceptable.

Imam Khomeini's statement in this regard is based on common law and rationality. Some of the former Faqihs like Eskafi and Sahib al-Massalik were of the same opinion. Concerning the documents invoked by the opponents of this opinion, Sahib al-Massalik says, "Reliable jurisprudential documents generally indicate that an apostate's repentance is acceptable, and any different interpretation of these documents is doubtful."

A similar statement has also been narrated from the Sunnis. For example, al'a Ibn Khuwaylid Asadi, a well-known apostate in the early years of Islam who was defeated after apostasy and rebellion against Muslims, repented after some time (and thus was pardoned). In the Nahavand battle, he was one of the commanders of the Muslims' army and was killed in that battle. But the punishment of a female voluntary apostate is as follows:

Her property remains in her ownership and is not transferred to her lawful heirs, unless she dies. (A female apostate is not executed on charges of apostasy.) She is separated from her husband without any need to remain unmarried for a certain period, of course if no intercourse has taken place between her and her husband. But if they have had sexual intercourse, she should remain unmarried for a certain period of her apostasy just as

if she were divorced. If the woman repents in the middle of the period of remaining unmarried, she will become the wife of her former husband without any need to hold marriage ceremonies again.

Therefore, a female apostate is never executed but is imprisoned.

b. Innate apostate. An innate apostate is treated in this way:

His or her property is not transferred to the heirs because of apostasy. An innate man or woman is separated from his or her spouse as a penalty for apostasy.

In case of repenting before the expiration of the period that the woman must remain unmarried, they will again belong to each other. But if repentance is uttered after the expiration of this special period, they will no longer be each other's wife and husband.

An innate apostate is not executed if he repents. This is a matter agreed on by all **faqih**s (Islamic jurists).

4. Apostate's repentance. The case of an apostate's repentance has become clear and, therefore, there is no need to explain it again.

5. A view of the Quranic verses about apostasy. There are many verses in the Glorious Quran and numerous narrations in Islamic historical and narrative books that help us have a deep understanding of the phenomenon of apostasy. Let us look at some of them:

O you who believe! Whoever from among you turns back from his religion, then Allah will bring a people, He shall love them and they shall love Him, lowly before the believers, mighty against the unbelievers, they shall strive hard in Allah's way and shall not fear the censure of any censurer; this is Allah's grace, He gives it to whom He pleases, and Allah is Ample-giving, Knowing. (V.54)

And they will not cease fighting with you until they turn you back from your religion, if they can; and whoever of you turns back from his religion, then he dies while an unbeliever these it is whose works shall go for nothing in this world and the hereafter; and they are the inmates of the fire; therein they shall abide. (II.217)

Surely (as for) those who return on their backs after that guidance has become manifest to them, the **Shaitan** has made it a light matter to them; and He gives them respite. That is because they say to those who

hate what Allah has revealed: We will obey you in some of the affairs; and Allah knows their secrets. But how will it be when the angels cause them to die, smiting their backs. That is because they follow what is displeasing to Allah and are averse to His pleasure, therefore He has made null their deeds. (XLVII.25–28)

O you who believe! If you obey a party from among those who have been given the Book, they will turn you back as unbelievers after you have believed. (III.100)

And Muhammad is no more than an apostle; the apostles have already passed away before him. If then he dies or is killed, will you turn back upon your heels? And whoever turns back upon his heels, he will by no means do harm to Allah in the least, and Allah will reward the grateful. (III.144)

As you observe, these verses have approached apostasy from different aspects and meditation upon them will shed light on many issues.

6. Answer to a controversial question. Regarding the subject of apostasy and the punishment that the holy religion of Islam has considered for it, the narrow-minded or the enemies of justice and truth may attempt to create doubt in the people's minds by raising a question and taking advantage of it opportunistically in their anti-Islamic propaganda. This is the question: Do the Muslims not claim that Islam is the religion of the freedom of belief and creed and that there is no compulsion in choosing one's opinion? Then why has Islam considered such heavy penalties and punishment for apostasy?

The answer to this irrelevant question is this: Yes, Islam and the Glorious Quran have denied compulsion and coercion in belief, and the Exalted god says so in the Glorious Quran: "There is no compulsion in religion" (II.256). But the issue of apostasy differs from the free adoption of an opinion or belief. In other words, I should say that from the viewpoint of the Islamic *fiqh*, there is a sceptic who is seeking the truth and there is also an obstinate apostate. These two are basically different from each other.

A sceptic is one who does not want to take up a creed and follow a religion in a hereditary way. He or she is doubtful and hesitant of what parents and family or society have inculcated upon his or her mind about god and Islam, and doubts whether they are true or not. That is why he doubts and thus embarks on studying and searching for the discovery of truth and reality. Not only is this doubt not reproachable and bad from the viewpoint of Islam, but it is also praised.

Because the Glorious Quran reproaches ancient nations for having imitated their ancestors in religion and creed. Even research facilities should be provided for the searching and studying of a sceptic out of the Muslims' public treasury. Because the root of this doubt lies in honesty, sincerity, and knowledge. Doubt is a very good passageway, but a very bad place to stop in. However, apostasy is a matter of treason and ideological treachery, which originates from hostility and hypocrisy. The destiny of a person who has an inborn handicap is different from the destiny of one whose hand should be cut off due to the development of a dangerous and infectious disease. The apostasy of a Muslim individual whose parents have also been Muslim is a very infectious, dangerous, and incurable disease that appears in the body of an ummah (people) and threatens people's lives, and that is why this rotten limb should be severed.

An apostate is an adversary who has penetrated the Islamic *ummah* as the faith column of the enemy of Islam and Muslims and who has taken advantage of his natural situation.

Apostasy is escape from the pattern of creation and nature and that is why the word "voluntary" has been adopted for such an apostate and that is the reason why the punishment of a voluntary apostate is heavier than that of an innate apostate.

Can the penalty of escaping from the path and pattern of nature and creation be anything other than annihilation? This is the same thing that has been crystallized in the penal code of Islam.

The anti-apostasy punishments of Islam are proper laws to rescue mankind from falling into the cesspool of treason, betrayal, and disloyalty and to remind the human being of his ideological commitments. A committed man should not violate his promise and vow, especially his promise to god. All the punitive laws of Islam have a similar goal. For example, they ask, why is a thief's hand cut for stealing five hundred or one thousand tomans? This is the denial of the value of the human being! But the fact is that a thief's hand is not cut off for the sake of a hundred or a thousand tomans, but his hand is severed for having deprived the human society of security. In other words, a thief's hand is cut for the revival of human values.

An objective and real proof of the fact that apostasy always has a treacherous and warlike nature and revolves around high political and social positions indeed, and not around the free adoption of a belief, as it is alleged, can be seen in the events of the early days of Islam.

After the demise of the Prophet of Islam (Praise Be Upon Him), most Arab tribes became apostate under the influence of their errant, arrogant, and idolatrous chiefs. These apostates were led by the false claimers of prophethood. Their first step after the Prophet's death was to attack Medina and other centres of Islam. In the wars that the bellicose apostates waged against Muslims, fifty or sixty thousand people were killed and the number of casualties is unprecedented in Arab history.

Their most heinous ringleaders were "Ablaha ibn Ka'b" known as "Asswad Ghassi"; in Yemen "Musaylima Kadhdhab" at Hadramawt, and "Talha Ibn Khuwaylid Asadi" in the Bani Asad tribe. These wars, and similar wars, which occurred later, show the tyrannical nature of apostasy, and justify the necessity of a decisive combat against it.

Another example, which is expressive of the insincere nature of the sinister phenomenon of apostasy, is the ruthless inhuman murder of faithful Muslims by Marxian apostates in Iran under the Shah's regime under the pretext of "changing their ideology." They committed these crimes as "revolutionary assassinations." Yet instead of assassinating the ringleaders of SAVAK (the Shah's secret police,) they murdered anti-Shah and anti-U.S. Muslims who worshiped God. This is the shameful face of apostasy.

Conditions for Apostates by Country

Afghanistan

According to the Afghan Constitution, Islam is the official state religion of Afghanistan.² It states that “no law can be contrary to the beliefs and provisions of the sacred religion of Islam”.³ The Afghan Constitution holds no recourse to amend this as it states the “provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended”.⁴ Article 2 states:

...the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free *within the bounds of law* in the exercise and performance of their religious rituals” (emphasis added).⁵

Article 54 declares that the state should ensure “the elimination of traditions contrary to the principles of the sacred religion of Islam”.⁶

According to the Article 1 of the Penal Code, crimes of *Hudud* and *Qisas* including apostasy are inflicted in accordance with the Hanafi Jurisprudence of Sharia law, which includes the death penalty for apostates. The Constitution stipulates that court decisions be made “in accord with the Hanafi jurisprudence” when “there is no provision in the Constitution or other laws regarding the ruling on an issue”.⁷ To date, the Afghan Supreme Court has dismissed cases requiring it to interpret the Constitution so as to remedy the apparent contradiction between Sharia with the more universal principles of human rights, both of which the Afghanistan Constitution claims to respect.⁸

Statute interpretation allows ample judicial discretion and may be supplemented, or replaced by, the judge’s view of what Islam demands; this has led to calls of execution for those facing convictions of blasphemy or apostasy, if the defendant

2 AFG. CONST. art. 1, available at <http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>.

3 AFG. CONST. art. 3

4 AFG. CONST. art. 149.

5 AFG. CONST. art. 2.

6 AFG. CONST. art. 54.

7 AFG. CONST. art. 130.

8 Jay Tolson, *Why Afghanistan Should Not Have Dismissed the Apostasy Case*, U.S. NEWS & WORLD REPORT (Mar. 30, 2006), <http://www.usnews.com/usnews/news/articles/060330/30rahman.htm>.

is a male over eighteen or female over sixteen years of age and of sound mind.⁹ If the accused recants their actions within three days, the sentence may be dropped.¹⁰

In March 2008, the lower chamber of parliament passed a resolution to prohibit the broadcasting of “un-Islamic” activities, such as dancing, on the television.¹¹

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

In March 2015 Farkhunda Malikzada was beaten to death by a mob, burnt, run over by a car in Kabul after false accusations that she burnt a copy of the Quran. Farkhunda had questioned the selling of superstitious talismans to vulnerable women. The attack was captured on phone cameras, with many men seen looking on as she was killed. The trial of men accused of her murder was, according to human rights groups, “both rushed and riddled with due process violations”.¹²

In 2014 Ahmad Javeed Ahwar, a writer and a social media activist, was accused of blasphemy for his column criticising ISIS and Taliban. The newspaper office was shut down and the owners were arrested. President Ashraf Ghani and Chief Executive Abdullah Abdullah, assured people of Afghanistan of taking all the required measures regarding his arrest and trial. Reportedly, most of the co-workers of the newspaper are said to have sought asylum in European countries. NAI, which appears to be the only local Afghan NGO that campaigns of support of open media in Afghanistan, condemned Ahmad Javeed Ahwar for violating the Afghan Constitution.¹³

In January 2009, two journalists – *Aftab’s* chief editor Merhossin Mahdaw and Ali Raza Payam – were put on trial for publishing a blasphemous cartoon.¹⁴ The cartoon portrayed a monkey evolving into a man slumped over a computer with the words: “Government plus religion equals cruelty.” The Supreme

9 MARSHALL & SHEA, *supra* note 2.

10 *Id.*

11 *IFJ Condemns Afghan Parliament Resolution to Censor Television Programs*, INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ), <http://www.ifj.org/fr/articles/ifj-condemns-afghan-parliament-resolution-to-censor-television-programs.print> (Apr. 1, 2008).

12 *Dispatches: 11th Hour For #JusticeForFarkhunda*, HUMAN RIGHTS WATCH, hrw.org/news/2015/07/07/dispatches-11th-hour-justiceforfarkhunda (July 7, 2015).

13 *Afghan Newspaper’s ‘Blasphemy’ Causes Protests After Rebunking Isis and Islam*, THE GUARDIAN, theguardian.com/world/2014/oct/24/afghanistan-express-article-isis-taliban-islam-blasphemy (Oct. 24, 2014).

14 HUMAN RIGHTS FIRST, *BLASPHEMY LAWS EXPOSED: THE CONSEQUENCES OF CRIMINALIZING ‘DEFAMATION OF RELIGIONS’* 11 (2011), available at http://www.humanrightsfirst.org/wp-content/uploads/Blasphemy_Cases.pdf (hereinafter *Blasphemy Laws Exposed*).

Court recommended that the two men be put to death; however, they were ultimately released and are believed to have fled the country.¹⁵

23-year-old Sayed Perwiz Kambakhsh was arrested in January 2008 after downloading and distributing material from the Internet that was discussing Quranic verses about women.¹⁶ He was sentenced to death, and later commuted to twenty years imprisonment.¹⁷ After a sustained effort by Afghan activists and international pressure – and serving two years of his term – in September 2009 he was secretly pardoned and fled the country.¹⁸

In 2006, a Muslim man, Abdul Rahman, who converted to Christianity faced prosecution for his apostasy. All pleas to throw the case out were rejected at once; the judge vowed to resist international pressure and threatened to sentence Abdul Rahman to death unless he reverted to Islam. His death was prevented when President Karzai, under the strong advocacy and pressure of international community, requested the Supreme Court to spare him of his charges. The charges were dropped because of lack of evidence and ostensibly his mental instability. He left Afghanistan shortly thereafter.¹⁹

Journalist Ali Mohaqiq Nasab, editor of a women's rights magazine *Haqooq-i-Zan*, was detained in 2005.²⁰ He was sentenced to two (2) years in prison for blasphemy for questioning the harsh punishment imposed on women under traditional Islamic law and for advocating that apostasy from Islam should not be considered a crime.²¹ State prosecutor Zmarai Amiri stated that he would be requesting the appeals court to impose a more onerous sentence and that "Nasab must be punished more

15 *Id.*

16 AMERICAN HUMANIST ASSOCIATION, 2012 REPORT ON NON-RELIGIOUS DISCRIMINATION 18 (2012), available at http://americanhumanist.org/system/storage/63/14/a/3436/2012_IRF_Report.pdf (hereinafter AHA 2012 Report).

17 *Afghan 'Blasphemy' Death Sentence*, BBC NEWS, http://news.bbc.co.uk/1/hi/world/south_asia/7204341.stm (last updated Jan. 23, 2008).

18 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 15.

19 APOSTASY AND FREEDOM, Answerign Islam, answering-islam.org/authors/clarke/apostasy_freedom.html

20 *CP Calls on Karzai to Free Journalist Ali Mohaqiq Nasab*, COMMITTEE TO PROTECT JOURNALISTS, <http://cpj.org/2005/12/cpj-calls-on-karzai-to-free-journalist-ali-mohaqiq.php> (Dec. 8, 2005)

21 *High Court Allows Release of Journalist Ali Mohaqiq Nasab*, REPORTERS WITHOUT BORDERS (Dec. 21, 2005), <http://en.rsf.org/afghanistan-high-court-allows-release-of-21-12-2005,16006.html>.

severely, up to and including execution.”²² He went on to condemn individuals who had publicly defended Nasab, saying, “There are some people who speak irresponsibly ... We have decided to arrest and interrogate these people too.”²³ The sentence was eventually commuted on appeal with an apology from Nasab stating, “I ask the court to forgive me if I caused any confusion and problem.”²⁴ Nasab fled to Iran, where he was subsequently arrested in 2008 after a warrant was issued for his arrest on unknown charges, which the police then refused to disclose.²⁵

Algeria

According to the Algerian Constitution, Islam is the state religion²⁶. The Algerian Penal Code does not allow “insulting” religious sentiments, seeking to convert Muslims to other faiths or inciting hatred against religion.²⁷ Article 144 bis 2 of the Penal Code explicitly prohibits insults against Islam or the Prophet Muhammad.²⁸ It carries a penalty of up to five years imprisonment or a fine for insulting the prophet and any messenger of god, or denigrating the creed and precepts of Islam, whether by writing, drawing, declaration, or any other means.²⁹ Most blasphemy cases are brought under this provision or The Information Code 1990, which prohibits blasphemy under Article 26 and 77 in governing the media.³⁰ Even those not fasting during Ramadan are arrested under blasphemy laws.³¹ The Constitution bans non-Muslims from becoming president. Those who “renounce” Islam may be imprisoned, fined, or coerced to re-convert.

Prior to the 2005 amendments, family law stated that if it is established that either spouse is an “apostate” from Islam, the marriage will be declared null and void

22 *Afghan Journalist Detained Without Explanation In Iran*, COMMITTEE TO PROTECT JOURNALISTS (Mar. 14, 2008), <http://cpj.org/2008/03/afghan-journalist-detained-without-explanation-in.php>.

23 CPJ, *supra* note 18.

24 *Jailed Journalist Ali Mohaqiq Released with Suspended Sentence*, WIKILEAKS, <http://wikileaks.org/cable/2005/12/05KABUL5201.html> (Dec. 22, 2005).

25 CPJ, *supra* note 20.

26 FREEDOM HOUSE, POLICING BELIEF: THE IMPACT OF BLASPHEMY LAWS ON HUMAN RIGHTS (2010), available at http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf (hereinafter Policing Belief).

27 *Id.*

28 POLICING BELIEF, at 13, *supra* note 24.

29 *Id.*

30 *Id.*

31 <http://www.bbc.co.uk/news/av/world-africa-23564925/algerians-eat-lunch-in-ramadan-protest>

(Article 32). The term “apostate” was removed with the amendments, however those determined as such still cannot receive any inheritance (Article 138).³²

In 2006, the Algerian Parliament enacted legislation prohibiting proselytising of any minority faiths as a criminal offence with the punishment of one to three years imprisonment or a maximum fine of 500,000 dinars, depending on the severity.³³ The legislation prohibits anyone who “incites, constrains, or utilises means of seduction tending to convert a Muslim to another religion,” or “stores or circulates publications or audio visual or other means aiming at ‘shaking the faith’ of a Muslim.”³⁴

Apostasy is not expressly penalised, but draws consequences partially in the family law though there are attempts by Islamists to increase penalties. In 2009, for example, religious leaders declared that apostasy is subject to capital punishment, unless he or she repents by returning to Islam.³⁵

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

Anouar Rahmani, a 25-year-old law student and novelist, was accused of blasphemy in February 2017 for “The City of White Shadows,” a novel he published online in August 2016. He was accused of insulting Islam in his novel.³⁶

In 2015, Algerian poet, author and playwright Rachid Boudjedra discussed his atheism on national television. He also said that many Algerians had embraced atheism, but remain reluctant to say so publicly. The *Ulema* authorities announced that a public declaration about his “Ilhad” (atheism or deviation) was a serious matter: “Boudjedra should be deprived of the privileges accorded to Muslims at their death. [...Thus ex-communicated] it would be unlawful, upon his passing, to give him the ritual washing; no sermon should be given at his funeral, and in no way may he be buried in an Islamic cemetery.” The *Ulema* also called for his repentance saying he would be welcomed back.³⁷

32 <http://freethoughtreport.com/countries/africa-northern-africa/algeria/>

33 *Id.*

34 *Id.*

35 *Clerics in Algeria Demand the Punishment of Apostates from Islam*, AAFAQ ONLINE, http://www.aafaq.org/news.aspx?id_news=8191 (Apr. 24, 2009) (in Arabic).

36 *Algeria: Don't Prosecute a Writer for Insulting Islam*, Human Rights Watch (March 2017) <https://www.hrw.org/news/2017/03/08/algeria-dont-prosecute-writer-insulting-islam>

37 *The Rise and Spread of Ilhad (Atheism) in the Arab World* (2015) academia.edu/12889633/The_Rise_and_Spread_of_Ilhad_Atheism_in_the_Arab_World

On August 3, 2013, Algerians held a picnic during Ramadan in support of those harassed and arrested for eating during the month.³⁸ Defying fasting rules during Ramadan is a punishable offense, met with fines or incarceration.³⁹

Djamila Salhi and her cousin were arrested in Algiers in 2009 for eating during prohibited hours of the Ramadan fast.⁴⁰ They were later released before further legal proceedings.⁴¹

Ali Ahmad Said Asbar, often regarded as the greatest contemporary Arab poet, and Syrian by birth, gave a lecture in October 2008 at Algeria's National Library.⁴² In the lecture, he argued against Islamists' attempts to impose their religion on society and the state, and was subsequently accused of being an apostate.⁴³ Algeria's Minister of Culture denounced his "ideological deterioration" and fired the library's director for inviting him.⁴⁴

Six men were arrested in Biskra in 2008 for not fasting during Ramadan, even though this is not an official offence in Algerian law.⁴⁵ They were found guilty under Article 144 *bis* 2 of the Penal Code, each being sentenced to four years in prison and a fine of 100,000 dinars.⁴⁶ Following an appeal, the high court overturned the verdict and all six defendants were acquitted.⁴⁷

Four men were also arrested during Ramadan in September 2008 for smoking, and were found guilty under Article 144 *bis* 2.⁴⁸ They were sentenced to three years imprisonment, although this was overturned in an appeals court ruling in November 2008.⁴⁹ The court acquitted one defendant, S. Said, and reduced the sentences of the three others to time served of sixty (60) days during their trial proceedings.⁵⁰

38 *Algerians Eat Lunch in Ramadan Protest*, BBC NEWS (Aug. 4, 2013), <http://www.bbc.co.uk/news/world-africa-23564925>.

39 World Watch Monitor, *Algerians stage picnics in protest against 'forced' fasting* (World Watch Monitor, August 6, 2013) <https://www.worldwatchmonitor.org/2013/08/algerians-stage-picnics-in-protest-against-forced-fasting/>

40 POLICING BELIEF, at 17, *supra* note 24.

41 *Id.*

42 MARSHALL & SHEA, *supra* note 3

43 MARSHALL & SHEA, *supra* note 3.

44 *Id.*

45 POLICING BELIEF, at 17, *supra* note 24.

46 *Id.*

47 *Id.*

48 POLICING BELIEF, at 18, *supra* note 24.

49 *Id.*

50 *Id.*

In February 2006, director of the weekly *Panorama* and editor of *Essafir*, Berkane Bouderbala and Kamal Bousaad, were arrested after the Ministry of Communications had lodged a complaint for their publication of the Danish cartoons. Both *Panorama* and *Essafir* were shut down by the government with both journalists released the following month.⁵¹ Others in the media, including Lotfi Cheriet, general manager of the Canal Algerie television station, and Houria Khatir, director of the television channel Thalita, were demoted, reassigned, or fired for broadcasting the cartoons in 2006.⁵²

In October 1994, the AIS, military wing of the Islamic Salvation Front, issued a fatwa for the death penalty of twenty-two Algerian journalists and writers.⁵³ Of the named “apostates”, editor-in-chief of the *Le Matin*, Said Mekbel, and Zine-Eddine Aliou-Salah from *Liberte*, were killed in 1994 and 1995 respectively.⁵⁴ Between 1993 and 1999, fifty-eight journalists were murdered in relation to writings or speeches identifying them as apostates.⁵⁵

Azerbaijan

The Republic of Azerbaijan is a member state of the Organisation of the Islamic Cooperation (OIC). While the law on religious freedom prohibits governmental interference in individual religious activity, exceptions are made; evident in monitored Internet and technological uses.⁵⁶ Websites displaying oppositional views are blocked, many international news broadcasts are banned and secularist bloggers are punished for publishing criticism.

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

One notable case is of secularist writer and journalist, Rafiq Tagi.⁵⁷ His 2006 article ‘Europe and Us’ was deemed critical of Islam; he was sentenced to 3 years imprisonment for “inciting hate”. His article provoked protests across Azerbaijan and Iran, and he received a fatwa issuing a death penalty from

51 POLICING BELIEF, at 16, *supra* note 24.

52 *Id.*

53 A. SAEED & H. SAEED, FREEDOM OF RELIGION, APOSTASY AND ISLAM (Ashgate, 2004).

54 *Id.*

55 58 *Journalists Murdered in Algeria Since 1993*, COMMITTEE TO PROTECT JOURNALISTS (Jan. 1, 1999), <http://cpj.org/1999/01/58-journalists-murdered-in-algeria-since-1993.php>.

56 Cornell, S.E (2006) *The Politicisation of Islam in Azerbaijan*. Silk Road Study Program

57 *Journalist Critical of Islam Dies Four Days After Being Stabbed by Attacker*, REPORTERS WITHOUT BORDERS <https://rsf.org/en/news/journalist-critical-islam-dies-four-days-after-being-stabbed-attacker> (Nov. 23, 2011)

Ayatollah Fazel Lankarani.⁵⁸ In 2011, Tagi was attacked and stabbed 6 times by supposed unidentified Iranian agents and Islamists. Tagi died four days later.⁵⁹

Professor and secularist, Agalar Mammadov, received death threats after publishing his letter attacking Islamic extremism.⁶⁰

Bahrain

According to the Bahraini Constitution, Islam is the official state religion and Sharia law is the principal source of legislation.⁶¹ This implies that apostasy is illegal. The law prohibits and mandates imprisonment for “exposing the state’s official religion for offence and criticism,” citing that “any publication that prejudices the ruling system of the country and its official religion can be banned from publication by a ministerial order.”⁶² Specific rights vary according to an individual’s religious affiliation.⁶³

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

In February 2013, two Bahrainis were sentenced to six months imprisonment for allegedly walking into an empty mosque, with one man mocking the Second Caliph from the platform where the sermons are held, while the other filmed him.⁶⁴ Police were called to the mosque after another man saw these activities. Police found that the men had filmed a similar act inside another mosque.⁶⁵

58 *Iran Issues Fatwa on Azeri Writer*, BBC NEWS. <https://cpj.org/killed/2011/rafiq-taghi.php> (Last updated, Nov. 29, 2006)

59 *Journalist Critical of Islam Dies Four Days After Being Stabbed by Attacker*, REPORTERS WITHOUT BORDERS <https://rsf.org/en/news/journalist-critical-islam-dies-four-days-after-being-stabbed-attacker> (Nov. 23, 2011)

60 Azerbaijan: Sounding the Alarm on Religious Intolerance, EURASIANET <http://www.eurasianet.org/node/65359> (May. 4, 2012)

61 *International Freedom Report for 2011: Bahrain*, US DEP’T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dclid=192879> (last visited Sep. 25, 2013) (hereinafter Bahrain Report 2011).

62 *Id.*

63 Dunya Ahmed Abdulla Ahmed, *Bahrain*, FREEDOM HOUSE, AT 8 (2010), available at http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf (last visited Oct. 9, 2013).

64 Habib Toumi, *Blasphemy charges faced by youths in Bahrain and Kuwait*, GULF NEWS (Feb. 12, 2013), <http://gulfnews.com/news/gulf/kuwait/kuwaiti-court-adjudges-blasphemy-appeal-1.1145379>.

65 *Id.*

In August 2012, a Bahraini court sentenced a man to two years in prison for making insulting comments about Aisha, one of Mohammad's wives.⁶⁶

Bangladesh

Although the Bangladeshi Constitution and other laws claim to protect religious freedom, an amendment to the Constitution passed in 2011 established Islam as the state religion, while simultaneously confirming Bangladesh to be a "secular state."⁶⁷

Section 295A of the Bangladeshi Penal Code states that anyone who has "deliberate and malicious intention of outraging the religious feelings" can be imprisoned.⁶⁸ The Code of Criminal Procedure includes clauses (99a-f), stating that "the government may confiscate all copies of a newspaper if it publishes anything subversive of the state or provoking an uprising or anything that creates enmity and hatred among the citizens or denigrates religious beliefs."⁶⁹

In May 2012, the Supreme Court overturned a 2001 High Court ruling banning fatwas; however, it restricted the manner in which fatwas can be issued, limiting them to settling religious matters.⁷⁰ Despite this, religious leaders made declarations they described as fatwas and which were used as a tool of extrajudicial punishment.⁷¹

Jamaat-e-Islami, the country's largest Islamist party, along with other Islamists, have long campaigned for Bangladesh to be renamed the "Islamic Republic of Bangladesh" and to adopt a Constitution based on Sharia law.⁷² Despite a recent electoral rejection of Islamism, Jamaat-e-Islami continues to campaign on the promise of introducing a blasphemy law.⁷³ Persecutions and arrests because of blasphemy charges continue to be made, despite no enacted blasphemy law in Bangladesh.⁷⁴

66 *Bahrain Jails Man Two Years for Insult to Prophet's Wife*, REUTERS (Aug. 12, 2012), <http://www.reuters.com/article/2012/08/12/us-bahrain-insult-idUSBRE87B0C020120812>

67 BANGL. CONST. art. 12, available at http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367.

68 PENAL CODE, Dhaka 1860 (amd. 1985), art. 295A (ins. 1927) (Bangl.), see http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11.

69 CODE OF CRIM. PROC., Dhaka (1908), arts. 99(a)-(f) (Bangl.), available at http://bdlaws.min-law.gov.bd/pdf_part.php?id=75.

70 *Bangladesh 2012 International Religious Freedom Report*, at 5, US. DEP'T OF STATE, available at <http://www.state.gov/documents/organization/208636.pdf> (hereinafter BANGLADESH REPORT 2012); *Bangladesh Lifts Fatwa Ban but Forbids Enforcement*, BBC WORLD NEWS (May 11, 2011), <http://www.bbc.co.uk/news/world-south-asia-13379016>.

71 Bangladesh Report 2012, *supra* note 60, at 5.

72 MARSHALL & SHEA, *supra* note 2.

73 *Id.*

74 *Id.*

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

In February 2015, Avijit Roy, an atheist who advocated secularism, was attacked as he walked back from a book fair with his wife, who was also badly hurt in the attack. Hundreds of people gathered in Dhaka to mourn the blogger's death. Mr Roy's family say he received threats after publishing articles promoting secular views, science and social issues on his Bengali-language blog, Mukto-mona (Free Mind). He defended atheism in a recent Facebook post, calling it a "rational concept to oppose any unscientific and irrational belief". His Mukto-mona website on Friday bore the message in Bengali "we are grieving but we shall overcome" against a black background. 3 members of an Islamist group were arrested.⁷⁵

Mishu Dhar, age unknown, is a Bangladeshi blogger and secularist. Under the pseudonym of #JuliyasCaesar, Dhar has published online writings via Facebook and Dhormockery, a satirical website which opens channels of dialogue surrounding atheism and freedom of expression.⁷⁶ Bangladeshi Islamists have been attempting to silence Dhar since at least 2013. In 2014, Dhar was assaulted, which led to his subsequent travel to study in Sweden.⁷⁷ Many apostates operating online have been murdered in Bangladesh since Dhar has left. In March 2016, when Dhar's student visa expired, several asylum procedures were rejected by the Swedish authorities. As of the 17th of February 2017, he may be legally deported back to Bangladesh.

In 2015, another Bangladeshi, Ananta Bijoy Das, applied for a visa to visit Sweden to speak at a conference – he was rejected, and murdered in the following weeks.⁷⁸ Salil Tripathi, Chair of PEN International's Writers in Prison Committee, said of the Bangladeshi climate that, ***"the state, through acts of commission and omission, has failed to protect individuals who wish to speak freely, and the devastating consequence has been eight deaths of bloggers and writers since 2013."***

75 Avijit Roy death: British man arrested after atheist blogger hacked to death, The Independent (18 August 2015) <http://www.independent.co.uk/news/world/asia/avijit-roy-death-british-man-arrested-after-atheist-blogger-hacked-to-death-10460156.html>

76 Ophelia Benson, Mishu Dhar (Butterflies and Wheels, February 23, 2017) <http://www.butterfliesandwheels.org/2017/mishu-dhar/>

77 PEN International, Sweden refuses protection to Bangladeshi blogger facing death threats (February 23, 2017) <http://www.pen-international.org/newsitems/sweden-refuses-protection-to-bangladeshi-blogger-facing-death-threats/>

78 IHEU, International Humanist and Ethical Union, Sweden rejects asylum application for threatened Bangladeshi blogger (February 24, 2017) <http://iheu.org/sweden-rejects-asylum-application-for-threatened-bangladeshi-blogger/>

Political blogger and outspoken atheist, Ahmed Rajib Haider, who was at the forefront of the Shahbag protests, was hacked to death outside his home in Dhaka on February 15, 2013.⁷⁹

In early 2013, Islamists called for the execution of 84 atheist bloggers.⁸⁰ Rather than arresting the Islamists, the Bangladeshi government arrested four bloggers, namely Subrata Adhikari Shuvo, Mashiur Rahman Biplob, Rasel Parvez, and Asif Mohiuddin, who were brutally attacked in January 2013.⁸¹ All four were eventually granted bail, although they still face criminal charges.⁸² Two more bloggers were arrested from another district, one for “liking” a Facebook page, the other for liking his “like”.⁸³ There are reports that the government is now planning to arrest 7 to 11 more bloggers.⁸⁴ An International Day to Defend Bangladesh’s Bloggers was called in April 2013 in order to stand with and support them.⁸⁵

In January 2013, 29-year-old blogger Asif Mohiuddin was stabbed in the neck and back near his office in the Dhaka district of Uttara.⁸⁶ Rather than prosecute the offending Islamists who attacked him, the government arrested more bloggers and shut down associated blogs and sites.⁸⁷ Amongst those in detention is Asif Mohiuddin, an atheist and award-winning blogger.⁸⁸

On March 21, 2012, the Dhaka High Court ordered authorities to shut down five Facebook pages and a website after a joint petition was filed by Dhaka

79 *Ahmed Rajib Haider*, COMMITTEE TO PROTECT JOURNALISTS, <http://www.cpj.org/killed/2013/ahmed-rajib-haider-1.php> (Feb. 15, 2013).

80 *100,000 Bangladeshi Protestors Rallied to Demand the Execution of Atheist Bloggers*, BUSINESS INSIDER, <http://www.businessinsider.com/protestors-demanding-execution-of-atheist-bloggers-2013-4> (Apr. 6, 2013).

81 *Targeted by Islamists and Officials, Blogger Interrogated and Censored*, REPORTERS WITHOUT BORDERS, <http://en.rsf.org/bangladesh-targeted-by-islamists-and-26-03-2013,44261.html> (Mar. 26, 2013);

82 *Blogger Granted Bail on Health Grounds*, REPORTERS WITHOUT BORDERS (Aug. 7, 2013), <http://en.rsf.org/bangladesh-unjustifiable-decision-to-send-30-07-2013,44992.html>.

83 Maryam Namazie, *Hands Off Our Freethinkers!* FREE THOUGHT BLOGS (MARYAM NAMAZIE) (Apr. 16, 2013), <http://freethoughtblogs.com/maryamnamazie/2013/04/16/hands-off-our-freethinkers/>.

84 *Id.*

85 *Id.*

86 *Blogger Badly Wounded in Dhaka Stabbing*, REPORTERS WITHOUT BORDERS, <http://en.rsf.org/bangladesh-blogger-badly-wounded-in-dhaka-16-01-2013,43916.html> (Jan. 16, 2013) (hereinafter RSF Bangladesh).

87 *Bangladesh Islamists Rally Against Bloggers*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-asia-22049408> (Apr. 6, 2013)

88 RSF Bangladesh, *supra* note 72.

University professors, alleging the content contained “disparaging remarks and cartoons about the Prophet Muhammad, the Muslim holy book of Quran, Jesus, Lord Buddha, and Hindu gods.”⁸⁹ This was the first time that Facebook pages have been blocked on charges of “hurting religious sentiment.”⁹⁰

On January 4, 2012, the principal of a technical school, Yunus Ali, was arrested for keeping a copy of the novel *Lajja* (Shame) by Taslima Nasrin in the school library.⁹¹ The book, considered blasphemous and banned in 1993, led to the author fleeing the country in 1994 after receiving death threats from Islamists.⁹²

A promising young cartoonist, Arifur Rahman, was arrested in December 2007 after publishing a cartoon titled “Naam” (Name), in which he jests about the common practice in Islamic societies to name everything and everyone Muhammad.⁹³ Rahman stated that this was a common joke in his home village and was not intended as an insult, however the magazine’s deputy editor was duly dismissed, and in addition the magazine apologised for publishing such an “impertinent” cartoon, and promised never to publish Rahman’s work again.⁹⁴ Furthermore, Rahman was detained under Section 54 of the Criminal Procedure Code,⁹⁵ and the situation sparked international demonstrations – both against him, calling for his death, and also in support of him, with the condemnation of the authorities.⁹⁶ He was finally released in March 2008, but was found guilty the following year for “hurting the religious sentiments of the Muslim community” and sentenced to six months hard labour.⁹⁷

89 *Bangladesh Court Blocks “Blasphemous” Facebook Pages*, BBC WORLD News, <http://www.bbc.co.uk/news/world-asia-17465550> (Mar. 21, 2012).

90 Joelle Fiss, *Bangladesh’s Status Quo on Blasphemy*, HUMAN RIGHTS FIRST, <http://www.humanrightsfirst.org/2013/04/10/bangladesh%E2%80%99s-status-quo-on-blasphemy/> (Apr. 10, 2013).

91 Robab Rosan, *Taslima Tweets to Save Teacher*, BANGLA NEWS 24, <http://www.banglanews24.com/English/detailsnews.php?nssl=832e5d231e3545d0900ef-685cbb43baa&nttl=2012071330280> (Jan. 7, 2012).

92 *Id.*

93 *Cartoonist Arrested Over Harmless Play on Name Mohammed*, REPORTERS WITHOUT BORDERS, <http://en.rsf.org/bangladesh-cartoonist-arrested-over-harmless-19-09-2007,23700> (Sep. 19, 2007).

94 MARSHALL & SHEA, *supra* note 3.

95 *Cartoonist Arifur Rahman Discharged*, THE DAILY STAR, <http://archive.thedailystar.net/newDesign/news-details.php?nid=28772> (Mar. 21, 2008).

96 MARSHALL & SHEA, *supra* note 3.

97 *Id.*

Brunei

The Bruneian Constitution states that: “The religion of Brunei Darussalam shall be the Muslim religion according to the Shafi’i sect of that religion.”⁹⁸ The government bans the importation of religious materials, and has also banned several religious groups it considers “deviant.”⁹⁹ Anyone who publicly promotes “deviant” beliefs or practices can be imprisoned and fined.¹⁰⁰ The Ministry of Religious Affairs is responsible for propagating and reinforcing Shafi’i beliefs and practices, as well as enforcing Sharia law, which exist alongside secular laws and apply only to Muslims.¹⁰¹ Muslims may legally convert to another religion, but must obtain permission from the Ministry of Religious Affairs; however, such permission is rarely obtained, and converts face significant official and societal opposition.¹⁰²

Article 189 of the 1984 Religious Council and Kadis Courts law states that, “whoever in any theatrical performance or in any place of public entertainment uses passages of the Quran or any words having a sacred implication to persons professing the Islamic religion or derides or copies in a derisive manner any act or ceremony relating to the Islamic religion shall be guilty of any offence: penalty imprisonment for one month or a fine of USD \$8,000”.¹⁰³ This is strictly enforced to the extent that the government monitors any Muslim group it considers “non-orthodox” and usually bans such groups.¹⁰⁴

Throughout 2011, the Bruneian Sultan repeatedly called for the establishment of Islamic criminal law and the possibility of a parallel system with both Islamic and civil law.¹⁰⁵

98 *International Religious Freedom Report for 2011: Brunei*, US. DEP’T OF STATE, available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192613> (last visited Oct. 1, 2013) (hereinafter 2011 Brunei Report).

99 *International Religious Freedom Report for 2008: Brunei*, US. DEP’T OF STATE, available at <http://www.state.gov/j/drl/rls/irf/2008/108401.htm> (last visited Oct. 1, 2013) (hereinafter 2008 Brunei Report).

100 *Id.*

101 *Id.*

102 *Id.*

103 JONATHAN FOX, AN INTRODUCTION TO RELIGION AND POLITICS (Routledge, 2013).

104 *Id.*

105 2011 Brunei Report, *supra* note 84.

In March 2012, the Ministry of Religious Affairs discussed the possibility of drafting legislation to monitor and control cases of apostasy as there is no current law in implementation.¹⁰⁶

In April 2013, the State Mufti said that apostasy should be punishable by death.¹⁰⁷

Chechnya

While the Chechen Republic is semi-autonomous within Russian borders, it is predominately an Islamic country. Article 126 of the Chechnya Criminal code defines apostasy as “openly propagandising the idea of rejecting the religion of Islam”¹⁰⁸ and it is punishable by death. In an interview with President Ramzan Kadyrov, he states that those who “betray the teachings of Islam, as well as the commands of Allah and His Prophet...are like devils who must be annihilated.”¹⁰⁹

In early 2017, more than 100 men were abducted, imprisonment and tortured on suspicion of being homosexual. Homosexuality is strictly forbidden under Islamic law and the social and legal prejudice persists against it. Kadyrov has states that Islam is at the “fore of Chechnya’s daily life, and gay people who reveal their sexuality are discriminated against and shunned.”¹¹⁰

106 Fitri Shahminan and Bandar Seri Begwan, *Legislation to Monitor Apostasy to be Considered*, THE BRUNEI TIMES, <http://www.bt.com.bn/legco/2012/03/16/legislation-monitor-apostasy-be-considered> (Mar. 16, 2012).

107 Hanaffi Hidup, *Apostasy Punishable by Death*, THE BRUNEI TIMES, <http://www.bt.com.bn/news-national/2013/04/01/apostasy-punishable-death> (Apr. 1, 2013).

108 *Civil and Political Rights in Post-War Chechnya*, HUMAN RIGHTS WATCH, <https://www.hrw.org/reports/1997/russia2/Russia-07.htm> (1997)

109 *Chechen President Kadyrov: We Will Annihilate Terrorists Returning to Russia and Chechnya From Syria*, MEMRI TV, <https://www.memri.org/tv/chechen-president-kadyrov-we-will-annihilate-terrorists-returning-russia-and-chechnya-syria/transcript> (Apr. 6, 2013)

110 *Gay Men Being Tortured and Murdered in Chechen Prisons, Claims Detainees*, INDEPENDENT, <https://www.hrw.org/reports/1997/russia2/Russia-07.htm> (Apr. 6, 2017)

Comoros

The Comorian Constitution states that the principles and laws of Islam shall govern the State and its institutions.¹¹¹ Specifically, it mandates the Comorian people “to solemnly affirm their will to draw from Islam, the religion of the state, the permanent inspiration of the principles and rules which govern the Union”.¹¹²

A constitutional referendum passed in May 2009 states that “Islam is the state religion,” but in practice there was no change in the legal status for religious freedom.¹¹³ In general, the authorities enforced all laws, including those protecting religious freedom, but in an inconsistent and unpredictable manner.¹¹⁴ Proselytising for any religion except Islam is illegal and those who leave Islam, whether for another religion or no religion, may be prosecuted for apostasy.¹¹⁵ Non-Muslims face widespread societal discrimination and all citizens, whether Muslim or non-Muslim, face “societal pressure to practice the most significant elements of Islam, particularly observing the fast ... during Ramadan”.¹¹⁶

Egypt

In 1971, the Supreme Constitutional Tribunal approved a law stating that “Islam is the State and any law contrary to Islam is contrary to the Constitution”.¹¹⁷ Although apostasy is not directly forbidden, Article 2 of the Egyptian Constitution stipulates that the principles of Sharia are the main source of legislation in the country, implicitly permitting the prosecution of apostates.¹¹⁸ Rulings by the Supreme Administrative Court and the Court of Cassation hold that Muslims who apostatise are to be considered legally dead and to lose all civil rights and powers, including their marriage and inheritance rights.¹¹⁹

111 COMOROS CONST. PREAMBLE, Art. 1.

112 *Id.* at Art. 1.

113 *International Religious Freedom Report for 2011: Comoros*, U.S. STATE DEP'T, available at <http://www.state.gov/j/drl/rls/irf/2011religiousfreedom/index.htm?dliid=192697> (last visited Oct. 1, 2013) (hereinafter 2011 Comoros Report).

114 *Id.*

115 *International Religious Freedom Report for 2012: Comoros*, U.S. STATE DEP'T, available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208134> (last visited Oct. 1, 2013) (hereinafter 2012 Comoros Report).

116 *Id.*

117 PATRICK SOOKHDEO, *FREEDOM TO BELIEVE* (Isaac Publishing, 2009).

118 *Id.*

119 *Id.*

Article 98(f) of the Egyptian Penal Code, as amended by law 147/2006, states that “whoever makes use of religion in propagating, either by words, in writing, or in any other means, extreme ideas with the purpose of inciting strife, ridiculing, or insulting a heavenly religion or a sect following it, or damaging national unity” should be punished with between six months and five years’ imprisonment, and/or a fine.¹²⁰

Following another regime change, and a new Constitutional Declaration of 2011, a decree was issued to amend provisions of the Penal Code to explicitly prohibit religious and other forms of discrimination.¹²¹ However, Islam continues to be the official state religion, and Sharia law the primary source of legislation.¹²²

The doctrine of *hisba*, a constant threat to dissenters, allows any Muslim to take legal action against anyone they consider harmful to Islam.¹²³ Islamist lawyer Nabih el Wahsh filed over a thousand *hisba* cases, although the majority of these were dismissed by the prosecutor general.¹²⁴

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

A well-known atheist activist Alber Saber was arrested in September 2012 after posting a link to a film.¹²⁵ In December 2012, an Egyptian court sentenced Saber to three years in prison on the charge of “insulting religion.”¹²⁶ He was released on a bail during the appeals process and then fled the country.¹²⁷

In October 2011, Aymnan Yusef Manseur was sentenced to three years in prison and hard labour after he “intentionally insulted the dignity of the Islamic religion and attacked it with insults and ridicule on Facebook.”¹²⁸

120 CENTER FOR INQUIRY, DISSENT DENIED: A SUVERY OF GLOBAL BLASPHEMY AND INCITEMENT LAWS & CASES 9, available at http://www.centerforinquiry.net/docs/cfe/dissent_denied.pdf (2013) (hereinafter *Dissent Denied*).

121 *International Religious Freedom Report for 2011: Egypt*, U.S. STATE DEP’T, available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192881> (last visited Oct. 1, 2013) (hereinafter 2011 Egypt Report).

122 *Id.*

123 POLICING BELIEF, *supra* note 24, at 21.

124 Cam McGrath, *RIGHTS-EGYPT Invoking Religion Against Liberals*, INTER PRESS SERVICE, <http://www.ipsnews.net/2009/10/rights-egypt-invoking-religion-against-liberals/> (Oct. 19, 2009).

125 *Egypt Court Jails Blogger Alber Saber for Blasphemy*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-middle-east-20695992> (Dec. 12, 2012).

126 *Id.*

127 *Campaign for Free Expression: Alber Saber*, CENTER FOR INQUIRY, available at http://www.centerforinquiry.net/cfe/cases/alber_saber (last visited Oct. 1, 2013).

128 Michael de Dora, *Egyptian Man Sentenced to 3 Years in Jail for Blasphemy*, CENTER FOR INQUIRY, http://www.centerforinquiry.net/blogs/entry/egyptian_man_sentenced_to_3_years_in_jail_for_blasphemy/ (Oct. 24, 2011).

During the same month, Aliaa Magda Elmahdy, atheist blogger and topless activist, posted nude pictures online in a protest against Islamism.¹²⁹ A group of Islamic law graduates filed a suit against her under the charges of “violating morals, inciting indecency and insulting Islam.”¹³⁰ She has since fled to Sweden where she has been granted asylum.¹³¹

Blogger Kareem Amer was first detained by the Egyptian authorities for 12 days in October 2005 because of his writings on his blog, *Karam903*.¹³² The subject was about Islam and the sectarian riots that took place in Alexandria’s Maharram Bek district in the same month.¹³³ In 2007, he was sentenced for posts deemed offensive to Islam – after he used his blog to criticise the Islamic institution al-Azhar University and the President, Hosni Mubarak, whom he called a dictator.¹³⁴ Until the trial, he was held in solitary confinement after he refused to recant.¹³⁵ His family disowned him and his father called for the application of Sharia to be used against him.¹³⁶ During a five-minute court session, an Egyptian judge found Kareem Amer guilty and sentenced him to serve three years in prison for insulting Islam and inciting sedition, and one year for insulting President Mubarak.¹³⁷ He was released on November 17, 2010, following which he was re-detained by security forces and tortured.¹³⁸

129 Gianluca Mezzofiore, *Aliaa Magda Elmahdy Egypt’s Naked Blogger Joins Femen Protest against Mursi Constitution*, <http://www.ibtimes.co.uk/articles/417268/20121220/aliaa-magda-elmahdy-femen-egypt-Constitution-nude.htm> (Dec. 20, 2012).

130 Gianluca Mezzofiore, *Aliaa Magda Elmahdy, the Egyptian Nude Blogger, Sued for ‘Insulting Islam’*, <http://www.ibtimes.co.uk/articles/252058/20111118/aliaa-magda-elmahdy-egyptian-nude-blogger-sued.htm>

131 Jessica Chasmar, *‘No Shariah’: Topless FEMEN Activists Protest Swedish Mosque*, <http://www.washingtontimes.com/news/2013/jul/2/no-shariah-topless-femen-activists-protest-swedish/> (July 2, 2013); see also Aliaa Magda Almaahdy, *A Rebel’s Diary*, <http://arebels-diary.blogspot.co.uk/> (last updated July 3, 2013).

132 *Egyptian Blogger Faces 10-Year Prison Sentence*, AMNESTY UK, <http://www.amnesty.org.uk/content.asp?CategoryId=10827> (Feb. 20, 2007).

133 *Id.*

134 *Id.*

135 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 15.

136 *Id.*; see also *Father Wants Him Killed if He Does Not “Repent,”* FREE KAREEM, <http://www.freekareem.org/2007/02/18/kareem%E2%80%99s-family-disowns-him-father-wants-him-killed-if-he-does-not-%E2%80%9Crepent%E2%80%9D/> (Feb. 18, 2007).

137 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 15; see also *Egyptian Blogger Jailed for Insulting Islam*, THE GUARDIAN, <http://www.theguardian.com/technology/2007/feb/22/egypt.blogging> (Feb. 22, 2007).

138 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 15.

In 2001, charges of apostasy were brought against the feminist writer Nawal al-Saadawi, as well as a separate lawsuit, demanding that as an apostate she be forced to divorce her husband.¹³⁹ Sheikh Nasr Farid Wassel reacted by urging Saadawi to retract her statements or face apostasy charges.¹⁴⁰

Salaheddin Mohsen, a writer who was on trial for atheism and blasphemy against Islam, admitted under questioning that he did not believe in Islam and sought to promote secularism though in his writing.¹⁴¹ The prosecutors argued that in four of his books, Mohsen mocked Islam, its beliefs and religious rites and duties, in the context of a discussion of enlightenment ideas and the nature of free creativity.¹⁴² Mohsen claimed that Islam is the reason for Egypt's "backwardness," that Mohammed is not in fact a prophet, but rather the author of the Quran, and that the Quran is laden with contradictions.¹⁴³ The court gave him a "lenient" suspended six-month sentence, on the grounds that it did not want to turn him into a hero.¹⁴⁴ However, a re-trial was ordered and the state security court sentenced him to three years in prison, with hard labour, for writings deemed offensive to Islam and ordered all his books and publications to be confiscated for containing "extremist" ideas.¹⁴⁵

In 1992, a fatwa was issued against Farag Foda, an Egyptian secularist, after the al-Azhar Scholars Front declared his writings blasphemous.¹⁴⁶ Two weeks after a senior al-Azhar sheikh declared him an apostate, Foda was assassinated

139 *Egyptian Writer Faces Apostasy Trial*, BBC WORLD NEWS, http://news.bbc.co.uk/1/hi/world/middle_east/1295075.stm (Apr. 24, 2001).

140 SAEED & SAEED, *supra* note 48.

141 INSTITUTE FOR THE SECULARIZATION OF ISLAMIC SOCIETY, *Courageous Eegyptian Author, Salaheddin Mohsen, Defends Secularism*, CENTER FOR INQUIRY, http://www.centerforinquiry.net/isis/articles_and_books/courageous_egyptian_author_salaheddin_mohsen_defends_secularism/ (last visited Oct. 2, 2013).

142 *Id.*

143 *Id.*

144 Jailan Halawi, *Prison Limelight*, AL-AHRAM WEEKLY ONLINE, <http://weekly.ahram.org.eg/2001/519/eg6.htm> (Feb. 2001); see also *Suspended Sentence for Egyptian "Blasphemer"*, BBC WORLD NEWS, http://news.bbc.co.uk/1/hi/world/middle_east/825306.stm (July 8, 2000).

145 *International Religious Freedom Report: Egypt*, U.S. STATE DEP'T, <http://www.state.gov/j/drl/rls/irf/2001/5636.htm> (last visited Oct. 2, 2013).

146 Ian Black, *Intellectual Condemn Fatwa Against Writers*, <http://www.theguardian.com/world/2008/apr/03/saudi-arabia> (Apr. 3, 2008); see also Magda Ab-Fadil, *Freedom, Journalism & Religion: How Safe a Mix?*, http://www.huffingtonpost.com/magda-abufadil/freedom-journalism--relig_b_3573838.html (July 10, 2013).

in his office by Islamists.¹⁴⁷ During the trial of the murderers, Azhari scholar Muhammad al-Ghazali testified that those who opposed the implementation of Sharia law were guilty of apostasy and thus could be killed legitimately.¹⁴⁸

Indonesia

Indonesia officially only recognises six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism.¹⁴⁹ Those who do not identify with one of the official religions, including atheists or agnostics, often experience systemic harassment and discrimination.¹⁵⁰ Atheists who ascribe to no religion or those who wish to leave the column blank, or to register under one of the “non-recognised” religions, face prejudice and aggression, including the refusal of employment.¹⁵¹

Discrimination is condoned under Law No 1/1965 on the Prevention of Religious Abuse and Blasphemy, which amends the Indonesian Penal Code (Article 156 [a]) to allow the state to prosecute people deemed to commit blasphemous acts, which “principally have the character of being at enmity with, abusing or staining a religion adhered to in Indonesia.”¹⁵² The maximum penalty is five years imprisonment.¹⁵³

The Joint Decree of the Minister of Religion and the Minister of Home Affairs No.1 1979, on regulations for propagation of religion and overseas donations, states “Religious propagation should not be directed toward a group of [already] converted people by any means, such as:

- A. Conducting [propagation] in a persuasive manner or by offering donations, money, clothing, food and beverages, medical service,

147 *Egypt: Human Rights Abuses by Armed Groups*, AMNESTY INTERNATIONAL, <http://www.amnesty.org/en/library/asset/MDE12/022/1998/en/3c53038a-dab2-11dd-80bc-797022e51902/mde120221998en.html> (Sep. 1998).

148 SAEED & SAEED, *supra* note 48, at 102

149 Avi Asher-Schapiro, *Religious Freedom in Indonesia*, <http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-indonesia> (last visited Oct. 2, 2013).

150 *Indonesia: Freedom of Religion Not Protected*, ASIAN HUMAN RIGHTS COMMISSION, <http://www.humanrights.asia/resources/journals-magazines/eia/eiav4a1/7-indonesia-freedom-of-religion-not-protected> (Feb. 2010).

151 *Id.*

152 *Id.*

153 *Id.*

and other forms of gifts, so that the group of converted people might be persuaded to change to the religion that is propagated;

- B. Distributing pamphlets, magazines, books, bulletins, and other publications in the locality of the converted people;
- C. By way of door-to-door visits to the converted peoples' houses for whatever reasons".¹⁵⁴

In April 2010, the Constitutional Court upheld the 1965 Blasphemy Law, allowing the government the power to impose limitations on religious freedoms, based upon security considerations.¹⁵⁵

The Indonesian Ulema Council (MUI), is a quasi-governmental body formed of various Muslim groups.¹⁵⁶ Established in 1975, it works closely with the Minister of Religious Affairs.¹⁵⁷ In July 2005 it issued a number of fatwas against pluralism, liberalism, interfaith marriage, secularism, and all alternative religious texts.¹⁵⁸

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

In June 2012, Alexander Aan, a civil servant, posted "god doesn't exist" along with cartoons of the prophet Mohammad, to the page of a Facebook group which he started, dedicated to atheism.¹⁵⁹ Aan was attacked by an angry mob at his workplace.¹⁶⁰ When the police finally arrived, they arrested him on charges of blasphemy, promoting atheism, lying on an official government

154 SAEED & SAEED, *supra* note 48, at 18.

155 *International Religious Freedom Report for 2012: Egypt*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208386> (last visited Oct. 2, 2013).

156 IN RELIGION'S NAME: ABUSES AGAINST RELIGIOUS MINORITIES IN INDONESIA 45, HUMAN RIGHTS WATCH (2012), *available at* http://www.hrw.org/sites/default/files/reports/indonesia0213_ForUpload_0.pdf.

157 *Id.*

158 *Id.*

159 Kimberly Winston, *Atheists Rally for Prosecuted Unbeliever in Indonesia*, WASHINGTON POST, http://articles.washingtonpost.com/2012-07-19/national/35487553_1_indonesian-embassy-indonesian-man-jail-cell (July 19, 2009) (hereinafter WaPo Aan); *see also* Maryam Namazie, *Islam Hasn't Been Tarnished; Humanity Has*, FREETHOUGHT BLOGS, <http://free-thoughtblogs.com/maryamnamazie/2012/06/14/islam-hasnt-been-tarnished-humanity-has/> (June 14, 2012).

160 *Campaign for Free Expression: Alexander Aan*, CENTER FOR INQUIRY http://www.centerforinquiry.net/cfe/cases/alexander_aan (last visited Oct. 2, 2013); *see also* Kate Hodal, *Indonesia's Atheists Face Battle For Religious Freedom*, THE GUARDIAN, <http://www.theguardian.com/world/2012/may/03/indonesia-atheists-religious-freedom-aan> (May 3, 2012).

document, and incitement.¹⁶¹ He was found guilty of “deliberately spreading information inciting religious hatred and animosity,” and sentenced him to two years and six months imprisonment, with a fine of 100 million rupiah (equivalent to \$10,600/£8,200).¹⁶² Aan remained imprisoned during his appeal process; the authorities moved him from his local prison in Sumatra, after he was assaulted by a group of inmates who were aware of his case.¹⁶³ The Islamic Society Forum, an umbrella group for several hard-line groups, said that a five-year jail term for Aan would not suffice.¹⁶⁴ “He [Aan] deserves the death penalty, even if he decides to repent. What he has done cannot be tolerated,” said Muhammad al-Khaththath, FUI’s secretary-general.¹⁶⁵

In May 2010, Abraham Felix, a 16-year-old student, was charged under Article 156 of the Indonesian Criminal Code for religious defamation.¹⁶⁶ He was arrested for creating a blog that showed him stomping on the Quran and putting the book into the toilet.¹⁶⁷ In September 2010, Felix was sentenced by the Bekasi District Court to one year in prison.¹⁶⁸

In June 2005, police charged a lecturer at the Muhammadiyah University in Palu for heresy.¹⁶⁹ The police held the lecturer for five days before placing him under house arrest, after two thousand persons protested against his published editorial, “Islam, A Failed Religion.”¹⁷⁰ The editorial, among other things, emphasised the spread of corruption in Indonesia.¹⁷¹ The lecturer was released from house arrest and dismissed by the University.¹⁷²

¹⁶¹ *Id.*

¹⁶² WaPo Aan, *supra* note 143.

¹⁶³ Matthew Bulger, *The Story Of Alexander Aan: An Indonesian Atheist Fears for His Life*, AMERICAN HUMANIST ASSOCIATION, <http://www.americanhumanist.org/HNN/details/2012-05-the-story-of-alexander-aan-an-indonesian-atheist-fea> (last visited Oct. 2, 2013).

¹⁶⁴ *Calls to Behead Indonesian Atheist Alexander Aan*, JAKARTA GLOBE, <http://www.thejakartaglobe.com/archive/calls-to-behead-indonesian-atheist-alexander-aan/495308/> (Feb. 2, 2012).

¹⁶⁵ *Id.*

¹⁶⁶ *Muslims Protest in Bekasi Over Statue Of Women and Desecration of Koran*, JAKARTA GLOBE, <http://www.thejakartaglobe.com/archive/muslims-protest-in-bekasi-over-statue-of-women-and-desecration-of-koran/> (May 15, 2010).

¹⁶⁷ *Id.*

¹⁶⁸ BLASPHEMY LAWS EXPOSED, *supra* note 13, at 10.

¹⁶⁹ *International Religious Freedom Report 2007: Indonesia*, U.S. DEP’T OF STATE, <http://www.state.gov/j/drl/rls/irf/2007/90137.htm> (last visited Oct. 2, 2013).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

Iran

The Constitution of Iran mandates that the official religion of Iran is Shia Islam, but recognises Zoroastrian, Jewish and Christian as minority religions.¹⁷³ Article 13 of the Constitution states:

Zoroastrian, Jewish, and Christian Iranians are the only recognised religious minorities, who, *within the limits of the law*, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education (emphasis added).¹⁷⁴

There is a draft Iranian Penal Code which imposes the death penalty for apostasy.¹⁷⁵ The penalty already exists in practice in Iran – under Sharia.¹⁷⁶ Approval of the draft Penal Code will codify the death penalty for any Iranian who leaves Islam.¹⁷⁷

Article 167 of the Constitution, often used in practice to punish apostasy, states that if there is no codified law, the judge should impose “his judgement on the basis of authoritative Islamic sources and authentic fatwa”.¹⁷⁸ Other legal provisions, including Article 214 of the Criminal Procedure Act, Article 8 of the Modified Act on Establishment of General and Revolutionary Courts, and Article 42 of the Regulations Governing Special Court for the Clergy, are used to convict and punish apostasy.¹⁷⁹

173 *International Religious Freedom Report 2012: Iran*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208388> (last visited Oct. 2, 2013) (hereinafter Iran Report 2012).

174 IRAN CONST. art. 13, available at [http://faculty.unlv.edu/pwerth/Const-Iran\(abridge\).pdf](http://faculty.unlv.edu/pwerth/Const-Iran(abridge).pdf).

175 Faraz Sanei, *The Problem with Iran's Proposed Penal Code*, HUMAN RIGHTS WATCH, <http://www.hrw.org/news/2012/09/04/problem-irans-proposed-penal-code> (Sept. 4, 2012); see also HUMAN RIGHTS WATCH, CODIFYING REPRESSION: AN ASSESSMENT OF IRAN'S NEW PENAL CODE (2012), available at <http://www.hrw.org/reports/2012/08/28/codifying-repression>.

176 *The Price of Faithlessness: Iran to Punish Apostasy with Death*, SPIEGEL ONLINE, <http://www.spiegel.de/international/world/the-price-of-faithlessness-iran-to-punish-apostasy-with-death-a-538466.html> (Feb. 28, 2008); see also *Iran: Christian Pastor Faces Execution for 'Apostasy'*, HUMAN RIGHTS WATCH, <http://www.hrw.org/news/2011/09/30/iran-christian-pastor-faces-execution-apostasy> (Sep. 30, 2011).

177 *Islamic Penal Code of the Islamic Republic of Iran – Book Five*, IRAN HUMAN RIGHTS DOCUMENTATION CENTRE (IHRDC), <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000351-islamic-penal-code-of-the-islamic-republic-of-iran-book-five.html> (July 18, 2013).

178 IRAN CONST. art. 167, available at <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html>.

179 Randolph Dobbs, *Charged with Apostasy and Blasphemy in Iran*, EXAMINER, <http://www.examiner.com/article/charged-with-apostasy-and-blasphemy-iran> (Apr. 10, 2013).

The proposed Penal Code defines blasphemy as a serious crime.¹⁸⁰ Article 513 reads:

“Anyone who insults the Islamic sanctities or any of the imams... should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise, he should be imprisoned from one to five years.”¹⁸¹

Article 26 of the Press Law of 1985 prohibits blasphemy by Iranian press.¹⁸² It states: “Whoever insults Islam and its sanctities through the press and his/her guilt amounts to apostasy, shall be sentenced as an apostate and should his/her offence fall short of apostasy he/she shall be subject to the Islamic penal code”.¹⁸³

The enforcement of these laws is carried out by the Ministry of Intelligence and National Security, the Revolutionary Guard, the Basij paramilitary groups and pseudo-official Partisans of the Party of God, all under the command of the Supreme Leader.¹⁸⁴

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

Sina Dehghan, aged 20, was arrested on October 21th, 2015, then aged 19, for “insulting the prophet Muhammad,” through an instant messaging app. The true content of the messages is unknown, but since being sent, Dehghan has been incarcerated in Arak Prison where he is believed to be suffering from severe depression. Dehghan’s family cannot afford a private lawyer, and so he is being represented by an appointed public defender. The Iranian Revolutionary Guard interrogated Dehghan, claiming that if he confessed to the charge of “insulting” the prophet, and signed an official notice of repentance, then he would be set free. Dehghan was undertaking his compulsory military service in Tehran at the time of arrest, and was believed to have just four days left to serve. In January 2017, the Iranian authorities charged Dehghan with the death penalty, despite previous affirmations that they would set him free.¹⁸⁵ Dehghan’s co-defendants,

¹⁸⁰ *Id.*

¹⁸¹ *Understanding the Rushdie Affair: Blasphemy and Extrajudicial Killing in Shi’a Islam*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, <http://www.iranhrdc.org/english/publications/legal-commentary/1000000097-understanding-the-rushdie-affair-blasphemy-and-extrajudicial-killing-in-shia-islam.html> (May 2012).

¹⁸² MARSHALL & SHEA, *supra* note 3.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ Twenty-Year Old On Death Row After “Confessing” on Promise of Freedom, Centre for Human Rights in Iran (Sept 14, 2016) <https://www.iranhumanrights.org/2016/09/sina-dehghan-death-sentence-for-sabb-al-nabi/>

Sahar Eliasi and Mohammad Nouri, were also convicted of posting anti-Islamic content on social media. Nouri was issued the death sentence, which was upheld by the Appeals Court, but it is not known if the Supreme Court has issued a final ruling. Eliasi was initially issued a seven-year prison sentence, which was later reduced to three years upon appeal.¹⁸⁶

Ahmadreza Djalali, aged 45, is an Iranian-born Swedish resident, a researcher, medical doctor and lecturer in medicine.¹⁸⁷ On the 25th of April 2016, Djalali was travelling home from Tehran to Karaj when he was detained by the Ministry of Information and accused of espionage,¹⁸⁸ before being taken to Evin Prison. He was held in solitary confinement for 7 months after his arrest, and denied access to legal counsel. Djalali has never travelled to and from Iran with any issues in the past. As of 2017, Djalali may face the death penalty.¹⁸⁹ While in solitary confinement, Djalali was routinely interrogated, put at great psychological and emotional risk, before being told to sign confession of unknown statements. He is accused of being a spy for a “hostile government”. Djalali has attempted many hunger strikes, and his condition is worsening.

In May 2012, Shahin Najafi, an Iranian rapper and songwriter now living in Germany, received a fatwa calling for his death by Iranian Ayatollah Makarem Shirazi, calling him an apostate and claiming that he should be punished according to Sharia.¹⁹⁰ Najafi has been accused of offending Islam in his rap, with a bounty of USD \$100,000 offered as reward for his murder on a website affiliated with the Islamic regime of Iran.¹⁹¹

186 Young Man Facing Death for Insulting Islam Online Tricked into Signing Confession, Centre for Human Rights in Iran (Mar. 24, 2017) <https://www.iranhumanrights.org/2017/03/young-man-facing-death-for-insulting-islam-online-tricked-into-signing-confession/>

187 Hakan Altıntaş, Urgent: Justice and Freedom for Ahmadreza Djalali, MD, EMDM, PhD (Change.org, 2017) <https://www.change.org/p/hassan-rouhani-urgent-justice-and-freedom-for-ahmadreza-djalali-md-emdm-phd>

188 Will Worley, Iran sentences professor at Belgian university to death ‘without trial’ for alleged espionage (The Independent, February 4, 2017) <http://www.independent.co.uk/news/world/middle-east/iran-death-sentence-ahmadreza-djalali-belgian-university-professor-espionage-trial-lawyer-vrije-a7563106.html>

189 Iran news update, SCIENTIST AHMADREZA DJALALI, WITH DUAL CITIZENSHIP IN SWEDEN AND IRANIAN, MAY FACE DEATH PENALTY (February 15, 2017) <http://irannewsupdate.com/news/human-rights/3508-scientist-ahmadreza-djalali-with-dual-citizenship-in-sweden-and-iranian-may-face-death-penalty.html>

190 *Iranian Rapper Faces Death Threats and Fatwa for ‘Blasphemous’ Song*, THE GUARDIAN, <http://www.guardian.co.uk/world/2012/may/14/iranian-rapper-death-threat-fatwa> (May 14, 2012).

191 *Id.*

In May 2012, a number of Iranian media outlets published an “expose” on the UK-based atheist and Iranian political dissident, Maryam Namazie, entitled “Meet this anti-religion woman.” The article stated that she is “noticeable” for her “enmity” and “widespread activities against Islam and the Islamic Republic and in areas such as the defence of women’s rights and refugee rights.”¹⁹² It continues, affirming that she is “in charge” of those “who are effectively apostates.” Namazie has received numerous death threats throughout the years of her activism, and for her work against political Islam and for her active support of human rights and secularism.¹⁹³

In January 2012, the Supreme Court upheld a death sentence imposed upon Canadian Saeed Malekpour. Malekpour had returned to Iran in 2008 to visit his dying father and was arrested for “insulting and desecrating Islam,” after a computer program he had created was used by others to download pornography.¹⁹⁴ The death sentence was later commuted to life in prison, after officials announced that he had repented and shown remorse.¹⁹⁵

In September 2010, blogger Hossein Derakhshan was sentenced to more than 19 years imprisonment after being convicted of “insulting Islamic thought and religious figures,” “spreading propaganda against the ruling establishment” and “promotion of counter-revolutionary groups.”¹⁹⁶ His conviction was upheld by an appeals court in June 2011.¹⁹⁷

Fariborz Shamshiri is the creator of an internet blog entitled “Rotten Gods.”¹⁹⁸ During an interview in July 2010, he stated that he was receiving death threats because of his renunciation of Islam.¹⁹⁹

192 *Id.*

193 Marayam Namazie, *Meet This Anti-Islam Woman*, FREETHOUGHT BLOGS, <http://freethought-blogs.com/maryamnamazie/2012/06/07/meet-this-anti-islam-woman/> (June 7, 2012).

194 Olivia Ward, *Saeed Malekpour: A Canadian on Iran’s Death Row*, http://www.thestar.com/news/world/2012/02/18/saeed_malekpour_a_canadian_on_irans_death_row.html (Feb. 18, 2012).

195 *Saeed Malekpour’s Death Sentence Commuted to Life Because “He Repented”*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, http://www.iranhumanrights.org/2013/08/saeed_malekpour/ (Aug. 29, 2013).

196 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 8.

197 *Id.*

198 *Rise of Organized Discrimination Against Bloggers in Middle East*, MIDEAST YOUTH, <http://www.mideastyouth.com/2010/07/19/rise-of-organized-discrimination-against-bloggers-in-middle-east/>.

199 *Id.*

Arash Rahmanipour and Mohammad-Reza Ali-Zamani were charged by Iranian prosecutors with the capital crime of *moharebeh* (war against god).²⁰⁰ Rahmanipour was arrested in April 2009.²⁰¹ It emerged that his plea of “guilty,” which led to his death penalty conviction, was coerced.²⁰² Ali-Zamani allegedly admitted guilt to working for a little-known exile group, the Iran Monarchy Committee, as well as US intelligence, during a series of public mass trials that began in August 2009.²⁰³ Opposition leaders condemned the events as show trials, and said that the defendants were tortured to force them to confess.²⁰⁴ Both Rahmanipour and Ali-Zamani were executed in January 2010.²⁰⁵ Rahmanipour was 20 years of age at the time of his execution.²⁰⁶

In June 2009, Mohsen Namjoo, a renowned singer and composer who resides in Austria, was sentenced *in absentia* to five years imprisonment for “insulting sanctities, ridiculing the Quran and dishonouring the holy book of the Muslims.”²⁰⁷ He has been named by the *New York Times* as the “Bob Dylan of Iran.”²⁰⁸

Omidreza Mirsayafi, an Iranian blogger and author of the news blog *Rooznegar*, was sentenced to two-and-a-half years imprisonment for insulting religious leaders.²⁰⁹ The court, however, did not specify the blog entries that it considered offensive.²¹⁰ On March 18, 2009, he died in prison under suspicious circumstances.²¹¹ His family continues to contest the authorities’ claim that his death was a suicide.²¹² Mr Mirsayafi’s lawyer, Mohammad Ali Dadkhah, claimed that a doctor imprisoned at Evin named Hesem Firozi told him that the death

200 *Iran ‘Executes Two Over Post-Election Unrest’*, BBC WORLD, <http://news.bbc.co.uk/1/hi/8484478.stm> (Jan. 28, 2010).

201 Ramin Mostaghim & Borzou Daragahi, *Iran Lawyer Haunted by Young Man’s Execution*, <http://articles.latimes.com/2010/feb/08/world/la-fg-iran-lawyer8-2010feb08> (Feb. 8, 2010).

202 *Id.*

203 Robert Tait, *Iran Activist Sentenced to Death for Election Protests*, THE GUARDIAN, <http://www.theguardian.com/world/2009/oct/08/mohammad-reza-ali-amani-death> (Oct. 8, 2009).

204 *Id.*

205 BBC, *supra* note 177.

206 *Id.*

207 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 11.

208 Linda Wertheimer, *The Bob Dylan of Iran*, NPR ONLINE, <http://www.npr.org/2013/08/03/208543533/the-bob-dylan-of-iran> (Aug. 3, 2013).

209 Omidreza Mirsayafi, COMMITTEE TO PROTECT JOURNALISTS, <http://cpj.org/killed/2009/omidreza-mirsayafi-1.php> (Mar. 18, 2009).

210 *Id.*

211 *Id.*

212 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 11.

could have been attributed entirely to the prison's failure to provide Mirsayafi with proper medical assistance.²¹³

In 2007, Iranian human rights activist Mina Ahadi formed the "Central Council of Ex-Muslims in Germany" and received anonymous death threats after declaring her cause to assist people in leaving their religions, if they so desired.²¹⁴ She is also a leading figure of the International Committee Against Executions and International Committee Against Stoning.²¹⁵ Despite intimidation and threats from pro-Iranian groups, Ahadi took up the public defence of Sakineh Mohammadi Ashtiani, an Iranian woman who was sentenced to death by stoning.²¹⁶

Iraq

The Iraqi Constitution recognises Islam as the official state religion.²¹⁷ Article 2 of the Constitution states that Islam is the "basic source of legislation" and that "no law can be passed that contradicts the undisputed rules of Islam".²¹⁸ According to many scholars, the 2006 Constitution of Iraq binds the new Iraqi state to upholding both the freedom of religion and the principles of Islam, which includes capital punishment for leaving Islam.²¹⁹

The Iraqi legal system has a powerful, non-state competitor for judicial power - the *marja'īya*.²²⁰ The term *marja'īya* refers to such scholars collectively, as an institution, the "authority" for adherents to the Shia faith.²²¹ The Iraqi opposition parties which were most strongly affiliated with the *marja'īya*, namely the Supreme Islamic Iraqi Council and to a lesser extent the Islamic Dawa Party, have

213 Robert Mackey, *Iranian Blogger Dies in Prison*, THE NEW YORK TIMES, http://thelede.blogs.nytimes.com/2009/03/19/iranian-blogger-dies-in-prison/?_r=0 (Mar. 19, 2009).

214 Interview with Founder of "Council of Ex-Muslims": "Not Possible to Modernize Islam", SPIEGEL ONLINE, <http://www.spiegel.de/international/spiegel/interview-with-founder-of-council-of-ex-muslims-not-possible-to-modernize-islam-a-468828.html> (Feb. 27, 2007).

215 Mina Ahadi, STOP STONING NOW, <http://stopstoningnow.com/wpress/about-mina-ahadi/mina-ahadi> (last visited Oct. 2, 2013).

216 *Id.*

217 *International Religious Freedom Report 2011: Iraq*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192885> (last visited Oct. 2, 2013).

218 *Id.*

219 Timothy G. Burroughs, *Turning Away from Islam in Iraq: A Conjecture as to how the New Iraq Will Treat Muslim Apostates*, 37 HOFSTRA L. REV. 517, 517 (2008).

220 *Id.* at 572.

221 *Id.* at 573.

since taken the reins of government in Iraq, an Iraq which they shaped in large part as drafters of the Constitution.²²²

Since 2014, the insurgence of "ISIS," that is the "Islamic State of Iraq and the Levant," also known as "Islamic State," or by the Arabic language acronym "Daesh," has seized control of many Iraqi provinces and cities. Although not recognised by the international community, Daesh has implemented Sharia, including death sentences against apostates and blasphemers. Unprecedented and extensive coverage of their crimes against humanity are, of course, not limited to only those who have turned away from the religion of Islam.

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

ISIS publicly executed a human rights lawyer in the Iraqi city of Mosul. Samira Salih al-Nuaimi was seized from her home on September 17, 2014 shortly after she allegedly posted messages on Facebook that were critical of their destruction of religious sites in the city. According to the United Nations Assistance Mission in Iraq, al-Nuaimi was tried in a Sharia law court for apostasy, before being tortured for five days and eventually being sentenced to public execution.²²³

²²² *Id.*

²²³ ISIS kill women's right activist for 'apostasy' when she criticised them on Facebook for being religious bigots, Daily Mail (Sept. 24, 2014) <http://www.dailymail.co.uk/news/article-2769196/Iraqi-woman-activist-killed-Islamic-State.html>

Iraqi Kurdistan

In 2012, an Iraqi Kurdish writer, Sarwar Penjweni, was threatened, arrested, and imprisoned for his research into Islam and the Quranic texts.²²⁴ In February 2011, he was arrested and imprisoned for similar "offences," and nearly killed by inmates who knew of him.²²⁵ He receives constant death threats but receives no help or security from the Kurdish regional government in Iraq.²²⁶

Lanja Abdulla, the Kurdish Director of the Warvin Foundation for Women Issues, was threatened at a public meeting for challenging religious authority.²²⁷

Houzan Mahmoud, a Kurdish human rights activist, and the former UK Head of the Organisation of Women's Freedom in Iraq and co-founder of the Iraq Freedom Congress received death threats in 2008 for campaigns against Sharia law in Iraq.²²⁸

In 2008, a death fatwa was issued against Marewan Halabjaee for his book, entitled: *Sex, Sharia and Women in the History of Islam*.²²⁹ Islamic scholars from Halabja, Iraq made an official complaint against Marewan to the Iraqi President, Jalal Talabani.²³⁰ Letters followed to the Kurdish newspapers calling for him to be punished.²³¹ Throughout December 2008, the verbal attacks continued from various mosques throughout Halabja, Irbil and Kirkuk.²³² The cleric who issued the fatwa, Najmuddin Faraj Ahmad, (also known as Mullah Krekar) was sentenced to five years in prison in Norway for making death threats against Marewan, as well as Norwegian officials.²³³

224 *Metro Center Urge KRG to Protect the Life of Sarwar Penjweni*, MESOP, <http://www.mesop.de/2012/02/01/protect-the-life-of-sarwar-penjweni/> (Feb. 2012).

225 *Id.*

226 *Metro Center Urge Kurdistan Gov't KRG to Protect the Life of Kurdish Writer*, KURDNET, <http://www.ekurd.net/mismas/articles/misc2012/2/state5848.htm> (Feb. 1, 2012).

227 *Today is 14 March 2012: International Day of Action to Defend Blasphemers and Apostates*, ORGANISATION OF WOMEN'S FREEDOM IN IRAQ (OWFI), <http://www.equalityiniraq.com/campaigns/153-today-is-14-march-2012-international-day-of-action-to-defend-blasphemers-and-apostates> (Mar. 14, 2012).

228 *Support Houzan Mahmoud against Death Threats of Ansar al-Islam in Iraq*, ORGANISATION OF WOMEN'S FREEDOM IN IRAQ (OWFI), <http://www.equalityiniraq.com/press-release/71-support-houzan-mahmoud-against-death-threats-of-ansar-al-islam-in-iraq> (May 5, 2008).

229 MarkThomas, *Mark Thomas Flushes Out a Fatwa*, NEWSTATESMAN, <http://www.newstatesman.com/node/152645> (Feb. 27, 2006).

230 *Id.*

231 *Id.*

232 *Id.*

233 *Norway: Cleric Sentenced for Threats*, ASSOCIATED PRESS, http://www.ny-times.com/2012/03/27/world/europe/norway-cleric-sentenced-for-threats.html?_r=2&scp=8&sq=Norwegian&st=cse (Mar. 27, 2012).

Jordan

Article 14 of the Jordanian Constitution guarantees the freedom to practice the rites of one's religion, unless they violate public order or morality.²³⁴ The Constitution states that Islam is the state religion, and that the King must be Muslim.²³⁵ In reality, religious freedom is limited due to the government's reliance upon Sharia law as the interpreter for its own legal undertakings, with some Jordanians facing apostasy charges and prosecution.²³⁶

While not prohibited, leaving Islam to become an atheist or to follow another religion is a risk to one's life. Converts to and adherents of unrecognised religions face systemic discrimination and the potential of physical abuse from their family and community members.²³⁷

The government prohibits conversion from Islam and the efforts to proselytise other faiths before Muslims, but does allow conversion to Islam and from one recognised non-Islamic faith to another.²³⁸

As the government does not allow conversion from Islam, it simply does not recognise converts as non-Muslim and considers them subject to the same Islamic laws which govern a Muslim's personal status.²³⁹ In cases decided by an Islamic law court, judges have annulled converts' marriages, transferred child custody to a non-parent Muslim family member, conveyed an individual's property rights to Muslim family members, deprived individuals of many civil rights, and declared non-Muslim minors as "wards of the state" without any religious identity.²⁴⁰

234 JOR. CONST. art. 14, available at http://www.kinghussein.gov.jo/constitution_jo.html.

235 JOR. CONST. art 2.

236 *International Religious Freedom Report 2012: Jordan*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dlid=208396> (last visited Oct. 2, 2013) (hereinafter *Jordan Report 2012*); see also *International Legal Protection of the Right to Choose One's Religion and Change One's Religious Affiliation*, EUR. CENTER FOR LAW & JUSTICE, available at http://ecj.org/pdf/070911_ecj_aclj_report.pdf (Sep. 2007) (hereinafter *ECLJ Report*).

237 JORDAN REPORT 2012, *supra* note 217.

238 *International Religious Freedom Report 2011: Jordan*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dlid=192891> (last visited Oct. 3, 2013) (hereinafter *Jordan Report 2011*).

239 *Id.*

240 *Id.*

The Jordanian Penal Code states that insulting Islam, the prophet Muhammad, or insulting any Muslim's religious sensibilities is a crime punishable by up to three years in prison.²⁴¹ Atheists and agnostics must associate themselves with a recognised religion for purposes of official identification.²⁴²

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

Jordan's grand mufti Noah Alqadah Samas accused the poet and journalist, Islam Samham, of apostasy in 2008.²⁴³ Terminology from the Quran was used in Samhan's work to compare the poet's loneliness to that of a prophet from the Quran.²⁴⁴ Samham was accused by the Printing and Publication Department of "harming the Islamic faith and violating the press and publication law for combining the sacred words of the Quran with sexual themes."²⁴⁵ He received death threats whilst awaiting the court's decision.²⁴⁶ On June 22, 2009, he was sentenced to one year in prison and a \$14,000 (£11,000) fine.²⁴⁷

Officials have also attempted to prosecute foreign acts of blasphemy using the country's own laws. This includes a court summons for the Dutch MP Geert Wilders under charges of blasphemy and "contempt of Muslims," due to the content of his film, *Fitna*,²⁴⁸ in which Wilders posited that Islam encourages anti-Semitism, international terror, the subjugation of women, virulent homophobia, and has taken a sectarian toll on Dutch society.

241 DISSENT DENIED, *supra* note 103.

242 *Id.*

243 MARSHALL & SHEA, *supra* note 2.

244 *Id.*

245 *Jordan Arrests Poet for Insulting Islam*, THE GUARDIAN, <http://www.theguardian.com/books/2008/oct/24/poet-jordan-arrest-quran-islam> (Oct. 24, 2008).

246 Tom A. Peter, *A Poet Faces Death for "Killing" God*, GLOBAL POST, <http://www.globalpost.com/dispatch/jordan/090922/jordanian-poet-trial-apostacy> (Jan. 2, 2010).

247 *Id.*

248 *Dutch Politician Charged in Jordan over Anti-Koran Film*, THE NEW YORK TIMES, http://www.nytimes.com/2008/07/01/world/africa/01iht-jordan.5.14145081.html?_r=0 (July 1, 2008).

Kuwait

The Kuwaiti Constitution provides that freedom of belief is absolute and that all people are permitted to practice their religion “provided that it does not conflict with public policy or morals.”²⁴⁹ However, Kuwait’s Constitution affirms that the state religion is Islam, and that Sharia must be the main source of legislation.²⁵⁰ Blasphemy is illegal, and the 1961 Press and Publications Law further prohibits the publication of any material that attacks religion or incites people to commit crimes, or spread hatred and dissension.²⁵¹

The Kuwaiti authorities forbid any conversion from Islam, with converts facing “harassment, including loss of job, repeated summonses to police stations, arbitrary detention, physical and verbal abuse, police monitoring of their activities, and property damage without legal recourse.”²⁵²

The laws against blasphemy, apostasy, and proselytising, are actively enforced.²⁵³ The law requires jail terms for journalists convicted of defaming any religion and prohibits denigration of Islam or Islamic and Judeo-Christian religious figures, including the prophets Mohammad and Jesus.²⁵⁴ The law allows any citizen to file criminal charges against an author if the citizen believes that the author has defamed Islam or the ruling family, or harmed public morals.²⁵⁵

In May 2012, the Kuwaiti parliament passed new amendments allowing cruel and inhumane penalties, including long-term imprisonment and death sentences for cases of blasphemy.²⁵⁶ However on June 6, 2012, the Emir of Kuwait, whose approval was needed in order for the amendments to become law, rejected the amendments.²⁵⁷

249 ECLJ REPORT, *supra* note 217 .

250 DISSENT DENIED, *supra* note 103.

251 *Id.*

252 ECLJ REPORT, *supra* note 217.

253 *International Religious Freedom Report 2012: Kuwait*, U.S. DEP’T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208398#wrapper> (last visited Oct. 3, 2013) (hereinafter *Kuwait Report 2012*)

254 *Id.*

255 *Id.*

256 GLOBAL LEGAL MONITOR, *Kuwait: Blasphemy Against Islam*, LIBRARY OF CONGRESS, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403199_text (June 18, 2012); see also Camilla Hall, *Kuwait Approves Death Penalty for Blasphemy*, <http://www.ft.com/cms/s/0/589e80cc-9525-11e1-ad72-00144feab49a.html> (May 3, 2012) (requires subscription).

257 GLOBAL LEGAL MONITOR, *supra* note 237.

On October 21, 2012, the Emir issued an emergency decree entitled, the National Unity Law.²⁵⁸ The law criminalises the publishing and broadcasting of content which could be deemed offensive to religious groups, and expands existing law by explicitly including social media.²⁵⁹ The National Unity Law greatly increases penalties for those convicted, allowing for fines ranging from 10,000 Kuwaiti dinars (\$36,000/£28,500) to 200,000 dinars (\$720,000/£565,400), and up to seven years in prison.²⁶⁰

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

In July 2011, a professor at Kuwait University was charged with blasphemy after he was overheard to be cursing god during an argument with a friend at a café in Salmiya.²⁶¹

Egyptian blogger and atheist, Abdul Aziz Mohammed Al-Baz, also known as “Ben Baz,” was arrested on December 31, 2011 in Kuwait for exercising his right to free expression, con-science, and belief.²⁶² He was charged with blasphemy and the charges against him appeared to carry a maximum sentence of five years in prison.²⁶³

On February 13, 2012, police arrested the writer Mohammed Al-Mulaifi on charges including the denigrating of Shia doctrine.²⁶⁴ On April 9, 2012, the Court of First Instance sentenced Al-Mulaifi to seven years in prison.²⁶⁵ On May 31, 2012, the Court of Appeals reduced Al-Mulaifi’s sentence from seven years to six months, and he was released on October 9, 2012 after completing his sentence.²⁶⁶

258 KUWAIT REPORT 2012, *supra* note 234.

259 *Id.*

260 *Id.*

261 *Id.*

262 Michael Hartwell, *Lunenburg Man Working to Free Blogger I Kuwait*, SENTINEL & ENTERPRISE, http://www.sentinelandenterprise.com/local/ci_22514692/lunenburg-man-working-free-blogger-kuwait (Feb. 4, 2013).

263 *Id.*

264 KUWAIT REPORT 2012, *supra* note 234.

265 *Id.*

266 *Id.*

Libya

Under the Ghadafi regime, there were no explicit legal protections for religious freedom, and the government generally enforced laws and policies that restricted religious freedom.²⁶⁷ Since Gaddafi's overthrow in 2011, the status of religious freedom in Libya has been difficult to assess.²⁶⁸

The interim Libyan governing authority, the Transitional National Council (TNC), issued a temporary constitutional declaration in August 2011 that protected freedom of religion.²⁶⁹

Article 1 of this document affirms that Islam is the state religion and that Islamic law is the principal source of legislation, but that non-Muslims are accorded the freedom to practice their beliefs.²⁷⁰ Article 6 states "there shall be no discrimination among Libyans on the basis of religion or sect"²⁷¹ with regard to legal, political, and civil rights.²⁷²

Article 291 (Insult of the State Religion) of Libya's Penal Code of 1953 states the following: "Whoever publicly abuses the Islamic religion – that being the official religion of the State under the Libyan Constitution – with verbal terms not befitting for the Divine Being, the Messenger, or the Prophets, shall be punished with imprisonment for a term not exceeding two years."²⁷³

However, numerous governmental organisations, including the European Union, continue to express doubts over the religious freedom of Libyan citizens.²⁷⁴

267 *International Religious Freedom Report 2011: Libya*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192897> (last visited Oct. 3, 2013) (hereinafter *Libya Report 2012*).

268 *Religious Freedom in Libya*, BERKELEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS, <http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-libya> (last visited Oct. 3, 2013).

269 LIBYA REPORT 2012, *supra* note 249.

270 *Id.*

271 *Id.*

272 *Id.*

273 End Blasphemy Laws.org: Libya. (<http://end-blasphemy-laws.org/countries/middle-east-and-north-africa/libya/>)

274 *Local EU Statement on Religious Freedom and Fundamental Rights*, EU DELEGATION TO LIBYA, http://eeas.europa.eu/statements/local/130320103_local_statement_religious_freedom_fund_rights_en.pdf (Mar. 13, 2013).

Malaysia

Although the Constitution guarantees freedom of religion under Article 11,²⁷⁵ Islam is recognised as the official state religion. Religious identity is highly correlated with ethnicity, with the Constitution defining all ethnic Malays as Muslims.²⁷⁶ Article 3 of the federal Constitution provides that Islam is “the religion of the Federation” but “other religions may be practiced in peace and harmony.”²⁷⁷

Although blasphemy laws exist in both the secular and Islamic legal systems, the adoption of Sharia statutes and the establishment of the Sharia courts have brought severe limits to freedom of expression and freedom of religion.²⁷⁸

Articles 295-298A of the Malaysian Penal Code carries a \$1,000/£785 fine, or up to three years in prison, for those who “commit offences against religion.”²⁷⁹

Malaysia has a two-track legal system consisting of civil or secular law, based on English common law, and Sharia law.²⁸⁰ While the Sharia system was previously somewhat informal and subordinate to the civil court system, today the two operate in parallel with respect to hierarchy, as the government has steadily “upgraded” the status of the state-level Sharia court systems.²⁸¹ Although Sharia courts extend only to Muslims, both jurisdictions criminalise blasphemy.²⁸² Over recent years, Sharia legislation enacted in various states has increased its scope beyond marriage, divorce and inheritance.²⁸³ Apostasy offences exist only at the state level, with those convicted of apostasy being required to “repent.”²⁸⁴ However, even if they do repent, they may still be sentenced to up to five years imprisonment depending on the state; in Kelantan and Terengganu, those who refuse to repent for apostasy can be sentenced to death,²⁸⁵ despite only federal courts having the authority to hand down death sentences.²⁸⁶

275 POLICING BELIEF, *supra* note 24.

276 MARSHALL & SHEA, *supra* note 2.

277 *Id.*

278 POLICING BELIEF, *supra* note 24 .

279 DISSENT DENIED, *supra* note 103.

280 POLICING BELIEF, *supra* note 24 .

281 *Id.*

282 *Id.*

283 SHAHRAM AKBARZADEH & BENJAMIN MACQUEEN (EDS.), ISLAM AND HUMAN RIGHTS IN PRACTICE, (Routledge, 2008).

284 POLICING BELIEF, *supra* note 24.

285 *Id.*

286 AKBARZADEH & MACQUEEN, *supra* note 264.

Malaysia limits the use in non-Islamic publications of certain words that are considered to be under the sole jurisdiction of Islam.²⁸⁷ For example, the use of Allah, Baitullah (House of god), solat or salat (prayer), al-Kitub (Bible), wayhu (revelation), doa or dua (prayer), can result in the banning of a non-Muslim publication.²⁸⁸

Documented Cases of Apostasy/Blasphemy Charges Against Freethinkers

On May 23 2012, Nik Raina Nik Abdul Aziz, a 36-year-old manager at the Borders bookstore in Mid Valley City, Malaysia, was accused of blasphemy for distributing a book entitled Allah, Liberty and Love, by the Canadian author Irshad Manji, which had been translated into Bahasa Malaysia.²⁸⁹ She faced a fine, or a maximum of two years' jail sentence, or both, under Section 13(1) Syariah Criminal Offences Act (Federal Territories) 1997, if convicted.²⁹⁰ Borders bookstore pursued her defence in court.²⁹¹ In August 2013, a civil court judge ruled in favour of Abdul Aziz, stating that the "criminal charge against [Nik Raina] in the Syariah High Court is an infringement of Article 7 which is a provision concerning fundamental liberties, guaranteed by our federal Constitution."

In September 2008, Raja Petra Kamarudin, a prominent blogger and the founder of the online newspaper Malaysia Today, was arrested under Malaysia's Sedition Act and detained without trial under Section 73 (1) of the country's Internal Security Act, as a threat to public security.²⁹² Kamarudin was accused of publishing articles that "tarnished the image of Islam" and defamed the prophet Mohammed.²⁹³ The Malaysia Today website was blocked for three weeks, and Kamarudin was detained in an unknown location, before his release through a writ of habeas corpus.²⁹⁴

287 *Id.*

288 *Id.*

289 BERJAYA BOOKS SDN. BHD., *Borders Gets Go Ahead to Challenge JAWI's Actions*, <http://www.borders.com.my/WebLITE/Applications/news/uploaded/docs/Borders%20Leave%20Statement%20260612%20THE%20FINAL%20ONE.pdf> (June 26, 2012) (hereinafter Borders Press Release).

290 *Borders Manager Charged Over Banned Book*, THE STAR <http://www.thestar.com.my/News/Nation/2012/06/20/Borders-manager-charged-over-banned-book.aspx> (last updated May 29, 2013).

291 BORDERS PRESS RELEASE, *supra* note 272.

292 Blogger Raja Petra Kamarudin's Arrest was a Warning to the Growing Online Media, REPORTERS WITHOUT BORDERS, <http://en.rsf.org/blogger-raj-petra-kamarudins-01-08-2011,40727.html> (Aug. 1, 2011).

293 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 11.

294 *Id.*

Maldives

Maldives bans all religions other than Sunni Islam.²⁹⁵ With Sharia as the basis of its own law, it has restrictions on blasphemy and heresy, and according to Article 9 of the 2008 constitutional revision, non-Muslims may not even be granted citizenship.²⁹⁶ Article 36 of the Constitution requires every citizen “to preserve and protect the State religion of Islam, culture, language and heritage of the country.”²⁹⁷ In 2004, legislators reconsidered the 50-year-old Maldivian Penal Code and proposed revisions seeking to implement punishments based on Sharia law, including the killing apostates.²⁹⁸

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

Yameen Rasheed, aged 29, was a Maldivian secularist, satirist, entrepreneur and blogger, author of The Daily Panic, which jestingly claims to be, “Maldives’ only news website.”²⁹⁹ On the 23rd of April 2017, Rasheed was knifed to death by an Islamist assailant³⁰⁰ after months of death threats. Rasheed wrote of the, “frequently unsatisfactory politics,” – “the unfiltered truth, the sickening facts, the gruesome details, and – because this is the Maldives – the painfully obvious.”³⁰¹ In 2015, Rasheed was arrested and imprisoned with many others for at least 3 weeks, for taking part in an anti-governmental march in the capital, Malé, where the free-thinker was later murdered. Rasheed was named as a, “secularist with an agenda,” and frequently wrote satirical pieces against Islamists and government corruption. The Maldivian Democratic Party said that they, “strongly believe(s) that the Maldivian Police Service does not possess the capacity, credibility or political impartiality to conduct such

295 MARSHALL & SHEA, *supra* note 3.

296 SOOKHDEO, *supra* note 100.

297 MARSHALL & SHEA, *supra* note 3.

298 *Id.*

299 Rowland Manthorpe, Last month we gave Yameen Rasheed a prize for his social startup. On Sunday he was killed (Wired, 25 April 2017) <http://www.wired.co.uk/article/yameen-rasheed-maldives-blood-drive>

300 Hassan Moosa, Yameen Rasheed, blogger and activist, stabbed to death (Maldives Independent, 23 April 2017) <http://maldivesindependent.com/politics/yameen-rasheed-blogger-and-activist-stabbed-to-death-130184>

301 Yameen Rasheed, But why? (The Daily Panic) <http://thedailypanic.com/about/>

a high-profile investigation on its own.”³⁰² His parents have since implored the Maldivian government to allow international investigators into the police inquiry³⁰³

In July 2010, Ismail Mohamed Didi, a 25-year-old air traffic controller who had been investigated by his employers at Malé International Airport in the Maldives for apostasy, was found hanged from the airport’s control tower.³⁰⁴ The Islamic website RaajjeIslam reported that Ismail “was a person inclined to atheism” and had declared his lack of belief to his friends.³⁰⁵ The Managing Director of Malé International Airport confirmed that Didi was the subject of an internal investigation and even referred him to the Ministry of Islamic Affairs, to report his professed apostasy.³⁰⁶ In an email he wrote to an international humanitarian organisation on June 23, 2010, and June 25, 2010, pleading for help to leave the country. He states, “I cannot bring myself to pretend to be I am something I am not, as I am a staunch believer in human rights. I am afraid for my life here and know no one inside the country who can help me.”³⁰⁷ And, “Just 3 days ago, I received two anonymous phone calls threatening violence if I do not start openly practicing Islam.”³⁰⁸ Shortly after he was found hanged.³⁰⁹

In June 2010, Muhammad Nazim asked a Muslim preacher, Zakir Naik, at a public event how Islam viewed people such as himself: those who tried to believe in Islam but could not.³¹⁰ Naik replied that the death penalty must not necessarily be evoked on every person who leaves Islam, but on those who propagate the non-Islamic faith and speak against it.³¹¹ An enraged crowd attempted to attack

302 Michael Safi, *Maldives blogger stabbed to death in capital* (The Guardian, 23 April 2017) <https://www.theguardian.com/world/2017/apr/23/maldives-blogger-yameen-rasheed-stabbed-to-death-in-capital>

303 Shafaa Hameed, *Yameen Rasheed’s parents ask for international investigation in murder probe* (Maldives Independent, 25 April 2017) <http://maldivesindependent.com/crime-2/yameen-rasheeds-parents-ask-for-international-investigators-in-murder-probe-130199>

304 JJ Robinson, *Hanged Air Traffic Controller Sought Asylum for Fear of Religious Persecution*, MINIVAN NEWS, minivannews.com/society/hanged-air-traffic-controller-sought-asylum-for-fear-of-religious-persecution-93811 (July 14, 2010) ; see also Barry Duke, *Muslim Apostate Found Hanged After Admitting He Was an Atheist*, <http://freethinker.co.uk/2010/07/14/muslim-apostate-found-hanged-after-admitting-he-was-an-atheist/> (July 14, 2010).

305 ROBINSON, *supra* note 280.

306 Charles Haviland, *Maldives Atheist Who Felt Persecuted ‘Hangs Himself’*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-south+asia-10644685> (July 12, 2010).

307 Robinson, *supra* note 280.

308 *Id.*

309 *Id.*

310 *What Will Happen to the Maldivian Who Renounced Islam?*, HAVEERU ONLINE, <http://www.haveeru.com.mv/english/details/30427> (May 31, 2010).

311 *Id.*

Nazim and he was taken away by the police.³¹² The Islamic Ministry arranged for him to receive “religious counselling” before determining whether he should be executed for apostasy.³¹³ He was saved by “embracing Islam” during his counselling.³¹⁴

Mauritania

The Mauritanian Constitution, and other laws and policies, restrict freedom of religion or belief. The 1991 Constitution defines the country as an Islamic republic, with Islam as the sole religion of its citizens and the state.³¹⁵ All non-Muslims are restricted from being citizens of the country; Mauritians who leave Islam for another religion or for no religion lose their citizenship.³¹⁶ Additionally, Article 306 of the Mauritanian Penal Code outlaws apostasy, stating that “anyone found guilty of converting from Islam will be given the opportunity to repent within three days and if the person does not repent, the individual will be sentenced to death and the person’s property will be confiscated by the Treasury.”³¹⁷

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In April 2012, twelve anti-slavery activists were arrested in Mauritania’s capital city of Nouakchott, after burning books written by Islamic scholars and renouncing the literature for its attempts to justify slavery in the region.³¹⁸ Seven of the activists remained in prison until September 2011, when proceedings were terminated on technical grounds and a court order was issued to free them.³¹⁹

312 HAVEERU, *supra* note 284; see also JJ Robinson, *Islamic Foundation Calls for Death Sentence if Apostate Fails to Repent*, MINIVAN NEWS, minivannews.com/politics/islamic-foundation-calls-for-death-sentence-if-apostate-fails-to-repent-7606 (May 30, 2010).

313 *Nazim Who Publicly Claimed as a Non-believer, Reverts Back to Islam Publicly*, MIADHU, <http://www.miadhu.com/2010/06/local-news/nazim-who-publicly-claimed-as-a-non-believer-reverts-back-to-islam-publicly/> (June 2, 2010).

314 AHA 2012 REPORT, *supra* note 15.

315 Mauritanian Const. art. 4, sec. 5, available at <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan042393.pdf>; see also *Mauritania*, LIBRARY OF CONGRESS, <http://www.loc.gov/law/help/guide/nations/mauritania.php> (last visited Sep. 24, 2013).

316 *Id.*

317 *Mauritania*, DEP’T OF STATE, <http://www.state.gov/documents/organization/192947.pdf>

318 *International Religious Freedom Report 2011: Mauritania*, U.S. DEP’T OF STATE, <http://www.state.gov/documents/organization/192947.pdf> (last visited Oct. 3, 2013).

319 *Id.*

Mohamed Cheikh Ould M'khaitir, aged 31, is a Mauritanian blogger and journalist, who as of June 2017 is incarcerated and awaiting execution.³²⁰ On the 2nd of January, 2014, M'khaitir was arrested in his home city, Nouadhibou, two days after writing an online article entitled, "Religion, Religiosity and Craftsmen," which was critical of the treatment of non-Arabs and the normalisation of slavery, as set forth by the Islamic prophet, and the consequential influence on Mauritanian society.³²¹ The United Nations has estimated that the number of people living in slavery in Mauritania to be around 340,000-680,000; some 10-20% of the entire population.³²² Slavery is socially justified on the basis of religion.³²³ The clergy issued a fatwa against him and demanded his execution.³²⁴ Amidst the ensuing hysteria, it is believed that a businessman also offered an enormous reward for M'khaitir's death. Under Article 306 of the Mauritanian criminal code, M'khaitir was charged with apostasy and sentenced to death by firing squad. Article 306 states that, ***"any Muslim guilty of the crime of apostasy, either by word or by action ... will be invited to repent ... If the accused does not repent ... he is to be sentenced to death, and all of his property shall be confiscated by the government."***³²⁵ M'khaitir has since been forced to "repent," but the charge against him still stands. The appeals court heard his case on the 1st of April 2016; the verdict was upheld, but the case was sent to the Supreme Court. On January 31st, 2017, the Supreme Court then returned M'khaitir's case to the court of appeals.³²⁶ Outside the courthouse, a mob gathered in their thousands demanding his execution.³²⁷

320 Ophelia Benson, Mohamed Cheikh Ould M'khaitir (Butterflies & Wheels, 25 November 2016) <http://www.butterfliesandwheels.org/2016/mohamed-cheikh-ould-mkheitir/>

321 IHEU, IHEU briefing on Mohamed Cheikh Ould M'khaitir case (International Humanist and Ethical Union, 16 November 2016) <http://iheu.org/iheu-briefing-on-mohamed-cheikh-ould-mkheitir-case/>

322 John D. Sutter, Slavery's Last Stronghold (CNN Online: Freedom Project) <http://edition.cnn.com/interactive/2012/03/world/mauritania.slaverys.last.stronghold/>

323 Elsa Buchanan, Who is Mohamed Cheikh Ould M'khaitir, the Mauritanian blogger on death row for 'apostasy'? (International Business Times, 1 February 2017) <http://www.ibtimes.co.uk/who-mohamed-cheikh-ould-mkheitir-mauritanian-blogger-death-row-apostasy-1591453>

324 Reuters, Mauritanian clerics urge for blogger's death penalty to be applied (Reuters: World News, 13 November 2016) <http://www.reuters.com/article/us-mauritania-trial-idUSKBN1380P0>

325 Afef Abrougui, Originally Sentenced to Death, a Blogger Goes Before Mauritania's Supreme Court (GlobalVoices Advox, 29 January 2017) <https://advox.globalvoices.org/2017/01/29/originally-sentenced-to-death-a-blogger-goes-before-mauritanias-supreme-court/>

326 Conor Gaffey, Death Penalty Looms for Mauritanian Blogger Accused of Insulting Islam (NewsWeek, 19 December 2016) <http://www.newsweek.com/mauritania-raif-badawi-slips-under-radar-death-penalty-looms-531564>

327 Amnesty International, Mauritania Must Immediately Release Mohamed Mkhaitir, Blogger Sentenced to Death for Apostasy (Amnesty International 5 March 2015) <https://www.amnesty.org/en/documents/afr38/0002/2015/en/>

Morocco

In its preamble, the Moroccan Constitution defines Morocco as a Muslim state, and affirms that Islam is the state religion in Article 3, which also guarantees freedom of religious practices to all faiths.³²⁸ Article 106 of the Constitution states that the constitutional provisions related to the place of Islam cannot be changed.³²⁹ The Constitution also stipulates that the king is “commander of believers (*amir al-mumineen*)” and “defender of the faith (*ad-din*)” in the country.³³⁰

Although voluntary conversion is in principle legally acceptable, the authorities have harassed apostates and others.³³¹ Article 220 of the Moroccan Penal Code prescribes a prison term of six months to three years for “anyone who employs incitements to shake the faith of a Muslim or to convert him to another religion.”³³² In addition, Article 220 of the Moroccan Penal Code prohibits conversion by proselytising.³³³

Morocco’s High Council of Ulemas (the highest government religious institution headed by the King) issued a fatwa decreeing the death penalty for Moroccans who leave Islam.³³⁴ Currently, under Morocco’s Penal Code, those who impede or prevent worship face imprisonment and fines.³³⁵ The ruling can be found in a report entitled *Fatwas For The Years 2004-2012*.³³⁶

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

22-year-old Imad Iddine Habib, a well-known atheist and founder of the Council of Ex-Muslims of Morocco (the first atheist organisation in a country with Islam

328 Marina Ottaway, *The New Moroccan Constitution: Real Change or More of the Same?*, CARNEGIE ENDOWMENT FOR INT’L PEACE, <http://carnegieendowment.org/2011/06/20/new-moroccan-constitution-real-change-or-more-of-same/5l> (June 20, 2011).

329 *Id.*

330 *International Religious Freedom Report 2011: Morocco*, U.S. DEP’T OF STATE, <http://www.state.gov/documents/organization/193111.pdf> (last visited Oct. 3, 2013).

331 *Id.*

332 James Kirchick, *Exiled After Threats: Blogger Wants More Freedoms in Morocco*, SPIEGEL ONLINE, <http://www.spiegel.de/international/world/moroccan-blogger-champions-freedom-in-swiss-exile-a-891561.html> (Mar. 29, 2013).

333 *Id.*

334 Samira Arabi, *Morocco’s High Council of Ulemas’s Death Sentence Fatwa on Apostates Sparks Controversy*, MOROCCO NEWS TRIBUNE, <http://morocconewstribune.com/moroccos-high-council-of-ulemass-death-sentence-fatwa-on-apostates-sparks-controversy/> (Apr. 19, 2013).

335 *Id.*

336 *Id.*

as a state religion), received death threats on account of his apostasy.³³⁷ In May 2013, secret service agents warned his father that Habib was considered an enemy of the country.³³⁸ His home was raided and Habib went into hiding.³³⁹ He has since fled the country and secured asylum in the UK.

Kacem El Ghazzali, a young Moroccan author and blogger sought refuge in Switzerland after receiving death threats and harassment for (originally anonymously) creating an atheist blog.³⁴⁰ Ghazzali appeared in a television interview with France 24 regarding the role of the internet in connecting atheists across the Muslim world.³⁴¹ Four days after his appearance, the principal of his school accused him of working for a “foreign agenda,” and alleged that he had violated Article 220, and physically assaulted him.³⁴² Following regular death threats, he was forced to flee Morocco.³⁴³

Nigeria

Religious freedom is protected in the 1999 Constitution, with Article 10 forbidding the federal or state government to “adopt any religion as state religion.”³⁴⁴ Furthermore, Article 38 guarantees “freedom of thought, conscience and religion,” and Articles 15 and 42 forbid religious discrimination.³⁴⁵ Despite these supposed protections, twelve northern states extended Sharia law beyond personal status matters, shortly following reinstallation of democracy in Nigeria.³⁴⁶ Some, in contravention of the Constitution, imposed Islam as

337 Press Release, *Moroccan Government: Hands off Imad Iddine Habib*, COUNCIL OF EX-MUSLIMS OF BRITAIN, <http://ex-muslim.org.uk/2013/05/moroccan-government-hands-off-imad-iddine-habib/> (May 1, 2013).

338 *Id.*

339 *Id.*

340 Kirchick, *supra* note 300.

341 *Id.*

342 *Id.*

343 *Id.*

344 NIGERIA CONST. art. 10, available at http://www.wipo.int/wipolex/en/text.jsp?file_id=179202.

345 NIGERIA CONST. arts. 15, 38, 42.

346 US Comm’n on Int’l Religious Freedom, *USCIRF Annual Report 2004 – Nigeria*, REFWORLD, <http://www.refworld.org/docid/4855696b2.html> (last visited Oct. 3, 2013) (hereinafter *USCIRF Report 2004*); see also Ekwutosi Collyer, *Law and Disorder in Nigeria’s Sharia States*, RADIO NETHERLANDS (RNW), <http://www.rnw.nl/africa/article/law-and-disorder-nigeria%E2%80%99s-sharia-states-0> (Dec. 23, 2011).

the official state religion.³⁴⁷ While neither blasphemy nor apostasy is explicitly punishable, those accused face extrajudicial persecution and violence.³⁴⁸

Boko Haram, whose name means “Western education is a sin” in the Hausa language, is an Islamist organisation,³⁴⁹ which has also pledged allegiance to Daesh. It has carried out gun and bomb attacks across Nigeria’s north, and the capital, Abuja, killing thousands of people since 2009 in its campaign to establish an Islamic state in Nigeria.³⁵⁰ Between 2009 and 2012, hundreds of attacks by suspected Boko Haram members have left more than 1,500 people dead, according to media reports monitored by Human Rights Watch.³⁵¹

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In anticipation of the Miss World competition to be held in Nigeria in 2002, several Muslim clerics denounced the pageant as immoral.³⁵² In response, 22-year-old Isioma Daniel, a journalist with This Day newspaper wrote, “What would Muhammad think? In all honesty, he probably would have chosen a wife from one of them.”³⁵³ The comment sparked riots in Kaduna where Daniel lived, resulting in over 200 deaths, and leaving thousands homeless.³⁵⁴ Despite an apology issued by the newspaper in November 2002, Islamic authorities issued a fatwa urging Muslims to kill Daniel.³⁵⁵ The fatwa has since been declared void by the Federal Information Minister, and Daniel has fled the country.³⁵⁶

347 USCIRF REPORT 2004, *supra* note 312

348 *Id.*

349 *Id.*

350 Damien McElroy, *Boko Haram Fighting Nigerian Troops in Abuja*, THE TELEGRAPH, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/nigeria/10323226/Boko-Haram-fighting-Nigerian-troops-in-Abuja.html> (Sep. 20, 2013).

351 *Nigeria: Boko Haram Attacks Likely Crimes Against Humanity*, HUMAN RIGHTS WATCH, <http://www.hrw.org/news/2012/10/11/nigeria-boko-haram-attacks-likely-crimes-against-humanity> (Oct. 11, 2012) (hereinafter HRW Boko Haram Report).

352 *Id.*

353 *Nigerian Fatwa Journalist*, BBC TODAY, http://www.bbc.co.uk/radio4/today/reports/archive/international/nigeria_riots.shtml (last visited Oct. 3, 2013).

354 *Id.*

355 *Id.*

356 HRW BOKO HARAM REPORT, *supra* note 319.

Oman

The law in Oman declares that Islam is the state religion, and that Sharia law is the basis of all legislation.³⁵⁷ Article 209 of the Omani Penal Code prescribes a prison sentence and fine to anyone who publicly blasphemes god or a prophet, commits an affront to religious groups by spoken or written word, or breaches the peace of a lawful religious gathering.³⁵⁸

Laws governing family and personal status are adjudicated by the country's civil courts, according to the Personal Status and Family Legal Code.³⁵⁹ Article 282 of the Code exempts non-Muslims from the Code's provisions, allowing them to follow their own religious rules pertaining to family or personal status.³⁶⁰ Apostasy is not a criminal offence, but the Personal Status and Family Legal Code prohibit a father who converts from Islam from retaining paternal rights over his children.³⁶¹

Pakistan

The Constitution establishes Islam as the state religion, along with other laws and policies in which restrict religious freedoms.³⁶² While the Constitution declares that adequate provisions be made for minorities to profess and practice their religious beliefs freely, other provisions of the Constitution and law do impose limits on these rights.³⁶³ Article 19 of the Constitution grants freedom of speech, but also specifically limits this right "subject to any reasonable restrictions imposed by law in the interest of the glory of Islam."³⁶⁴

357 *International Religious Freedom Report 2012: Oman*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208406> (last visited Oct. 3, 2013) (hereinafter *Oman Report 2012*).

358 *Id.*

359 *Id.*

360 *Id.*

361 *Id.*

362 *International Religious Freedom Report 2012: Pakistan*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208438> (last visited Oct. 3, 2013) (hereinafter *Pakistan Report 2012*).

363 *International Religious Freedom Report 2011: Pakistan*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192933> (last visited Oct. 3, 2013) (hereinafter *Pakistan Report 2011*).

364 FOX, *supra* note 89.

Pakistan's blasphemy law predates the founding and independence of the state. In 1860, the British Government sought to protect the diverse religious sensibilities of the Indian subcontinent, and introduced protections for all religions and their places of worship. For the betterment of peace, tolerance, and coexistence, the early law did not discriminate or lean in preferential favour of class or cast. During the 1980s, Pakistan amended and tightened its blasphemy laws as part of the Penal Code, with a salient leaning of favour towards Islam, thence restricting the right to freedom of speech with regard to religion.³⁶⁵ Since then, it has been extremely dangerous to express dissent against Islam.³⁶⁶ Apostasy is not explicitly punishable, however blasphemy is a capital offence under the Pakistani Penal Code.³⁶⁷ Amendments were made in 1982 (section 295-B), 1980, 1984 (sections 298 A,B and C), and 1986 (section 295-C) to the Penal Code often referred to as the "Blasphemy Laws."³⁶⁸ Under these provisions, desecration of the Quran became a crime carrying life imprisonment; defiling the name of Muhammad became a crime incurring a death penalty, life imprisonment and/or a fine (295-C).³⁶⁹ In 1990, the federal Sharia Court ruled that the penalty for defiling the name of Muhammad is "death and nothing else," making the death penalty mandatory for said offence.³⁷⁰

Article 295c states that:

[W]hoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.³⁷¹

365 MARSHALL & SHEA, *supra* note 2.

366 Nahal Toosi, *Pakistanis Mourn a Once Religiously Tolerant, Relaxed Nation*, http://www.huffingtonpost.com/2011/01/07/pakistanis-mourn-a-once-t_n_805809.html (Feb. 7, 2011).

367 SOOKHDEO, *supra* note 100.

368 SOOKHDEO, *supra* note 100; see also Mohammed Hanif, *How to Commit Blasphemy in Pakistan*, THE GUARDIAN, <http://www.theguardian.com/world/2012/sep/05/pakistans-blasphemy-laws-colossal-absurdity> (Sep. 5, 2012).

369 SOOKHDEO, *supra* note 100.

370 *Id.*

371 FOX, *supra* note 89.

An estimated 1,274 people have been charged under the stringent blasphemy laws of Pakistan between the years 1986-2010.³⁷² They were included in the Constitution by General Zia ul Haq.³⁷³ Blasphemy cases are brought regularly to the courts,³⁷⁴ with criminal blasphemy prosecutions being common. Any person can bring a blasphemy charge against another and there is no requirement to prove intent.³⁷⁵ The rising number of cases was such that in 2005 the government passed a law requiring that the police investigate accusations of blasphemy before any charges are filed.³⁷⁶ This reduced arrest rates in half: from 74 per year to 34 per year.³⁷⁷

295/295-A of the Pakistan Penal Code has, in recent years and cases, also come to preside over the online activities of the Pakistani people, with emphatic focus on the use of social media.³⁷⁸ “Cyber-crime,” is regularly held as an accusation against those who blaspheme online. At least 51 people accused of blasphemy were murdered before their respective trials were over.³⁷⁹ However, the death sentence has never been implemented.³⁸⁰

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

Taimoor Raza, a 30 year-old man, became involved in an online argument regarding the nature of Islam whilst using Facebook.³⁸¹ Pakistan’s Prime Minister Nawaz Sharif has described blasphemy as being an “unpardonable offence.”³⁸² Raza was arrested and later sentenced to death, guilty of insulting the prophet, on June 10th 2017.³⁸³ Since at least 2010, Pakistan has seen anti-social media

372 *Timeline: Accused Under the Blasphemy Law*, DAWN NEWS, <http://beta.dawn.com/news/750512/timeline-accused-under-the-blasphemy-law> (last updated Aug. 18, 2013) (hereinafter Dawn Timeline).

373 *Id.*

374 FOX, *supra* note 89.

375 MARSHALL & SHEA, *supra* note 3.

376 FOX, *supra* note 89.

377 *Id.*

378 World Watch Monitor, Pakistan: Christian boy, 16, arrested for Kaaba ‘blasphemy’ (World Watch Monitor, 20 September 2016) <https://www.worldwatchmonitor.org/2016/09/pakistan-christian-boy-16-arrested-for-kaaba-blasphemy/>

379 DAWN TIMELINE, *supra* 321

380 *Id.*; see also High-profile Blasphemy Cases in the Last 63 Years, DAWN NEWS, <http://dawn.com/news/589587/high-profile-blasphemy-cases-in-the-last-63-years> (Dec. 8, 2010).

381 Bahawalpur court hands down death sentence to man for blasphemous Facebook posts (The Express Tribune, 10 June 2017)

382 Facebook blasphemer’ given death penalty (BBC News Online: Technology, 12 June 2017) <http://www.bbc.co.uk/news/technology-40246754>

383 *Id.*

protests with regard to the ubiquity of open dialogue now surrounding Islam within the region.³⁸⁴ “The casual manner in which death sentences are handed in blasphemy cases coupled with the lack of orientation of Pakistani courts with technology makes this a very dangerous situation,” said Saroop Ijaz, a lawyer with Human Rights Watch in Pakistan.³⁸⁵ The rapport between social media and apostasy, blasphemy, and the expression of one’s agnosticism or atheism is under continual and heightened attack by Pakistani authorities.

Fazal Abbas was a campaigner convicted under Section 295-C – the use of “derogatory remarks,” in respect to the prophet Muhammad – of the Pakistan Penal Code at the Pasrur City station in 2004.³⁸⁶ He quickly fled abroad in fear of his life, where police continued to try and locate him, until Abbas later returned to Sialkot, Pakistan, 13 years later, only to be shot dead on the 20th of April 2017.³⁸⁷ He was murdered by one of three women, who under the guises of their burqas, entered Abbas’ father’s home concealing weapons.³⁸⁸ Police arrested the three women, now identified as Amna, Afshan and Razia, who said of Abbas’ “blasphemy” charge in 2004 that, **“we couldn’t kill him at the time because we were too young.”**³⁸⁹ The women were said to have “raised jubilant slogans, proclaiming that they had eliminated a blasphemer.”³⁹⁰

Mashal Khan, aged 23, was a student of journalism at Abdul Wali Khan University, Mardan, Pakistan.³⁹¹ On April 13th 2017, Khan was seized from his dorm room by the large mob that proceeded to lynch, stone and shoot him, accusing him of violating Pakistan’s blasphemy law.³⁹² The mob recorded the ruthless attack through various mobile phones, posted them online, and generated wide

384 *Id.*

385 Sune Engel Rasmussen, Pakistan: man sentenced to death for blasphemy on Facebook (The Guardian, 11 June 2017)

386 Abid Hussain Mehdi, Three sisters kill man booked for blasphemy in Sialkot (Dawn, 20 April 2017) <https://www.dawn.com/news/1328114>

387 *Id.*

388 *Id.*

389 *Id.*

390 *Id.*

391 Sune Engel Rasmussen, Student’s lynching sparks rare uproar in Pakistan over blasphemy killings (The Guardian, 26 April 2017) <https://www.theguardian.com/world/2017/apr/26/lynching-of-a-student-sparks-uproar-in-pakistan-against-blasphemy-laws>

392 *Id.*

support for their actions.³⁹³ Imams refused to attend his funeral service.³⁹⁴ Khan was a scholarly and committed free-thinker, having spent years abroad studying engineering. He decorated his room with posters of Che Guevara and Karl Marx, as well as influential quotations.³⁹⁵ "He dreamed of a system where everyone could enjoy justice and equal rights. He was against corruption and the corrupt political setup. I can't imagine him being against any religion," said a friend.³⁹⁶ A document which surfaced after Khan's murder stated that the university had banned his entry to the campus whilst a committee investigated the alleged "blasphemous activities."³⁹⁷ Khan's case now sits amongst a pattern of attacks on individuals accused of "blasphemy," which is often used as a means to incite religious hatred.³⁹⁸ His brutal murder is neither a singular nor spontaneous act.³⁹⁹

In March 2017, two bloggers were arrested from Karachi for "criticising Islam and Holy Prophet Muhammad". FIA Cyber crime wing transferred the bloggers to Islamabad for physical remand. A news reports says: " According to received information, there is a planned network and organisation of blasphemous bloggers who promote hatred against Islam and Holy Prophet. The name of organisation is AAAP (Atheist and Agnostic Alliance Pakistan). This organisation of Pakistani Atheist bloggers is associated with world-wide organisation of atheists named Council of Ex-Muslims of Britain, famous as CEMB." Abdul Waheed (Ayaz Nizami) and Rana Noman were arrested under accusations of "running an organised network of atheist blogs in Pakistan". They are currently in prison.⁴⁰⁰

393 Beena Sarwar, Owing Mashal Khan, (The News.pk, 19 April 2017) <https://www.thenews.com.pk/print/199451-Owning-Mashal-Khan>

394 Elliot Friedland, Murdered on a Rumor of Blasphemy (Clarion Project, 18 April 2017) <https://clarionproject.org/murdered-on-a-rumor-of-blasphemy/>

395 Sune Engel Rasmussen, Student's lynching sparks rare uproar in Pakistan over blasphemy killings (The Guardian, 26 April 2017) <https://www.theguardian.com/world/2017/apr/26/lynching-of-a-student-sparks-uproar-in-pakistan-against-blasphemy-laws>

396 *Id.*

397 *Id.*

398 Mudaser Kazi, Karachi continues to weep for Mashal (Tribune.pk, 23 April 2017) <https://tribune.com.pk/story/1391121/karachi-continues-weep-mashal-khan/>

399 Beena Sarwar, Owing Mashal Khan, (The News.pk, 19 April 2017) <https://www.thenews.com.pk/print/199451-Owning-Mashal-Khan>

400 Beena Sarwar, Owing Mashal Khan, (The News.pk, 19 April 2017) <https://www.thenews.com.pk/print/199451-Owning-Mashal-Khan>

Salman Haider, also known as *Sallu Bhai*, is a Pakistani blogger, Urdu poet, activist and a lecturer at Fatima Jinnah University, also an editor for *Tanqeed*, a magazine dedicated to politics and culture.⁴⁰¹ Haider was abducted in Islamabad on January 6th, 2017.⁴⁰²

He was among nine activists reported to be missing during the first week of 2017.⁴⁰³ Others missing are also online bloggers, frequent users of social media, and all known for their secular views. Haider is also a theatre activist, well known for his polemics and critiques of Pakistani culture, and the recent disappearances in Balochistan. In 2014, when sectarian killings were rife, Salman Haider wrote a poem entitled, *"Kafir"*, which quickly became viral on social media. The work criticised the religious conservatism, and was critically acclaimed.⁴⁰⁴

Nabeel Masih, aged just 16, was arrested on the 18th of September 2016⁴⁰⁵ in his home town of Dina Nath village, in the Kasur district of Punjab province, near Lahore. He was detained and charged under sections 295/295-A of the Pakistan Penal Code, for the "cyber-crime" of "liking" a satirical image of the Kaaba posted on Facebook, which constitutes as blasphemy.⁴⁰⁶ Masih was accused of "religious offences" including, "wounding religious feelings ... derogatory remarks," and "defiling the Quran." After the Kaaba, located in Mecca and one of the holiest sites in Islam, appeared on his profile, Masih was placed in prison without any legal investigation.⁴⁰⁷ The boy's family was then hunted by their neighbours, despite the Facebook post since being deleted. Masih's cousin told the World Watch Monitor

401 TQ Editors-In-Chief, Tanqeed Editor, Poet, Activist is Missing #RecoverSalmanHaider (Tanqeed, January 2017) <http://www.tanqeed.org/2017/01/tanqeed-editor-poet-activist-is-missing/>

402 International Federation of Journalists, Magazine editor among disappeared activists in Pakistan (IFJ, 13 January 2017) <http://www.ifj.org/nc/news-single-view/backpid/1/article/magazine-editor-among-disappeared-activists-in-pakistan/>

403 Counter Current News, Nine Activist Bloggers Missing Within the First Week of 2017. Where are they? (Counter Current News, 12 January 2017) <http://countercurrentnews.com/2017/01/nine-activist-bloggers-missing-within-the-first-week-of-2017-where-are-they/>

404 Dawn, Four rights activists gone missing this week (Dawn, 8 January 2017) <https://www.dawn.com/news/1307195>

405 Shamila Ghyas, Blasphemy law: Nabeel Masih, a Christian teenager, has been arrested for liking the Kaaba's picture on Facebook (The Nation, 20 September 2016)

406 World Watch Monitor, Pakistan: Christian boy, 16, arrested for Kaaba 'blasphemy' (World Watch Monitor, 20 September 2016) <https://www.worldwatchmonitor.org/2016/09/pakistan-christian-boy-16-arrested-for-kaaba-blasphemy/>

407 Katie Mansfield, Christian boy confronted by 80 Muslims demanding he's HANGED for Facebook post about Islam (The Express, 15 October 2016) <http://www.express.co.uk/news/world/721170/Christian-boy-confronted-Muslim-mob-hanged-Facebook-post-Islam>

that he *“is illiterate and works as a labourer in a nearby ghee factory ... it was only a mistake.”* In court, the prosecution lawyer attested that, *“this man has blasphemed against Islam and you should know that Pakistan is an Islamic state, we are all Muslims, and these are Muslim courts so you should not defend such a criminal.”*⁴⁰⁸ Masih could now face the death penalty, life imprisonment, large fines, and hundreds of lashings – he is 16 years old, and currently imprisoned.⁴⁰⁹

Sabeen Mahmud, aged 40, was a Pakistani human rights activist, free-speech advocate, and social worker who founded the Karachi-based arts café *The Second Floor*, also known as T2F.⁴¹⁰ Mahmud was murdered on the 24th of April 2015, whilst returning from an event which publicised and discussed the many disappearances of free-thinkers and activists in Pakistan’s Balochistan province.⁴¹¹ Women’s voices are particularly at risk in Pakistan, especially those that strive for an equal society not nuanced by political Islamic supremacy. As expressed on the T2F website, Mahmud was, “A social entrepreneur committed to the intersection of the liberal arts, technology, and activism. Sabeen created a hub for creative expression in Karachi. She had 20 years of experience in graphic design, new media, and technology, and was also a co-founder of a boutique interactive media and technology (BIT) consulting firm. She was also a blogger, civil liberties activist, and a founding member of the All Pakistan Music Conference.”⁴¹² In 2013, Mahmud also campaigned in support of Valentine’s Day, which religious fundamentalists condemned as anti-Islamic. She distributed media stating, “Don’t keep your distance, let love happen,” and subsequently went into hiding as a result. Under the Twitter hash-tags of #PakistanForAll and #ReclaimYourMosque, Mahmud was an avid campaigner often found on the streets, gathering support for what she believed in.⁴¹³ She also counselled young people who were unable to exercise their freedom of expression, and who came to her in fear of their parents.

408 World Watch Monitor, Pakistan: Christian boy, 16, arrested for Kaaba ‘blasphemy’ (World Watch Monitor, 20 September 2016)

409 Madeeha Bakhsh, abeel Masih’s blasphemy row: Christian respondent’s defense counsel team threatened of dire consequences (Christians in Pakistan, 8 October 2016)

410 BBC News, Silenced – the day my daughter was shot in front of me (BBC Online: 2 June 2015) <http://www.bbc.co.uk/news/magazine-32839660>

411 Kamila Shamsie, Murdered on the streets of Karachi: my friend who dared to believe in free speech 9The Guardian, 27 April 2015) <https://www.theguardian.com/commentisfree/2015/apr/27/murdered-karachi-free-speech-sabeen-mahmud>

412 The Second Floor: About the Founder (T2F) <http://www.t2f.biz/category/about/the-founder/>

413 Hassan Belal Zaidi, Sabeen, the one who never backed down (Dawn, 24 April 2017) <https://www.dawn.com/news/1178157/sabeen-the-one-who-never-backed-down>

“Esha” a 24 year old woman has been cut off from the world in her prime and is languishing in a Pakistani prison for the last three years on false charges of blasphemy brought against her by her best friend after they had an argument. She stands accused of having torn pages from the Quran and having slept on them. Although there have been several hearings, her trial is still pending for a complex variety of reasons – one of them being that there have been five different judges, each fearing for his life.⁴¹⁴

Shahzad Masih and his wife Shama, believed to be aged 26 and 24 respectively, worked as indentured labourers and were killed in the village of Kot Radhakishan, south of Lahore, on the 4th of November 2014 by a local mob enraged with accusations that the couple had desecrated the Quran.⁴¹⁵ Shama was in the process of burning pieces of waste paper, which contained Arabic writings of some spiritual reference, when she was first accused.⁴¹⁶ A report from the World Watch Monitor states that, *“Shama never meant any disrespect to Islam as she was totally illiterate... a few people recognised partially burned pages in the ash and raised a cry that Shama had burned the Qur’an.”*⁴¹⁷ An investigator for the Human Rights Commission of Pakistan verified that “there was no burning of the Quran ... I can say this categorically.” A local police officer also said that the couple were beaten with fists and sticks.⁴¹⁸ The mob then dragged the couple’s conscious bodies to a nearby brick kiln, where they were then burned alive.⁴¹⁹ The brutal and merciless attack on the couple was said to have been instigated using mosques at the behest of a local Muslim kiln owner.⁴²⁰ When the village clergy were informed, no attempt at reason or explanation was offered to the couple.⁴²¹ Through loudspeakers,⁴²²

414 <https://www.gofundme.com/rmrhvk>

415 Asad Hashim, Pakistani Christian couple killed by mob (Aljazeera, 5 November 2014)

416 Islamist Mob in Pakistan Kills Christian Couple Accused of ‘Blasphemy’ (Morning Star News, 5 November 2014) <http://morningstarnews.org/2014/11/islamist-mob-in-pakistan-kills-christian-couple-accused-of-blasphemy/>

417 Burnt Offering: The Martyrdom of Shama and Shahzad Masih (Brown Pundits, 8 November 2014)

418 Islamist Mob in Pakistan Kills Christian Couple Accused of ‘Blasphemy’ (Morning Star News, 5 November 2014)

419 Sandie, Shahzad Masih and Shama Bibi: Pakistan (Liberty and Justice.blog, 18 December 2014) <https://libertyjusticeblog.wordpress.com/2014/12/18/shahzad-masih-and-shama-bibi-pakistan/>

420 Islamist Mob in Pakistan Kills Christian Couple Accused of ‘Blasphemy’ (Morning Star News, 5 November 2014)

421 Mehr Tarar, The Story of Shama and Shahzad (The Huffington Post, 18 November 2014) http://www.huffingtonpost.com/mehr-tarar/the-story-of-shama-and-sh_b_6156274.html

422 Shahzeb Jillani, Pakistan Christian community living in fear after mob killings (BBC News, 8 November 2014) <http://www.bbc.co.uk/news/world-asia-29956115>

the mob of 3,000–4,000 people quickly gathered.⁴²³ The couple had 3 children, and Shama was pregnant at the time of her murder.⁴²⁴ In 2014, 17 people were on death row for cases related to blasphemy, with a further 19 serving life sentences. Speaking of the attack, another local kiln worker stated that, “It could happen to anybody. Everyone here feels fearful.”

In March 2013, Junaid Hafeez, a university lecturer and member of Pakistan Atheists and Agnostics was arrested on blasphemy charges. His blog was hacked by Islamists and he has received death threats.⁴²⁵ His lawyer has also received death threats.⁴²⁶

In January 2013, the Supreme Court admitted a petition filed against Pakistan’s ambassador to the United States, Sherry Rehman, on charges of blasphemy.⁴²⁷ The petition claims that Rehman committed blasphemy whilst speaking on a news channel two years ago.⁴²⁸

The Governor of Pakistan’s Punjab province, Salmaan Taseer, was assassinated on January 4, 2011, for his opposition to the blasphemy laws.⁴²⁹ The Governor of Punjab was an outspoken critic of the laws, and his assassination marks the most high-profile killing of a political figure in Pakistan since that of Benazir Bhutto in December 2007.⁴³⁰

Asia Bibi, is a Pakistani farmhand born in a small rural village, around 30 miles from Lahore. In June 2009, Bibi was involved in a petty altercation with a number of fellow berry-pickers; the ensuing argument resulted with accusations of blasphemy filed against Bibi, who is a Christian, by her Muslim co-workers.⁴³¹

423 Islamist Mob in Pakistan Kills Christian Couple Accused of ‘Blasphemy’ (Morning Star News, 5 November 2014)

424 *Id.*

425 *Blasphemer University Teacher Sent to Prison on Remand in Multan*, SOUTH PUNJAB NEWS, <http://southpunjabnews.blogspot.com/2013/03/blasphemer-university-teacher-sent-to.html> (Mar. 14, 2013).

426 Owais Jafri, *Blasphemy Case: Lawyer of Accused Receives Death Threats*, PAKISTAN EXPRESS TRIBUNE, <http://tribune.com.pk/story/558110/blasphemy-case-lawyer-of-accused-receives-death-threats/> (June 3, 2013).

427 DAWN TIMELINE, *supra* note 342.

428 *Id.*

429 *Punjab Governor Salman Taseer Assassinated in Islamabad*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-south-asia-12111831> (Jan. 4, 2011).

430 *Pakistan’s Blasphemy Law: Timeline*, THE TELEGRAPH, <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/8356855/Pakistans-blasphemy-law-timeline.html> (Mar. 2, 2011).

431 Rob Crilly, *Christian woman sentenced to death in Pakistan ‘for blasphemy’* (The Telegraph, 9 November 2010) <http://www.telegraph.co.uk/news/religion/8120142/Christian-woman-sentenced-to-death-in-Pakistan-for-blasphemy.html>

A mob soon raided her house, beating her and members of her family until she was rescued by the local police, who later arrested her. Bibi was subsequently imprisoned for over a year before being formally charged with anything. She was also put in solitary confinement, in a cell without windows. Since being charged under Pakistan's blasphemy laws, Bibi has been on death row for last 7 years.⁴³² Bibi's case has returned to the spotlight after Imams have demanded her execution.⁴³³ Her trial could resume in June 2017; Bibi could be the first woman executed under Pakistani blasphemy laws.⁴³⁴ Bibi's family went into hiding after receiving death threats, some of which threatened to kill her if she was released from prison. Human Rights Watch attests that Bibi's situation is not unusual.⁴³⁵

In October 2000, medical professor Mohammad Yunus Shaikh explained to a group of students that Muhammad was neither a prophet nor a Muslim, prior to his alleged revelations (according to Islamic teaching, Muhammad received Quranic revelation when he was forty).⁴³⁶ For some students, Shaikh's statements were considered blasphemous, and one student brought a complaint before a cleric.⁴³⁷ The Movement for the Finality of the Prophet, an organisation that often targets alleged blasphemers, lodged a complaint against Shaikh and incited a mob.⁴³⁸ Three days later, Shaikh was arrested on blasphemy charges.⁴³⁹ His trial was held in closed session inside the Central Jail.⁴⁴⁰ His lawyers were threatened with a fatwa of apostasy.⁴⁴¹ After originally being sentenced to the death penalty, a retrial was ordered in 2003 where Shaikh conducted his own defence and was acquitted.⁴⁴² When his accusers later sought to appeal the acquittal, Shaikh fled to Europe.⁴⁴³

432 Zehra Abid, Blasphemy in Pakistan: The Case of Aasia Bibi (Aljazeera America, 18 June 2015) <http://america.aljazeera.com/articles/2015/6/18/blasphemy-in-pakistan-the-case-of-aasia-bibi.html>

433 Kamran Chaudhry, Pakistan, Asia Bibi's trial could resume in June (AsiaNews.IT, 20 April 2017) <http://www.asianews.it/news-en/Pakistan%2C-Asia-Bibi%27s-trial-could-resume-in-June-40526.html>

434 *Id.*

435 Human Rights Watch, Pakistan: Filthy Business (Human Rights Watch, 15 November 2010) <https://www.hrw.org/news/2010/11/15/pakistan-filthy-business>

436 MARSHALL & SHEA, *supra* note 3.

437 *Id.*

438 *Id.*

439 *Id.*

440 *Id.*

441 MARSHALL & SHEA, *supra* note 3.

442 *Id.*

443 *Id.*

Qatar

Islam is the state religion and Sharia law is the main source of legislation.⁴⁴⁴ The law does not recognise religions outside the three Abrahamic faiths – with legal, cultural, and institutional discriminations outweighing government enforcement of non-discriminations laws.⁴⁴⁵

The law provides for two years imprisonment and a fine for possession of written or recorded materials or items that support or promote “missionary activity.”⁴⁴⁶ The law imposes a prison sentence of up to seven years for defaming, desecrating, or committing blasphemy against Islam, Christianity, or Judaism.⁴⁴⁷ The law stipulates a one-year prison term or a fine for producing or circulating material containing slogans, images, or symbols defaming those three religions.⁴⁴⁸

National law incorporates a meld of secular legal traditions beside Sharia law.⁴⁴⁹

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In 2011, Amnesty International reported that at least six foreign nationals were convicted of blasphemy, four of whom received maximum seven-year prison sentences.⁴⁵⁰ In July 2011, the Doha Court of First Instance sentenced a Lebanese man to seven years’ imprisonment for blasphemy; he was reported to have “uttered blasphemous words” while being carried on a stretcher to an ambulance.⁴⁵¹ It was not clear whether the prison sentence was enforced in this and other cases.⁴⁵²

444 *International Religious Freedom Report 2012: Qatar*, U.S. DEPT OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208408> (last visited Oct. 3, 2013) (hereinafter Qatar Report 2012).

445 *Id.*

446 *Id.*

447 *Id.*

448 *Id.*

449 QATAR REPORT 2012, *supra* note 362.

450 *Annual Report 2011: Qatar*, AMNESTY INTERNATIONAL, <http://www.amnesty.org/en/region/qatar/report-2011> (last visited Oct. 3, 2013).

451 *Id.*

452 *Id.*

Saudi Arabia

Saudi Arabia does not have a Constitution.⁴⁵³ The primary source of law is the Quran and the Sunnah.⁴⁵⁴ Under the provisions of Sharia law, as practiced in the country, judges may discount the testimony of people who are not practicing Muslims or who do not adhere to the official interpretation of Islam.⁴⁵⁵ The law combines royal decrees and Sharia law, in which apart from commercial matters, there is no unified code.⁴⁵⁶ Apostasy is subject to Sharia hudud rules, which means that the punishment of death is seen as a fixed divine order and not subject to judicial discretion; although the king can commute sentences.⁴⁵⁷ Blasphemy against Sunni Islam also can be punishable by death, but the more common penalty is a long prison sentence, lengthy detention without trial, or protective custody.⁴⁵⁸

Children born to Muslim fathers are by law deemed Muslim, and leaving Islam is considered apostasy, which can be punishable by death.⁴⁵⁹

The Saudi religious police (known as *Mutaween*, or officially as the Commission for Promotion of Virtue and Prevention of Vice) have the duty to enforce these prohibitions and are especially intolerant of minority religions and non-belief.⁴⁶⁰

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

Raif Badawi, aged 33, is an award-winning Saudi writer and activist, as well as the co-founder of the website *Free Saudi Liberals*, created to encourage debate surrounding Islam and its clerical figures within Saudi Arabia.⁴⁶¹ Charged with “insulting Islam through electronic channels,” and “going beyond the realm

453 *International Religious Freedom Report 2012: Saudi Arabia*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208410> (last visited Oct. 3, 2013) (hereinafter Saudi Report 2012).

454 *Id.*

455 *Id.*

456 MARSHALL & SHEA, *supra* note 3.

457 *Id.*

458 Saudi Report 2012, *supra* note 371.

459 *Id.*

460 DISSENT DENIED, *supra* note 103.

461 BenHubbard, *Saudis Begin Public Caning to Punish a Blogger* (The New York Times, 9 January 2015) https://www.nytimes.com/2015/01/10/world/middleeast/saudis-begin-public-caning-of-blogger-first-50-of-1000-blows-are-administered.html?_r=0

of obedience,”⁴⁶² Badawi has been told that he must “repent to god.” A judge informed Badawi that he could face the death penalty if he did not repent and renounce his beliefs. The State has also ordered for the banning of his website. Badawi appealed the first of his conviction’s, held in 2013, which carried a sentence of 7 years in prison and 600 lashes for insulting Islam and violating the Kingdom’s “anti-cybercrime” laws.⁴⁶³ The verdict was finally overturned by an appeals court and a retrial was ordered, yet on May 7, 2014, Badawi’s sentence was increased to 1000 lashes, 10 years in prison, and a fine of 1 million riyal (£133,000; \$266,000).⁴⁶⁴ On Friday 9 January 2015, Raif received the first 50 of his 1,000 torturous lashes, which has not continued weekly due to international pressure.⁴⁶⁵ Ensaf, Badawi’s wife, has said that she fears her husband will not be able to physically withstand further lashes. She has said that his health is poor, and that he is in pain. Badawi remains imprisoned.⁴⁶⁶

Ashraf Fayadh, 37, a Palestinian poet, artist and curator who lives in Saudi Arabia, was previously sentenced to death for “apostasy,” and for his poetry which the regime claims have questioned Islam and contributed to the spread of atheism.⁴⁶⁷ Since May 2014, Fayadh’s death sentence has since been overturned, instead imposing an eight year prison term and 800 lashes.⁴⁶⁸ He must also “repent” through an announcement in official Saudi media, and renounce his poetry. In a briefing on the verdict, Abdulrahman al-Lahem, a human rights lawyer, said the judgment revoked the death sentence but upheld that the poet was still guilty of “apostasy.” Human Rights Watch has said, “Instead of beheading

462 Human Rights Watch, Saudi Arabia: Website Editor Facing Death Penalty (Human Rights Watch, 22 December 2012) <https://www.hrw.org/news/2012/12/22/saudi-arabia-website-editor-facing-death-penalty>

463 Reuters, Saudi Arabian social website editor sentenced to seven years behind bars and 600 lashes (NY Daily News, 30 July 2013) <http://www.nydailynews.com/news/world/saudi-arabian-social-website-editor-sentenced-years-behind-bars-600-lashes-article-1.1412811>

464 BBC News Online: Middle East, Saudi blogger Raif Badawi gets 10 year jail sentence (BBC News, 8 May 2014) <http://www.bbc.co.uk/news/world-middle-east-27318400>

465 Ben Beaumont, 5 ways you can help Raif Badawi (Amnesty International, 15 January 2015) <https://www.amnesty.org/en/latest/campaigns/2015/01/five-ways-you-can-help-raif-badawi/>

466 Richard Spencer, Why Prince Charles had to raise Raif Badawi’s case with Saudi’s King (The Telegraph, 11 February 2015) <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/11404362/Why-Prince-Charles-had-to-raise-Raif-Badawis-case-with-Saudis-king.html>

467 Human Rights Watch, Saudi Arabia: Poet Sentenced to Death for Apostasy (Human Rights Watch, 23 November 2015) <https://www.hrw.org/news/2015/11/23/saudi-arabia-poet-sentenced-death-apostasy>

468 Ben Hubbard, Artist’s Death Sentence Follows a String of Harsh Punishments in Saudi Arabia (The New York Times, 22 November 2015) https://www.nytimes.com/2015/11/23/world/middleeast/saudi-artists-death-sentence-follows-a-string-of-harsh-punishments.html?_r=0

Ashraf Fayadh, a Saudi court has ordered a lengthy imprisonment and flogging. No one should face arrest for peacefully expressing opinions, much less corporal punishment, and prison. Saudi justice officials must urgently intervene to vacate this unjust sentence.”⁴⁶⁹ Fayadh, who also suffers from mental health issues, has now spent almost two years in a prison in Abha, a city in the south-west of the Islamist Kingdom. Although born in Saudi Arabia, Fayadh is of Palestinian descent, but stateless: he is not Saudi.⁴⁷⁰

Ahmad Al-Shamri, aged in his early 20s, is a Saudi Arabian man from the town of Hafar al-Batin, who was initially arrested on charges of blasphemy, apostasy, and atheism, in April 2014.⁴⁷¹ In February 2015, a local court sentenced Al-Shamri to death after two attempts at an appeal were denied by Saudi authorities. Al-Shamri is believed to have uploaded videos to social media, the content of which expressed secular views, renounced Islam and the prophet Muhammad.⁴⁷² Between April 2014 and February 2015, Al-Shamri was held in prison. At the time of his defence, Al-Shamri entered an insanity plea and claimed to be under the influence of alcohol and drugs whilst producing the material.⁴⁷³ Insanity and “repentance” pleas are a very common resort for atheists and free-thinkers. In recent weeks, Al-Shamri’s name has been trending on Arabic-speaking social media, with many users applauding his sentencing. *Al-Sharq*, the Saudi government daily, stated that the judges affirmed that anyone insulting the principles of the religion would be killed, and substantiated their verdict with quotations from the Quran

469 David Batty and Mona Mahmood, Palestinian poet Ashraf Fayadh’s death sentence quashed by Saudi court (The Guardian, 2 February 2016) <https://www.theguardian.com/world/2016/feb/02/palestinian-poet-ashraf-fayadhs-death-sentence-overturned-by-saudi-court>

470 David Batty, Writers join worldwide action to protest Palestinian poet’s death sentence in Saudi Arabia (The Guardian, 14 January 2016) <https://www.theguardian.com/books/2016/jan/14/writers-join-worldwide-action-to-protest-palestinian-poets-death-sentence-in-saudi-arabia>

471 Bethan McKernan, Man ‘sentenced to death for atheism’ in Saudi Arabia (The Independent, 26 April 2017) <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html>

472 The Ex-Muslim, Saudi Arabia: Ahmad Al Shamri’s appeal denied, sentenced to death for atheism (The Ex-Muslim, 25 April 2017) <https://www.theexmuslim.com/2017/04/25/saudi-arabia-ahmad-al-shamris-appeal-denied-sentenced-death-atheism/>

473 Special Dispatch, In Saudi Arabia, Young Man Sentenced to Death for Insulting Allah And Prophet Muhammad (MEMRI: The Middle East Media Research Institute, 4 March 2015) <https://www.memri.org/reports/saudi-arabia-young-man-sentenced-death-insulting-allah-and-prophet-muhammad>

and the Hadith. Despite these cases, in 2014, the Saudi King Abdullah issued a royal decree in which categorically defined atheists as terrorists to the state.⁴⁷⁴

In February 2012, 23-year-old journalist and poet Hamza Kashgari was accused of blasphemy after posting messages on Twitter in which he imagined himself in conversation with Muhammad, Islam's prophet.⁴⁷⁵ Saudi King Abdullah ordered that Kashgari be arrested "for crossing red lines and denigrating religious beliefs in god and his prophet."⁴⁷⁶ While attempting to flee to New Zealand, Kashgari was arrested in Malaysia and deported to Saudi Arabia where he faced charges that could have resulted in the death penalty.⁴⁷⁷ He was released after nearly a two-year detention on October 29, 2013.⁴⁷⁸

In March 2010, complaints were filed against a Saudi writer who allegedly described a Hadith as barbaric during a program on the Al Hurra TV Channel.⁴⁷⁹ Prosecutors sought to punish the writer in accordance with Sharia law.⁴⁸⁰

In March 2008, a Turkish national, who owned a barber shop in Jeddah, was arrested, convicted on charges of blasphemy, and sentenced to death.⁴⁸¹ Allegedly, he had been heard swearing at Allah during an argument with an Egyptian neighbour; he was later pardoned by the King in January 2009 and deported to Turkey.⁴⁸²

474 Adam Withnall, Saudi Arabia declares all atheists are terrorists in new law to crack down on political dissidents (The Independent, 1 April 2014) <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-declares-all-atheists-are-terrorists-in-new-law-to-crack-down-on-political-dissidents-9228389.html>

475 David Keyes, *Saudi Writer Hamza Kashgari Faces Charge of Blasphemy After Tweets About Muhammad*, WASHINGTON POST, http://articles.washingtonpost.com/2012-02-09/opinions/35445807_1_hamza-kashgari-tweets-saudi-arabia (Feb. 9, 2012).

476 *Campaign for Free Expression: Hamza Kashgari*, CENTER FOR INQUIRY, http://www.centerforinquiry.net/cfe/cases/hamza_kashgari (last visited Oct. 3, 2013).

477 Maryam Namazie, *The Saudi Government Will Be Held Accountable for Hamza Kashgari's Life and Security*, FREETHOUGHT BLOGS, <http://freethoughtblogs.com/maryamnamazie/2012/02/19/the-saudi-government-will-be-held-accountable-for-hamza-kashgaris-life-and-security/> (Feb. 19, 2012).

478 *Hamza Kashbari Freed From Prison*, AL JAZEERA, <http://stream.aljazeera.com/story/201310291916-0023153> (Oct. 29, 2013).

479 BLASPHEMY LAWS EXPOSED, *supra* note 13, at 10.

480 *Id.*

481 *Id.*

482 *Id.*

Somalia

The provisional federal Constitution replaced the Transitional Federal Charter in August 2012.⁴⁸³ It establishes Islam as the state religion and prohibits laws that do not comply with Sharia principles.⁴⁸⁴ It states that all citizens, regardless of religion, are afforded equal rights and duties before the law, and that each person is free to practice his or her religion, but prohibits propagation of religions other than Islam.⁴⁸⁵ The provisional federal Constitution does not explicitly prohibit apostasy or the denouncing of one's religion.⁴⁸⁶

The Somali Penal Code, developed in 1963, applies to all regions of the country.⁴⁸⁷ It does not prohibit conversion from Islam, but criminalises blasphemy and the defamation of Islam, charges which carry fines of up to two years in prison.⁴⁸⁸

The Islamic organisation Al-Shabaab, meaning “the youth” in Arabic,⁴⁸⁹ remains in control of most of southern and central Somalia.⁴⁹⁰ It emerged as the youth wing of Somalia's now-defunct Union of Islamic Courts in 2006, as it fought Ethiopian forces which had entered Somalia to back the weakened interim government.⁴⁹¹ It is well-known for its attacks against secular and non-Muslim groups and individuals – including the beheading of several so-called apostates.⁴⁹²

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In September 2013, Al-Shabaab stormed Kenya's Westgate Mall, frequented by Westerners, tourists, and wealthy Kenyans.⁴⁹³ The group killed at least sixty-five people and held many others hostage for a number of days.⁴⁹⁴ Shortly after

483 *International Religious Freedom Report 2012: Somalia*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/2012/af/208194.htm> (May 20, 2013) (hereinafter *Somalia Report 2012*); see also *Somali Leaders Back New Constitution*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-19075685> (Aug. 1, 2012).

484 *Somalia Report 2012*, *supra* 387.

485 *Id.*

486 *Id.*

487 *Id.*

488 *Id.*

489 Q&A: *Who Are Somalia's al-Shabab?*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-15336689> (Sep. 24, 2013) (hereinafter *Al-Shabab Q&A*).

490 *What is al-Shabab?*, PBS NEWSHOUR, <http://www.pbs.org/newshour/rundown/2013/09/what-is-al-shabaab.html> (Sep. 23, 2013).

491 AL-SHABAB Q&A, *supra* note 393.

492 PBS, *supra* note 394.

493 *Id.*

494 *Nairobi Attack: Kenya Forces Comb Westgate Site*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-24216327> (Sep. 24, 2013).

the storming, Al-Shabaab tweeted online: "The Mujahedeen entered #Westgate Mall today at around noon and are still inside the mall, fighting the #Kenyan Kuffar (infidels) inside their own turf."⁴⁹⁵ Witnesses recounted how Al-Shabaab gunmen had told Muslims to leave and said non-Muslims would be targeted.⁴⁹⁶ They also recounted the story of an Indian man, standing next to a gunman, who was asked for the name of the Prophet Muhammad's mother.⁴⁹⁷ When the man was unable to answer, he was shot dead.⁴⁹⁸

Abdirahman Ahmed, a prominent Somali politician, was executed in January 2009 by an Islamist militia for apostasy.⁴⁹⁹ He was tried and convicted by a Sharia court but was not allowed legal representation, according to his family.⁵⁰⁰

Ayaan Hirsi Ali, the prominent ex-Muslim writer, is of Somali origin. In 2004, Ayaan rose to international attention after her work with the filmmaker Theo Van Gogh, where the two collaborated on a short exposé concerning the treatment of women under Islam and Sharia. Van Gogh was murdered by Islamists on the streets of Amsterdam, who warned that Ayaan would be their next victim. Ayaan conducts most of her life under armed guard and continues to receive death threats.⁵⁰¹

Sudan

Sudan has had a succession of military coups and brutal wars, interposed with sporadic legal and constitutional changes, often in response to Islamist pressure.⁵⁰² Sharia law was first implemented in 1983 under Jafaar Numeiri's regime, after he sought Islamist support to avoid a coup attempt against him in 1971.⁵⁰³ The 1998 Constitution declared Sharia law as the source of the country's legislation.⁵⁰⁴

Currently, the 2005 Interim National Constitution of Sudan provides for freedom of religion throughout the entire country, although religious freedom faces

495 *Id.*

496 *Somalia's Al-Shabab Claims Nairobi Westgate Kenya Attack*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-24191606> (Sep. 22, 2013).

497 *Id.*

498 *Id.*

499 *Somali Executed for 'Apostasy'*, BBC WORLD NEWS, <http://news.bbc.co.uk/1/hi/world/africa/7833621.stm> (Jan. 16, 2009).

500 *Id.*

501 Ayaan Hirsi Ali, *Infidel* (Simon & Schuster, 2007)

502 *Id.*

503 *Id.*

504 SOOKHDEO, *supra* note 100.

high government and social restrictions in practice.⁵⁰⁵ However, this Interim Constitution enshrines Islamic law as a source of legislation in the country, and the official laws and policies of the government and the ruling National Congress Party lean in favour of Islam.⁵⁰⁶

Non-Muslims are forbidden to proselytise and for those in the North, section 126 of the Sudan Criminal Law 1991 makes apostasy from Islam a criminal offence punishable by death.⁵⁰⁷ There is danger to apostates from vigilantes and mobs regardless of the legal process.⁵⁰⁸ Apostates face arrest, imprisonment and torture.⁵⁰⁹ Although there is no legal penalty for converting from another religion to Islam, converting from Islam to another religion or belief is punishable by imprisonment or death.⁵¹⁰ Persons convicted of religious infidelity are given the opportunity to recant their conversion before execution.⁵¹¹ The penalty for blasphemy and “defamation” of Islam is up to six months in prison, flogging and/or a fine.⁵¹²

There has also been a renewed focus on apostasy as a capital crime.⁵¹³ For example the last Khartoum arrested and charged anyone with apostasy was in 1998, but between 2011 to 2012, the government arrested nearly 170 people under this charge.⁵¹⁴

In July 2011, South Sudan became an independent country, six years after a peace agreement ended Khartoum’s 20-year war to impose on the South its extremist interpretation of Islam.⁵¹⁵ Most Muslims welcomed secession in the South Sudanese independence referendum, where Islam is now a minority religion.⁵¹⁶

505 *Religious Freedom in Sudan*, BERKELEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS, <http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-sudan> (last visited Oct. 3, 2013).

506 SUDAN CONST. art. 5, sec 1, available at <http://www.refworld.org/pdfid/4ba749762.pdf>.

507 MARSHALL & SHEA, *supra* note 3.

508 *Id.*

509 SOOKHDEO, *supra* note 100.

510 US Comm’n on Int’l Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Sudan*, REFWORLD, <http://www.refworld.org/docid/4f71a672c.html> (Mar. 20, 2012).

511 *Id.*

512 *Id.*

513 Leonard A. Leo, Felice D. Gaer and Tiffany Lynch, *Sudan’s Continuing War on Religious Freedom*, WORLD AFFAIRS, <http://www.worldaffairsjournal.org/article/sudans-continuing-war-religious-freedom> (last visited Oct. 3, 2013).

514 *Id.*

515 *Id.*

516 South Sudan’s Muslims welcome secession (Agence France-Presse, 8 January 2011)

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

Mohamed Salih, a young Sudanese, filed an official request for all mention of Islam to be removed from his documents, including his national ID. As a result, he was charged with apostasy, per Article 126 of the Sudanese Criminal Code, which states: "Whoever propagates the renunciation of Islam or publicly renounces it by explicit words or an act of definitive indication is said to commit the offence of Riddah (apostasy)." Salih was arrested on 8 May 2017 and held in Alqadisiyah police station, Ombada, a suburb of Omdurman. Since Aristide Nononsi, the Independent Expert on the human rights situation in Sudan, was on a visit, the Sudanese government released Salih after declaring him mentally unfit. Salih went into hiding and then was forced to flee the country.⁵¹⁷

Nahla Mahmoud, a Sudanese secularist and co-spokesperson of the Council of Ex-Muslims of Britain, fled to Britain in 2010.⁵¹⁸ In January 2013, an interview on British Channel 4 featuring her as an ex-Muslim and a secularist, opposing Sharia law, which generated a mainstream debate within the Sudanese diaspora.⁵¹⁹ She was threatened with murder for being a '*murtada*' and '*kafira*'.⁵²⁰ In August 2013, the Council of Ex-Muslims started a campaign insisting that the police take action to protect Nahla from these threats.⁵²¹

In November 2007, British teacher Gilian Gibons was arrested on blasphemy charges after her classroom of seven-year old students named their classroom mascot, a teddy bear, Mohammad.⁵²² She was held in detention for a week before being offered a full pardon by President Omar al-Bashir.⁵²³

In 1985, Mahmoud Mahammad Taha, an Islamic scholar, was condemned to death as an apostate and executed for his efforts to reform Islam and reinterpret

517 We must all stand with Mohamed Salih, CEMB (May 15, 2017) <https://www.ex-muslim.org.uk/we-must-all-stand-with-mohamed-salih/>

518 *No God, Not Even Allah*, THE ECONOMIST, <http://www.economist.com/news/international/21567059-ex-muslim-atheists-are-becoming-more-outspoken-tolerance-still-rare-no-god-not> (Nov. 24, 2012).

519 Nahla Mahmoud, *Here is Why Sharia Law Has No Place in Britain or Elsewhere*, <http://www.secularism.org.uk/blog/2013/02/here-is-why-Sharia-law-has-no-place-in-britain-or-elsewhere> (Feb. 6, 2013).

520 Press Release, *Update on the Threat Against Nahla Mahmoud*, COUNCIL OF EX-MUSLIMS OF BRITAIN, <http://ex-muslim.org.uk/2013/09/update-on-the-threat-against-nahla-mahmoud/> (Sep. 4, 2013).

521 Press Release, *Protect Nahla Mahmoud*, COUNCIL OF EX-MUSLIMS OF BRITAIN, <http://ex-muslim.org.uk/2013/09/protect-nahla-mahmoud/> (Sep. 2 2013).

522 BLASPHEMY LAWS EXPOSED, *supra* note 13.

523 *Id.*

the Quran with a liberal approach.⁵²⁴ In April 1985, the Numeiri regime under which Taha was executed was overthrown by popular uprising.⁵²⁵ Later that year, under a new transitional government, Taha's daughter, Asma Taha, together with one of the four men convicted alongside her father, initiated a constitutional suit to nullify the trial and execution.⁵²⁶ In November 1986, the Supreme Court sided with Taha and ruled that her father's trial and execution were null and void,⁵²⁷ a small legal victory for the price of his life.

Syria

While not declaring Islam the official religion of the state, article 3 of the Syrian Constitution states that "the religion of the President of the Republic has to be Islam (and) Islamic jurisprudence is a main source of legislation."⁵²⁸ The government does not recognise the religious status of Muslims who convert to other religions.⁵²⁹

In the context of the current civil war, regime security services monitor all groups, religious and nonreligious.⁵³⁰

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In September 2016, according to the Kurdish news site ARA News, IS executed 15 civilians in its Syrian stronghold of Deir ez-Zor on Thursday after an IS-run Sharia court convicted the individuals of renouncing Islam.⁵³¹

In September 2016, ISIS beheaded a Syrian man in the northeastern Raqqa city on charges of apostasy. The ISIS-led Hisba police arrested a 51-year-old man in Raqqa. "Hours after his arrest, the Sharia Court issued a statement accusing the man of apostasy," local media activists Ibrahim al-Raqawi told ARA News. "The man was beheaded in front of hundreds of people in the al-Maari square on Monday afternoon," al-Raqawi reported.⁵³²

524 *Id.*

525 *Id.*

526 *Id.*

527 *Id.*

528 FOX, *supra* note 89.

529 *Id.*

530 *Id.*

531 ISIS Beheads 15 Syrians for 'Apostasy' in Front of Hundreds Forced to Watch, Christian Post (Sept. 30, 2016) <http://www.christianpost.com/news/isis-beheads-15-syrians-apostasy-hundreds-people-forced-watch-170314/>

532 Raqqa: ISIS jihadist beheading man on charges of 'apostasy', Aras News (Sept. 6, 2016) <http://aranews.net/2016/09/raqqa-isis-jihadis-beheading-man-charges-apostasy/>

An Islamic State jihadi shot and killed his mother in front of a post office in the northern Syrian city of Raqqa after she tried to persuade him to leave the group. Ali Saqr (21) killed his mother in front of several hundred people for what Islamic State called apostasy, according to the Syrian Observatory for Human Rights and Raqqa Is Being Slaughtered Silently.⁵³³

In June 2013, Islamists executed 15-year-old Muhammed Qatta in the northern province of Aleppo for blasphemy. He was reportedly shot dead in front of a crowd of onlookers, including his parents, for naming the Prophet Mohammed during an argument.⁵³⁴ They targeted the boy because he had said he would not give out coffee on credit “even if (Mohammad) comes back to life.”⁵³⁵ The saying – or at least a variation of it – is a common *façon de parler* used by Syrians.⁵³⁶

As aforementioned under the case of Iraq, Daesh also controls some region of Syria. It is to be expected that many acts of execution against apostates and blasphemers have been carried out.

533 Isis member in Syria executes his mother for ‘apostasy’, Irish Times (Jan. 8, 2016) <https://www.irishtimes.com/news/world/middle-east/isis-member-in-syria-executes-his-mother-for-apostasy-1.2489568>

534 Umberto Bacchi, *Syria Civil War: Aleppo Rebels Execute Teenager Muhammad Qatta for Blasphemy*, <http://www.ibtimes.co.uk/articles/476670/20130610/syria-boy-executed-rebels-blasphemy-aleppo.htm> (June 10, 2013).

535 *Id.*

536 Hannah Strange, 15-year-old Boy Executed for Blasphemy by Syria Jihadists, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10111687/15-year-old-boy-executed-for-blasphemy-by-Syria-jihadists.html> (June 10, 2013).

Tunisia

The 1959 Constitution stated that Islam is the official religion and the state seeks to “remain faithful to the teachings of Islam.”⁵³⁷ Since the Arab Spring, there have been efforts to create a new Constitution.⁵³⁸ Islamists attempted to insert a clause against blasphemy in the new Constitution.⁵³⁹ The controversial clause, Article 3, stated, “The state guarantees freedom of religious belief and practice and criminalises all attacks on that which is sacred.”⁵⁴⁰ The clause was later dropped from the final text, after stoking fears of creeping Islamisation.⁵⁴¹

In August 2012, Tunisia’s ruling party, Ennahdha, filed an anti-blasphemy bill that would criminalise “curses, insults, mockery, and desecration” of god, the prophets, the three Abrahamic books, the Sunnah, churches, synagogues, and the Kaaba.⁵⁴² The bill also forbids pictorial representation of god and the prophet Muhammad.⁵⁴³

Despite a fluctuating attitude within the Tunisian government towards criminalising blasphemy, there has been an increase in prosecution and censorship of blasphemy speech.⁵⁴⁴

Article 121 (3) of the Tunisian Penal Code states that the “distribution, putting up for sale, public display, or possession, with the intent to distribute, sell, display for the purpose of propaganda, tracts, bulletins, and fliers, whether of foreign origin or not, that are liable to cause harm to the public order or public morals is prohibited.”⁵⁴⁵ The telecommunications code criminalises “harming others or disrupting their lives through public communication networks.”⁵⁴⁶ Speech that

537 *International Religious Freedom Report 2012: Tunisia*, U.S. DEP’T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dld=208414> (last visited Oct. 3, 2013) (hereinafter *Tunisia Report 2012*).

538 *The Role of Islamic Law in Tunisia’s Constitution*, LIBRARY OF CONGRESS, <http://www.loc.gov/law/help/tunisia.php> (June 3, 2013).

539 *Tunisia Plans to Outlaw Blasphemy Dropped*, THE TELEGRAPH, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tunisia/9605965/Tunisia-plans-to-outlaw-blasphemy-dropped.html> (Oct. 12, 2012).

540 *Id.*

541 *Id.*

542 IHEU, FREEDOM OF THOUGHT 2012, at 45, <http://iheu.org/files/IHEU%20Freedom%20of%20Thought%202012.pdf> (2012).

543 *Id.*

544 *Id.*

545 *Id.*

546 *Tunisia Report 2012*, *supra* note 435.

is deemed offensive to traditional religious values includes that which is deemed blasphemous, and is therefore prosecuted under these provisions.⁵⁴⁷

In August 2013, work on the new Constitution and electoral law was suspended after Mohammad Brahmi, one of the members of the constituent assembly, was assassinated on July 25 – almost six months after fellow liberal politician Chokri Belaid was killed.⁵⁴⁸

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In September 2013, Tunisia's Islamist-led government announced it had ordered a probe and contacted Interpol after a young Tunisian living abroad posted a photo of himself on the Internet, trampling on the Quran.⁵⁴⁹ The interior ministry said a preliminary inquiry had found that the photo, published on social networking sites, was taken "by a young Tunisian under 20 years old living in a European country."

In July 2013, defamation, and other charges against atheist Amina Sboui were dropped.⁵⁵⁰ She first came to public attention after her topless activism against religious morality.⁵⁵¹ Three activists, who staged a topless protest in support of Sboui during her imprisonment, were also arrested in May 2013 by Tunisian officials.⁵⁵² During their staged protest, members of the crowd attacked journalists who were attempting to cover the event as well as lawyers who tried to protect the reporters.⁵⁵³

In March 2012, two atheists, Jabeur Mejri and Ghazi Beji, were each sentenced to seven-and-a-half years imprisonment and a fine for posting images on Facebook which were deemed blasphemous.⁵⁵⁴ Mejri and Beji were put on trial following a

547 *Id.*

548 *Tunisia Constituent Assembly Suspended Pending Talks*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-23596640> (Aug. 6, 2013).

549 *Tunisia Orders Probe into Photo of Youth Trampling Koran*, YAHOO! NEWS (AFP), <http://news.yahoo.com/tunisia-orders-probe-photo-youth-trampling-koran-184104690.html> (Sep. 26, 2013).

550 *Tunisia Orders Release of FEMEN Activist Amina Sboui*, FRANCE 24, <http://www.france24.com/en/20130801-tunisia-orders-release-femen-activist-amina-sboui> (Aug. 8, 2013).

551 *Id.*

552 *Foreign Activists Arrested for Topless Protest in Tunisia*, FRANCE 24, <http://www.france24.com/en/20130529-french-german-activists-femen-arrested-topless-protest-tunisia> (May 29, 2013).

553 *Id.*

554 Asma Ghribi, *Mahdia Blasphemy Case: Convicted Fugitive Speaks*, TUNISIA LIVE, <http://www.tunisia-live.net/2012/04/05/mahdia-blasphemy-case-convicted-fugitive-speaks/> (Apr. 5, 2012).

complaint lodged by a group of residents in Mahdia.⁵⁵⁵ Mejri and Beji were convicted under Article 121 (3) of the Tunisian Penal Code.⁵⁵⁶ Romania granted asylum to El-Beji after he fled the country.⁵⁵⁷ An appellate court upheld Mejri's conviction and he remains in prison.⁵⁵⁸ Jabeur's only recourse at this stage is a presidential pardon.⁵⁵⁹

In August 2012, journalist Sofiene Chourabi was arrested after calling for a protest against the blasphemy law.⁵⁶⁰ He was charged with "disturbing public morality" and of "drinking alcohol."⁵⁶¹ Chourabi describes fearing for his life as the public called for his hanging.⁵⁶²

In October 2011, approximately 100 Islamists attacked Nabil Karoui (head of TV station Nessma) for airing *Persepolis*, an animated film about the 1979 Iranian Revolution in which god is depicted as a bearded old man.⁵⁶³ 20 protestors forced their way into Karoui's home, armed with knives and Molotov cocktails.⁵⁶⁴ The broadcast of the film provoked demonstrations which took part in other areas of the city, with Islamists turning violent and attempting to break into the offices of the Prime Minister in the Kasbah area of Tunis.⁵⁶⁵ Following an adjourned trial, Karoui was convicted for disrupting public order and violating moral values on May 3, 2012.⁵⁶⁶ He was ordered to pay a fine.⁵⁶⁷

In June 2011, six protestors were arrested after they broke down the glass doors of a movie theatre for screening *Neither Allah nor Master*, a film about secularism

555 *Id.*

556 *Id.*

557 Tunisia Report 2012, *supra* note 435.

558 *Id.*

559 *Release Blogger Jabeur Mejri, a Prisoner of Conscience*, AMNESTY INTERNATIONAL, <http://www.amnesty.ie/content/release-blogger-jabeur-mejri-prisoner-conscience> (last visited Oct. 3, 2013).

560 *Charged Tunisian Journalist Sofiane Chourabi Describes Fears for His Life*, EURONEWS, <http://www.euronews.com/2012/09/18/charged-tunisian-journalist-sofiane-chourabi-describes-fears-for-his-life/> (Sep. 18, 2012).

561 *Id.*

562 *Id.*

563 BLASPHEMY LAWS EXPOSED, *supra* note 13.

564 *Id.*

565 *Id.*

566 *Tunisia: Persepolis Trial Spotlights Attacks on Freedom of Expression*, AMNESTY INTERNATIONAL, <http://www.amnesty.org/en/news/tunisia-2012-04-18> (Apr. 18, 2012).

567 *Id.*

in Tunisia.⁵⁶⁸ Its atheist director, the Tunisian Nadia El-Fani, is currently in exile.⁵⁶⁹ She has been the subject of death threats and would face several charges of blasphemy should she return to her home in Tunisia.⁵⁷⁰

Turkey

The Constitution claims to protect freedom of religion or belief, guaranteeing equal protection before the law and lists secularism as a fundamental characteristic.⁵⁷¹ Article 24 of the Constitution forbids the state to be established on religious principles.⁵⁷² Turkey's Prime Minister Recep Tayyip Erdogan's Islamist agenda has, however, changed things for the worse.⁵⁷³

In 2005, Article 301 of the penal code was passed which made it a crime to publicly denigrate "Turkishness," a provision amended in 2008 to refer instead to the "Turkish nation."⁵⁷⁴ This law includes a religious dimension, as Islam is considered integral to the nation's identity.⁵⁷⁵ Article 216 also provides sentences of one to three years for openly inciting enmity or hatred towards another person based on religion; and six months to a year for openly denigrating religious values.⁵⁷⁶

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In October 2012, atheist Fazil Say, a world-renowned classical and jazz pianist, went on trial for "denigrating Islam" in a series of Tweets earlier in the year.⁵⁷⁷ In one message, he re-tweeted a verse from a poem by Omar Khayyam, regarding pious hypocrisy.⁵⁷⁸ He received a suspended ten-month sentence; he will serve

568 BLASPHEMY LAWS EXPOSED, *supra* note 13.

569 *Having Lunch During Ramadan – A Controversial Film from Tunisia*, BBC WORLD NEWS, <http://www.bbc.co.uk/news/world-africa-17679753> (Apr. 11, 2012).

570 *Id.*

571 TURK. CONST. arts. 2, 5, *available at* http://global.tbmm.gov.tr/docs/constitution_en.pdf.

572 MARSHALL & SHEA, *supra* note 2.

573 Barney Henderson, *Turkey's Protestors Accuse Recep Tayyip Erdogan of Islamic Agenda*, THE TELEGRAPH, <http://www.telegraph.co.uk/news/worldnews/europe/turkey/10093453/Turkeys-protesters-accuse-Recep-Tayyip-Erdogan-of-Islamist-agenda.html> (June 1, 2013).

574 *Id.*

575 *Id.*

576 *Id.*

577 Constanze Letsch, *Turkish Composer and Pianist Convicted of Blasphemy on Twitter*, THE GUARDIAN, <http://www.guardian.co.uk/world/2013/apr/15/turkish-composer-fazil-say-convicted-blasphemny> (Apr. 16, 2013).

578 *Id.*

the term if he commits a similar offence within the subsequent five years.⁵⁷⁹

In December 2011, a prosecutor filed a suit against a man who allegedly “ridiculed Muslim prayer rituals and the Islamic belief that the universe was created by god,” on a comment forum website.⁵⁸⁰ One and a half years imprisonment was sought.⁵⁸¹

In May 2009, Nedim Gursel was arrested for a description of the prophet Muhammad and his family, in the book, *Allah’s Daughters*.⁵⁸² He was charged under Article 216 for “humiliating religious values and inciting hatred,”⁵⁸³ despite emphasising that his book was fictitious and did not mean to insult Islam.⁵⁸⁴ He was acquitted on June 25, 2009 after it became apparent the prosecutors had no evidence for the incitement of hatred.⁵⁸⁵

1,189 people were taken to court in the first quarter of 2007 for violating Article 301 of the Turkish Penal Code, including Nobel prize winning novelist Orhan Pamuk.⁵⁸⁶

In 2005, Hrant Dink, editor-in-chief of the weekly *Agos*, was convicted under Article 301 of the Turkish Penal Code for insulting “Turkish identity,” by referring to the 1915 mass slaughter of Armenians as a genocide.⁵⁸⁷ He was shot and killed in January 2007 outside his Istanbul office.⁵⁸⁸ When questioning the suspect, who shouted immediately after shooting Dink, “I shot the non-Muslim,” he seems to have deemed Hrant Dink’s alleged insult to nationalism as an insult to Islam.⁵⁸⁹

579 *Id.*

580 BLASPHEMY LAWS EXPOSED, *supra* note 13.

581 *Id.*

582 AHA 2012 Report, *supra* note.

583

584 MARSHALL & SHEA, *supra* note 3.

585 *Id.*

586 UK BORDER AGENCY, *Country of Origin Information Report: Turkey*, REFWORLD, <http://www.refworld.org/pdfid/49c366252.pdf> (Mar. 13 2009).

587 *Id.*

588 *Id.*

589 *Id.*

United Arab Emirates (UAE)

The Emirati Constitution states that Islam is the official state religion but also provides for freedom of religion in accordance with established customs.⁵⁹⁰ The law denies Muslims the freedom to change religion, and while it permits Muslims to proselytise, it does prohibit efforts to convert Muslims.⁵⁹¹

The judicial system applies Sharia law in relation to family matters, and on rare occasions for criminal matters.⁵⁹² Courts apply civil law for all other instances, which is based on the French and Egyptian legal systems.⁵⁹³

The government prohibits the distribution of non-Islamic religious literature, as well as blasphemy, swearing, profanities, insults, and all nature of vulgar language or behaviour; all are considered offences subject to penalties of criminal prosecution, fines, imprisonment, and deportation.⁵⁹⁴

Additionally, there are penalties for using the internet to preach against Islam, proselytise before Muslims, “abuse” a holy shrine or ritual of any religion, insult any religion, or incite someone to commit sin or contravene “family values.”⁵⁹⁵ Leaving Islam is punishable by death.⁵⁹⁶

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

In 2012, a French businessman was arrested after allegedly defacing the Quran by spitting on it before he assaulted and threatened to kill a British Muslim convert when she refused to marry him.⁵⁹⁷ The Frenchman was accused of insulting Islam

590 *International Religious Freedom Report 2012: Turkey*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dld=208416> (last visited Oct. 3, 2013) (hereinafter Turkey Report 2012).

591 *Id.*

592 *Id.*

593 *Id.*

594 *Id.*

595 *Id.*

596 Turkey Report 2012, *supra* note 501.

597 Bassam Za'Za, *Businessman Accused of Defacing Quran, Insulting Islam*, GULF NEWS, <http://gulfnews.com/news/gulf/uae/crime/businessman-accused-of-defacing-quran-insulting-islam-1.1080653> (Sep. 24, 2012).

and all its prophets and throwing the Book of Hadiths on the ground.⁵⁹⁸ He was sentenced to two years in prison, following his deportation from the UAE.⁵⁹⁹

In April 2008, three Filipino workers were jailed for allegedly ripping a page from the Quran and scrawling on it.⁶⁰⁰ The allegation arose during a dispute between the workers and their employer.⁶⁰¹ The three were not formally charged.⁶⁰²

Yemen

The Yemeni Constitution declares Islam as the state religion and Sharia law as the source of all legislation.⁶⁰³ Article 103 of the 1990 Press and Publications Law prescribes fines and up to a year imprisonment for publication of anything that “prejudices the Islamic faith.”⁶⁰⁴

The Yemeni government prohibits proselytising directed at Muslims and denounces converting from Islam, now considered apostasy, as a capital offence.⁶⁰⁵ The law allows those charged with apostasy three days to repent, which would absolve them from the death penalty.⁶⁰⁶

There have been documented reports of Al-Qaeda in the Arabian Peninsula occupying cities and imposing strict Sharia law, including forcing all residents to pray five times a day, harassment, floggings, and various forms of murder.⁶⁰⁷ The government regained control of the cities in Abyan, however terrorist attacks still continue periodically.⁶⁰⁸

Documented Cases of Apostasy and/or Blasphemy Charges Against Freethinkers

598 *Id.*

599 Bassam Za'Za, *Frenchman Sentenced to Two Years in Dubai Jail for Spitting on Quran, Assaulting Woman*, GULF NEWS, <http://m.gulfnews.com/news/uae/crime/frenchman-sentenced-to-two-years-in-dubai-jail-for-spitting-on-quran-assaulting-woman-1.1109804> (Nov. 25, 2012).

600 AGENCE FRANCE-PRESSE, *Three Filipinos Face Blasphemy Raps in UAE*, ABS-CBN NEWS, <http://www.abs-cbnnews.com/pinoy-migration/04/20/08/report-three-filipinos-face-blasphemy-raps-uae> (Apr. 20, 2008).

601 *Id.*

602 *Id.*

603 *International Religious Freedom Report 2012: Yemen*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208420> (last visited Oct. 3, 2013) (hereinafter *Yemen Report 2012*).

604 *Id.*

605 *Id.*

606 *Id.*

607 *Id.*

608 *Id.*

Under pressure from local Islamist leaders, the government brought charges against Samir al-Yusufi, editor of the weekly *Al-Thaqafiya*, Yemen's foremost cultural magazine.⁶⁰⁹ The paper had serialised an allegedly blasphemous novel.⁶¹⁰ In July, al-Yusufi went on trial for apostasy, a crime punishable by death, but was later acquitted.⁶¹¹

609 *Attacks on the Press 2000: Yemen*, COMMITTEE TO PROTECT JOURNALISTS, <http://cpj.org/2001/03/attacks-on-the-press-2000-yemen.php> (last visited Oct. 3, 2013).

610 Max Rodenbeck, *Witch Hunt in Egypt*, NY BOOKS,

611 *Id.*

Acknowledgements

The report had originally been written by Maryam Namazie, Nahla Mahmoud and Atoosa Khatiri. Irtaza Hussain, who committed suicide on 11 September 2013, contributed to research.

The revised report has been updated and edited by Ross Khorenjenko and Sai Naeini.

All references to Islamic law and Apostasy are from Ibn Warraq's book: Leaving Islam.

A Publication of the Council of Ex-Muslims of Britain, August 2017

BM Box 1919
London WC1N 3XX, UK
Tel: +44 (0) 7719166731

www.ex-muslim.org.uk

