



*The Persecution of Oriental Christians,
what answer from Europe?*

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at the occasion of the hearing organized at the Parliamentary
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**PERSECUTION OF CHRISTIANS IN THE NATIONS ADJACENT TO
THE PERSIAN GULF AND ARABIAN SEA**

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The European Centre for Law and Justice is an international, Non-Governmental Organisation dedicated to the promotion and protection of human rights in Europe and worldwide. The ECLJ holds special Consultative Status before the United Nations/ECOSOC since 2007. The ECLJ engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation. The ECLJ advocates in particular the protection of religious freedoms and the dignity of the person with the European Court of Human Rights and the other mechanisms afforded by the United Nations, the Council of Europe, the European Parliament, the Organisation for Security and Cooperation in Europe (OSCE), and others. The ECLJ bases its action on “*the spiritual and moral values which are the common heritage of European peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy*” (Preamble of the Statute of the Council of Europe).

PERSECUTION OF CHRISTIANS IN THE NATIONS ADJACENT TO THE PERSIAN GULF AND ARABIAN SEA¹

I. INTRODUCTION

The ECLJ engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation. The ECLJ advocates in particular the protection of religious freedoms and the dignity of the person with the European Court of Human Rights and the other mechanisms afforded by the United Nations, the Council of Europe, the European Parliament, the Organization for Security and Cooperation in Europe (OSCE), and others.

Because the ECLJ is a Christian-inspired organisation, which bases its action on “the spiritual and moral values which are the common heritage of European peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy” (Preamble of the Statute of the Council of Europe), the ECLJ is deeply concerned about the rising tide of violence against Christians in the Middle East. “Christians,” for the purpose of this Report, includes both converts to Christianity and those who come from Christian families.

Numerous Christians fleeing severe persecution in and near the Middle East have been and will continue to seek refuge in Europe. In the recent past, the Parliamentary Assembly of the Council of Europe (PACE) sought to ensure quality and consistency in asylum decisions throughout the Council of Europe’s Member States. While the ECLJ is encouraged by the PACE’s direction on asylum thus far, the ECLJ now strongly urges the PACE to recognize the severity of Middle Eastern Christians’ plight due to the rapid rise in terrorism wrought by Islamic extremists. The terror being perpetrated is spinning out of control, even in countries where the government is willing to protect Christians (although there are very few). For example,

¹ For the purposes of this ECLJ Report, we conclude there has been no agreement as to what countries constitute the “Middle East.” As such, the nations adjacent to the Persian Gulf and Arabian Sea are referred to as the “Middle East” or, as “in and near the Middle East.” *See, e.g.*, WorldAtlas.Com, <http://www.worldatlas.com/webimage/countrys/me.htm>. The World Atlas Middle East Map includes the following description:

The Middle East (or West Asia) sits where Africa, Asia and Europe meet. The countries of the Middle East are all part of Asia, but for clarity reasons we geographically show them here as a separate landmass.

Opinions vary as to what countries make up the modern definition of the Middle East. Historically, Armenia and Azerbaijan have been long associated with the Middle East, but in recent years, some sources now consider them to be more closely aligned with Europe based on their modern economic and political trends. We have moved in that direction, and the same applies for the island country of Cyprus, as it does for Georgia, the former Russian republic.

The African country of Egypt is still thought (by some) to be in the Middle East, as well as the northern African countries that border the Mediterranean Sea.

Here we attempt to show the modern definition of the Middle East, but in world of geography, there are often many answers or (personal or political opinions) to what appears to be a simple question.

Id.

one observer concluded that recent attacks against Christians in the Middle East have “become particularly ferocious,” after considering the New Year’s Day bombing of a Coptic Church in Alexandria, Egypt.² David Alton (Catholic member of Britain’s House of Lords) called “what is happening to many of the ancient churches of the Middle East” a “genocide.”³ John Pontifex of Aid to the Church in Need explained that “Extremist groups have made it clear that because of this change in numbers, they are getting close to achieving their objective, which is the wipeout of Christianity in some of its oldest heartlands.”⁴ Christians suffer dearly in the regions surrounding Middle East countries as well. For example, in Pakistan, Salmaan Taseer, Governor of the Punjab province in Pakistan was assassinated by his own police guard on 4 January 2011. Taseer simply advocated for a change to Pakistan’s pro-Islamic blasphemy laws, which are often misused to persecute religious minorities—including Christians—and to settle personal scores.

As a result, there is now—more than ever—a need for Member States to stand up, take notice, and commit to assisting fleeing Christians as the world as they know it seems to be falling apart. Furthermore, because no one should be driven from his or her home and country for the sake of freedom to believe and to exercise religious faith, the PACE should all the more strongly condemn this horrific violence and take necessary action to pressure Middle Eastern countries into protecting religious minorities. The ECLJ Report that follows outlines the rapid rate at which Christians are fleeing countries in and near the Middle East and provides vivid examples of the horrors perpetrated against them. Additionally, this Report discusses the many benefits that Christian charity and diversity of religious belief have provided to the Middle East region and culture. Finally, the ECLJ Report recognizes the work of the PACE and provides an example by way of a European Court of Human Rights case study of asylum applications which causes conundrums. The ECLJ submits this presentation with the hope of causing a catalytic reaction that spurs the PACE to take action in defense of persecuted Christians.

² Burke, Greg, *Christian ‘Genocide’ In the Middle East*, FOX NEWS LIVE SHOTS BLOG (Jan. 18, 2011, 10:08 AM), <http://liveshots.blogs.foxnews.com/2011/01/18/christian-genocide-in-the-mideast/?test=latestnews>.

³ *Id.*

⁴ *Id.*

II. EMIGRATION STATISTICS

Today, Christians make up approximately 5.62% of the population in the Middle East, or 20 million.⁵ There are **16 countries** in the Middle East region: Bahrain, Cyprus, Egypt, Iran, Iraq, Israel (including Jerusalem and the Palestinian Territories), Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, Turkey, the United Arab Emirates, and Yemen.⁶ Christians compose a small minority in almost every part of this region (with the exception of Lebanon), ranging from less than 1% (Iran, Turkey) to 10% (Egypt).⁷ But this was not always the case. Christians used to thrive in the Middle East. Since the war in Iraq, however, the number of Christians has shrunk by three-fourths.⁸ The Christian Church's anguish at the catastrophic decline of Christianity in the region of its birth and first expansion is palpable. According to the World Christian Database, Christians in Western Asia (the UN region which accounts for most of the Middle East⁹), have decreased significantly since 1900 when they made up 22.71 percent of the population.¹⁰ In 1970, that number decreased to a mere 7.20 percent; in 2000, it was reduced further to 6.67 percent; and in 2010, Christians accounted for only 5.73 percent of the population of the Middle East.¹¹ It is further estimated that by 2050, Christians will account for a miniscule 4.43 percent.¹² Indeed, the percentage of Christians in many countries in the Middle East has steadily declined since 1900. The following graphs portray these statistics by country, and we include a map of the countries in or near the Middle East. For purpose of this Report, we also include statistical information and discussion on Pakistan due to the exceedingly high level of persecution against Christians which takes place there.

⁵Synod of Bishops, Report of the General Secretary Most Rev. Nikola Eterović, Titular Archbishop of Cibale, *Synodus Episcoporum, Special Assembly for the Middle East*, 9 (Oct. 11, 2010), available at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20101010_relazione-seg-gen_en.pdf.

⁶This report will also discuss Pakistan and occasionally reference India, despite the fact that they are not part of the "Middle East," to show the overall hostility to Christians in the region and

⁷Synod of Bishops, *Lineamenta*, ¶ 17 (Dec. 8, 2009) [hereinafter *Lineamenta*], available at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20091208_lineamenta-mo_en.html.

⁸Sonja Corbitt, *Special Report: Synod Confronts Christian Persecution in Middle East*, CATHOLIC ONLINE (Oct. 17, 2010), http://www.catholic.org/international/international_story.php?id=38747.

⁹Composition of Macro Geographical (Continental) Regions, Geographical Sub-regions, and Selected Economic and Other Groupings, UNITED NATIONS.ORG, <http://unstats.un.org/unsd/methods/m49/m49regin.htm#asia> (last visited Jan. 13, 2011). "Western Asia" includes the following countries: Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates, and Yemen. *Id.*

¹⁰Christian Growth by Region, WORLD CHRISTIAN DATABASE, available at

<http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

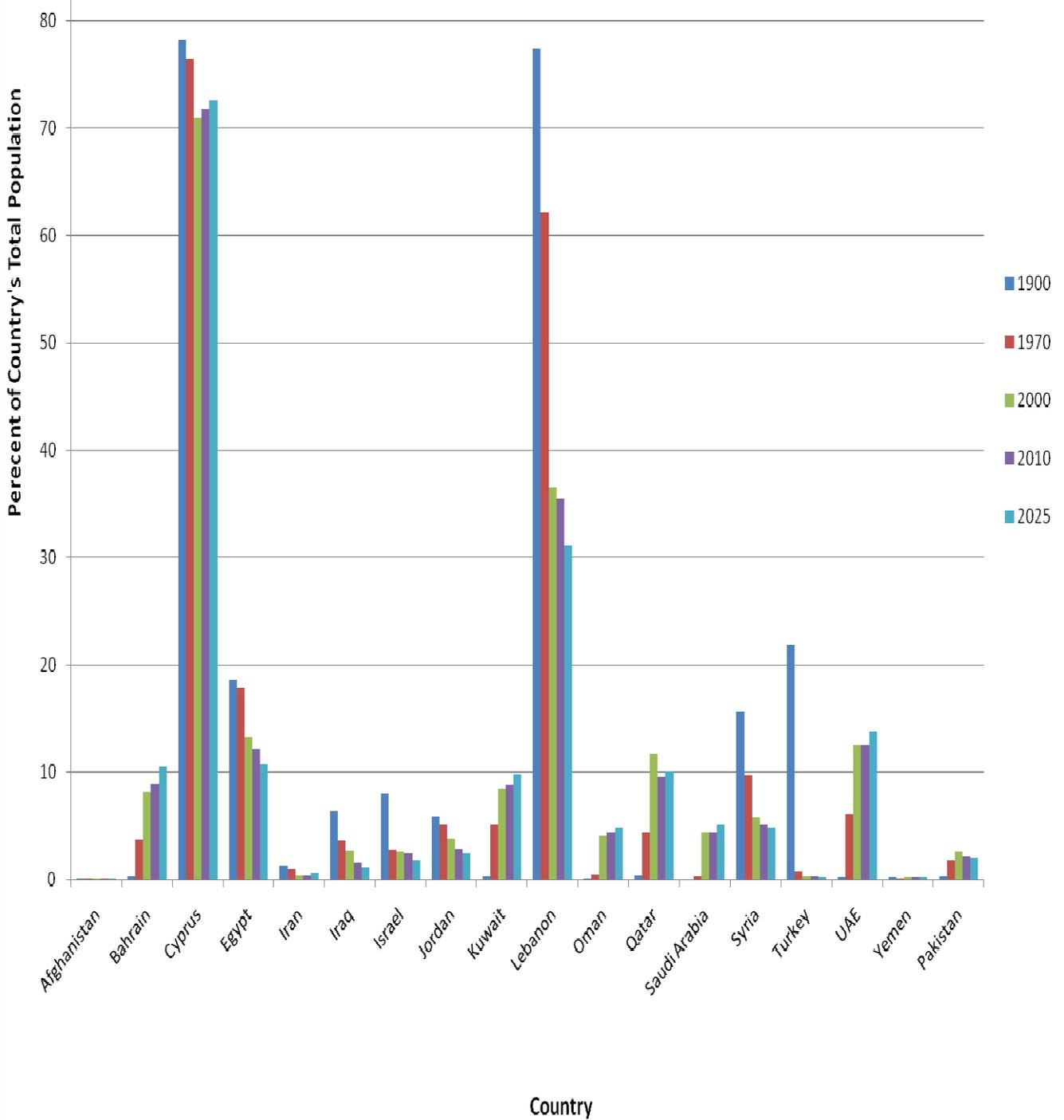
¹¹*Id.*

¹²*Id.*

MIDDLE EAST



Christians as a Percent of Total Population from 1900-2025



Country:	1900	1970	2000	2010	2025
Afghanistan	0.01	0.07	0.03	0.1	0.03
Bahrain	0.31	3.74	8.17	8.93	10.53
Cyprus	78.3	76.5	70.89	71.85	72.49
<i>Egypt</i>	18.61	17.79	13.23	12.18	10.74
<i>Iran</i>	1.2	0.93	0.39	0.37	0.61
<i>Iraq</i>	6.4	3.61	2.67	1.54	1.1
<i>Israel</i>	8.03	2.73	2.54	2.43	1.81
<i>Jordan</i>	5.84	5.18	3.86	2.82	2.48
Kuwait	0.3	5.19	8.38	8.81	9.83
<i>Lebanon</i>	77.41	62.04	36.61	35.46	31.13
Oman	0.01	0.52	4.03	4.33	4.88
Qatar	0.39	4.37	11.67	9.58	10.04
Saudi Arabia	0	0.32	4.34	4.36	5.12
<i>Syria</i>	15.66	9.68	5.73	5.2	4.9
<i>Turkey</i>	21.77	0.8	0.32	0.29	0.25
UAE	0.16	6.05	12.57	12.57	13.78
Yemen	0.18	0.03	0.17	0.17	0.17
<i>Pakistan</i>	0.35	1.87	2.52	2.18	2.06

The statistical information in the above chart reflects the same information in the graph. The countries listed in italics reflect those countries in which there has been a significant decrease in the Christian population.

As shown in the graph and table,¹³ most of these countries have seen a steady decline in the Christian population since 1900. Consider Iraq, for example. In 1900, Christians comprised 6.4 percent of the population. Today, they account for a mere 1.54% and that number continues to decrease daily. And while the graphs do show that some countries' Christian population, although quite small, is increasing, severe persecution and discrimination remain prevalent in many of those countries (see further discussion, *infra*, and Appendix of Country Reports attached hereto). The bottom line, however, is that the overall population of Christians in the Middle East is decreasing dramatically. The Palestinian territories provide another prime example of this drastic decline. "In another decade or so, given present trends, there will be few if any Christians living in Bethlehem, the birthplace of Jesus."¹⁴ The Christian population in the Palestinian territories has dropped from 15% in 1950 to less than 2% today.¹⁵ "[O]nce significant Christian communities have shrunk to a miniscule portion of their former robust selves."¹⁶ This sad story rings true for all Christian faiths in the Middle East.

¹³All statistics used to compile the graph and table were taken from the World Christian Database, *available at* <http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

¹⁴ Jonathan Adelman & Agota Kuperman, *Christian Exodus from the Middle East 1* (2001), *available at* http://www.defenddemocracy.org/images/stories/file/Christian_Exodus_final_2.pdf.

¹⁵ *Id.*

¹⁶ *Id.* at 1.

In the past twenty years alone, it is estimated that approximately 2,000,000 Christians have fled the Middle East¹⁷ (now accounting for only around five percent or less of the population).¹⁸ So why the mass exodus? Why have over half of all Iraqi Christians clandestinely emigrated in the last ten years? “Why have hundreds of thousands of Egyptian Copts left their homeland, with the famous Antioch community collapsing from 15,000 Christians a couple of decades ago to a mere handful today? **The single greatest cause of this emigration is radical Islam.**”¹⁹ “Christians sometimes become targets not strictly because of their religion so much as a perception that they are surrogates for the Western countries deemed by extremist groups to be enemies.”²⁰ To be certain there have been other causes. The more educated are leaving for economic reasons, and others leave for want of a peaceful society, but the primary cause is undoubtedly radical Islam, as the various country reports contained herein will demonstrate.

Based on this mass exodus, Charles Sennott reports that the Christian community in the Middle East is “perilously close to extinction.” He recounts in his book “*The Body and the Blood: The Holy Land’s Christians at the Turn of the Century*” the sad tale:

In one Jerusalem parish there were not enough young Christian men left to carry a casket at a funeral. . . . In the sanctuary of an Upper Egypt monastery, Christians cowered in fear of violence from Islamic militants and systematic human rights violations by Egypt’s police state. In Lebanon the empty halls of once-grand Maronite Christian monasteries echoed a long-distant past crumbling and disappearing in the aftermath of a devastating civil war. . . . In all these places I found the Christian community withering, as daily life grew steadily more difficult.²¹

Indeed, “[i]f this phenomenon continues, Christianity in the Middle East will disappear.”²² In Turkey, which houses the home of the Greek Orthodox Church, the number of Christians has dramatically declined in the last century. In 1900, there were over 3 million Greek and Armenian Christians in Turkey.²³ Today, after massacres and a population exchange (in 1910s and 1920s), and harsh systematic restrictions on the Church’s ability to train new clergy, less than 100,000 Christians remain.²⁴

Meanwhile, “[i]n Iran, Christians form a miniscule .4 percent of the population. The tiny Christian population has been treated as second class *dhimmi*—people of the Book who are theoretically protected while officially marginalized. The printing of Christian literature is illegal, converts from Islam are liable to be killed, and most evangelical churches are forced to function underground.”²⁵

¹⁷ *Id.*

¹⁸ Paul McGeough, *Christian Lambs Left to Slaughter*, SYDNEY MORNING HERALD (Jan. 8, 2011), http://www.smh.com.au/world/christian-lambs-left-to-slaughter-20110107-19itz.html?from=smh_sb.

¹⁹ Adelman, *supra* note 14 (emphasis added).

²⁰ McGeough, *supra* note 18 (citing Joost Hiltermann of the International Crisis Group).

²¹ Charles Sennott, *The Body and the Blood: The Holy Land’s Christians at the Turn of the Century* (2002).

²² McGeough, *supra* note 18.

²³ Adelman, *supra* note 14, at 4.

²⁴ Adelman, *supra* note 14, at 4.

²⁵ Adelman, *supra* note 14, at 4.

Christians are leaving the Middle East in mass numbers because—in part—they are unable to practice their religion freely. They are unable to practice freely because the definition of freedom of religion changes depending in large part on geographical regions. According to the Synod of Bishops,

“[i]n the Middle East, freedom of religion customarily means freedom of worship and not freedom of conscience, *i.e.*, the freedom to change one’s religion for belief in another. Generally speaking, religion in the Middle East is a social and even a national choice, and not an individual one. To change religion is perceived as betraying a society, culture and nation, founded largely on a religious tradition.”²⁶

The Synod of the Bishops for the Middle East

The emigration problem is so severe that the Synod of Bishops recently convened to address the matter. In October 2010, the Synod of the Bishops for the Middle East met in Rome. The gathering represented seven Eastern Catholic Churches to discuss *The Catholic Church in the Middle East: Communion and Witness*. “**Now the company of those who believed were of one heart and soul**” (Acts 4:32). This was the first synodal session to gather almost all the bishops of the Middle East around the Supreme Pontiff.²⁷ One of the special guests attending, an Iranian Shiite ayatollah, “declared without batting an eyelid there was ‘no problem, no difficulty in relations between Islam and Christianity in any Muslim country.’”²⁸ However, Cardinal Jean-Louis Tauran, president of the Pontifical Council for Inter-religious Dialogue, “judged it surprising that the Iranian ayatollah denied in front of the Pope the existence of difficulties in the relations between Christians and Muslims in Islamic countries, particularly Iran.”²⁹

The Synod convened to address “the urgent plight of Christians in the Middle East, particularly Iraq.”³⁰ The Synod articulated several causes for the ongoing persecution of Christians in the Middle East, which primarily included radical Islamic violence against Christians.³¹ Syrian Catholic Archbishop Basile Casmoussa of Mosul, Iraq attributes the mass emigration to “‘waves of terrorism inspired by religious ideologies,’ which subjugate and annihilate minorities, especially ‘Christians, the most vulnerable.’”³² In an effort to move toward resolution, the Synod drew several conclusions, in which it has asked “the Holy Father to consider the possibility of issuing a document on the Communion and Witness of the Church in Middle East.”³³ In pertinent part the Synod concluded, in Proposition 5, that although “being Christian means sharing the cross of Christ,” the ongoing

²⁶ *Lineamenta*, *supra* note 7, at ¶ 22.

²⁷ Documentation Information Catholiques Internationales, DICI No. 224, 2 (Oct. 2010), *available at* <http://www.dici.org/en/archives/dici/dici-224/>.

²⁸ *Id.* at 1.

²⁹ *Id.* at 6.

³⁰ Corbitt, *supra* note 8

³¹ *Id.*

³² *Id.*

³³ Special Assembly for the Middle East of the Synod of Bishops, *Synodus Episcoporum Bulletin, Final List of Propositions*, Propositio 1, Documentation Presented to the Supreme Pontiff (Oct. 23, 2010) (unofficial English

persecution must raise the awareness of Christians worldwide of the need for greater solidarity. . . . The attention of the whole world should be focused on the tragic situation of certain Christian communities of the Middle East which suffer all manner of trials sometimes even to the point of martyrdom.³⁴

Proposition 5 of the Synod's conclusions also called upon "[n]ational and international bodies . . . to make a special effort to bring an end to this situation of tension by re-establishing justice and peace."³⁵

Moreover, the Synod recognized the Church's need to study "the phenomenon of migration" in order to put an end to it, and to "boost the presence of Christians in their countries, and to do this especially through development projects"³⁶ The Synod also expressed its serious concern for "immigrant workers in the Middle East, both Christians and non-Christians, especially women."³⁷ Thus, the Synod called upon,

patriarchal synods and episcopal conferences, Catholic charitable institutions, especially Caritas, political leaders, and all people of good will, to do everything in their power to ensure the respect of immigrants' fundamental rights as recognised by international law, regardless of the nationality or religion of the immigrants in question, and to offer them legal and human assistance.³⁸

The Synod correctly recognized the plight of the Christian minority in the Middle East. But who is the Christian minority?

translation), available at http://www.vatican.va/news_services/press/sinodo/documents/bollettino_24_speciale-medio-oriente-2010/02_inglese/b25_02.html .

³⁴ *Id.* at Proposition 5 (Sharing the Cross).

³⁵ *Id.*

³⁶ *Id.* at Proposition 10 (Consolidating the Presence of Christians).

³⁷ *Id.* at Proposition 14 (Immigration).

³⁸ *Id.*

III. HISTORICAL CHRISTIAN DENOMINATIONS IN THE MIDDLE EAST

In addition to Roman Catholicism, various protestant denominations, and other newer denominations, there are also many historical Christian denominations in the Middle East that have had a presence in the region since the time of Christ. Below are brief descriptions of several of these denominations and their historical backgrounds.

Coptic

The Coptic Orthodox Church,³⁹ is part of the Oriental tradition that split from the Eastern (Byzantine) tradition at the Council of Chalcedon.⁴⁰ The Coptics are recognised as one of the oldest Christian churches in the world, tracing their roots back to St. Mark in the first century.⁴¹ The Church originated in Alexandria, Egypt,⁴² in fact, “copt” is the Western derivation of the Greek word for “Egyption” (referencing both the language and the people).⁴³ “Arabic is now used in the services of the Coptic Orthodox Church for the lessons from the Bible and for many of the variable hymns; only certain short refrains that churchgoing people all understand are not in Arabic.”⁴⁴

The Coptic Orthodox Church is centred in Egypt and organized into a patriarchate (Alexandria) and a system of bishoprics, both inside and outside Egypt. Especially since the 1960s, Coptic emigration in reaction to Islamic fundamentalism and poor economic conditions in Egypt has created a diaspora church that is strong in the United States, Canada and Australia. Smaller groups exist in Latin America and Africa (mainly East and South), in Gulf Arab states, and in Europe (the European Coptic Union).⁴⁵

Recent dialogue between the Oriental Orthodox churches, the Eastern (Byzantine) Orthodox churches, and the Roman Catholic churches has resulted in the settling of certain theological disputes.⁴⁶ However, the Coptic Orthodox Church is not to be confused with the Coptic Catholic Church.⁴⁷ In the mid eighteenth century a small number of Coptics converted to Catholicism (Rome), thus separating them from the Oriental tradition.⁴⁸ The Coptic Catholic

³⁹ See Coptic Orthodox Patriarchate, Coptic Papal Residence website, <http://copticpope.org/>. (last visited 17 Jan. 2011).

⁴⁰ *Coptic Orthodox Church of Alexandria*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/136928/Coptic-Orthodox-Church-of-Alexandria>. The Coptic Orthodox Church holds to myaphisitism. Janet A. Timbie, *Coptic Christianity*, THE BLACKWELL COMPANION TO EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry ed., Blackwell Publishing 2007), available at <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁴¹ About the Coptic Orthodox Church, COPTIC MISSION, <http://www.copticmission.org/copticchurch> (last visited Jan. 14, 2011).

⁴² The Coptic Papacy is located in Alexandria, see <http://copticpope.org/>.

⁴³ *Britannica—Alexandria Coptic Church*, *supra* note 40. See also Timbie, *supra* note 40.

⁴⁴ *Britannica—Alexandria Coptic Church*, *supra* note 40.

⁴⁵ Timbie, *supra* note 40.

⁴⁶ *Britannica—Alexandria Coptic Church*, *supra* note 40.

⁴⁷ *Id.*

⁴⁸ *Id.*

Church remains significantly smaller than the Coptic Orthodox Church.⁴⁹ Currently, the Coptic Orthodox Church has approximately 9,500,000 members in the Middle East, with over 9,300,000 of them living in Egypt.⁵⁰

Syriac

“Syriac” refers to one of the latter dialects of the Aramaic language.⁵¹ The term is often used to refer to certain churches that still use the Syriac dialect for liturgical and scholarly purposes, namely the Church of the East, Chaldean, Syrian Orthodox, Syrian Catholic and Maronite churches.⁵² A description of each is included below:

Church of the East

The Church of the East is also commonly referred to as the Assyrian Church or the Nestorian Church.⁵³ The latter name (Nestorian) was born of the schism created by the repudiation of Nestorius, the Patriarch of Constantinople, in the fifth century.⁵⁴ The churches that remained loyal to Nestorius were referred to as “Nestorians.”⁵⁵ The Church itself has officially rejected the name.⁵⁶ The Church of the East falls under the Oriental tradition as non-Chalcedonian, though their Christology is distinct.⁵⁷ The Church of the East is most prominent (in the Middle East) in Syria, Iran, and Iraq.⁵⁸

Chaldean Church

The Chaldean Church⁵⁹ formed out of the Church of the East when the “Chaldean Patriarch of Babylon” (Iraq) professed the Catholic faith in Rome in 1551.⁶⁰ The

⁴⁹ Timbie, *supra* note 40.

⁵⁰ Numbers were compiled from the World Christian Database, *available at* <http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

⁵¹ *Syriac*, THE BLACKWELL DICTIONARY OF EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry et al eds., Blackwell Publishing 2001), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁵² *Id.*; Bryan D. Spinks, *Eastern Christian Liturgical Traditions: Oriental Orthodox*, THE BLACKWELL COMPANION TO EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry ed., Blackwell Publishing 2007), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁵³ *Church of the East*, THE BLACKWELL DICTIONARY OF EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry et al eds., Blackwell Publishing 2001), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁵⁴ *Nestorian*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011),

<http://www.britannica.com/EBchecked/topic/409819/Nestorian>; *Nestorian*, THE BLACKWELL DICTIONARY OF EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry et al eds., Blackwell Publishing, 2001), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁵⁵ Hannah Hunt, *Byzantine Christianity*, THE BLACKWELL COMPANION TO EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry ed., Blackwell Publishing 2007), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁵⁶ *Church of the East*, *supra* note 53.

⁵⁷ Spinks, *supra* note 52; *Church of the East*, *supra* note 53 *Nestorianism noun*, THE OXFORD DICTIONARY OF ENGLISH, OXFORD REFERENCE ONLINE, oxforddictionaries.com/view/entry/m_en_us127106#m_en_us1271061.

⁵⁸ *Church of the East*, *supra* note 53; *Guide: Christians in the Middle East*, BBC (Dec. 15, 2005), http://news.bbc.co.uk/2/hi/middle_east/4499668.stm#egypt.

⁵⁹ A website for the Chaldean church can be found at <http://www.chaldeansonline.org>.

⁶⁰ *Chaldean Church*, THE BLACKWELL DICTIONARY OF EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE, (Ken Parry et al eds., Blackwell Publishing 2001), *available at* <http://www.blackwellreference.com> (subscriber

Chaldean Church has been in communion with Rome since that time.⁶¹ It is thus no longer among the non-Chalcedonian churches, despite its roots in the Church of the East. It is also unique in that it is one of two churches that retains its traditional East Syrian liturgical rites despite its union with the Roman Catholic Church.⁶² Chaldean congregations are located in “Iraq, Iran, Lebanon, Egypt, Syria, [and] Turkey,”⁶³ with the Patriarchal still residing in Baghdad, Iraq.⁶⁴

Syrian Orthodox

The Syrian (or Syriac) Orthodox Church⁶⁵ is of the Oriental (non-Chalcedonian) tradition.⁶⁶ The Church is sometimes called “the Jacobites” in reference because of their adherence to the non-Chalcedonian bishop Jacob Baradaeus (of Edessa), though the Church has officially repudiated this name, and some consider it pejorative.⁶⁷ The Syrian Orthodox Church claims its roots in the church founded by the Apostle Peter in Antioch in year 37,⁶⁸ and the patriarch is still called the “Patriarch of Antioch and all the East,” though the Church is now headquartered in Damascus, Syria.⁶⁹ The Syrian Orthodox congregations in the Middle East are located in Syria, Lebanon, Iraq, and Turkey, and in small numbers in Jordan, Egypt, and Israel,⁷⁰ with a total of approximately 218,900 members in the Middle Eastern countries.⁷¹

Syrian Catholic

The Syrian Catholic Church⁷² is “an Eastern Catholic Church of the Antiochene rite” that has been in communion with the Roman Catholic Church since the seventeenth century, but still retains its West Syrian liturgical rites.⁷³ Syrian Christians were initially

access only; contact author for document information).

Chaldean Catholic Church, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://0-www.britannica.com.library.regent.edu/EBchecked/topic/104678/Chaldean-Catholic-Church>.

⁶¹ *Id.*

⁶² *Blackwell—Chaldean Church*, *supra* note 60; Spinks, *supra* note 52; *Britannica—Chaldean Catholic Church*, *supra* note 60.

⁶³ *History of the Chaldean Church of the East*, CHALDEANS ONLINE, <http://www.chaldeansonline.org/church.html> (last visited Jan. 14, 2011); *Blackwell—Chaldean Church*, *supra* note 60.

⁶⁴ *Blackwell—Chaldean Church*, *supra* note 60; *Britannica—Chaldean Catholic Church*, *supra* note 60.

⁶⁵ The website for the Syrian Orthodox Church can be found at <http://sor.cua.edu/>.

⁶⁶ *Syrian Orthodox Church*, A NEW DICTIONARY OF RELIGIONS, BLACKWELL REFERENCE ONLINE, (Blackwell Publishing 1995), available at <http://www.blackwellreference.com> (subscriber access only; contact author for document information); *Syriac Orthodox Patriarchate of Antioch and All the East*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/579024/Syriac-Orthodox-Patriarchate-of-Antioch-and-All-the-East>.

⁶⁷ *Blackwell—Syrian Orthodox Church*, *supra* note 66; *Britannica—Syriac Orthodox Patriarchate*, *supra* note 66.

⁶⁸ History of the Syriac Orthodox Church, SYRIAC ORTHODOX RESOURCES, <http://sor.cua.edu/History/index.html> (last visited Jan 14, 2011).

⁶⁹ *Blackwell—Syrian Orthodox Church*, *supra* note 66; *Britannica—Syriac Orthodox Patriarchate*, *supra* note 66.

⁷⁰ The Church Today, SYRIAC ORTHODOX RESOURCES, <http://sor.cua.edu/ChTod/index.html>; *Britannica—Syriac Orthodox Patriarchate*, *supra* note 66.

⁷¹ WORLD CHRISTIAN DATABASE, available at <http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

⁷² The website for the Syriac Catholic Church in Jerusalem can be found at <http://syriaccatholic.org/>.

⁷³ *Syrian Catholic church*, THE BLACKWELL DICTIONARY OF EASTERN CHRISTIANITY, BLACKWELL REFERENCE ONLINE (Ken Parry et. al eds., Blackwell Publishing, 2001), available at <http://www.blackwellreference.com> (subscriber access only; contact author for document information); *Syrian Catholic Church*. ENCYCLOPÆDIA

split from the Catholic Church after Chalcedon, but have been in communion with Roman Catholicism since 1782 when Michael Jarweh, bishop of Aleppo, was elected patriarch. After Jarweh, all Syrian Patriarchs have been Catholic.⁷⁴ Arabic serves as the language of daily communication of many of the members of the Syrian Catholic Church and it is also used in the Church's liturgy.⁷⁵ Syrian Catholics possess patriarchal vicariates in Lebanon, Turkey, Jordan, and Egypt.⁷⁶ Additionally, Syrian Catholics are found in Australia and Europe, and there is one diocese located outside the Middle East for Syrian Catholics in the United States and Canada.⁷⁷

Maronite

The Maronites are “one of the largest Eastern-rite communities of the Roman Catholic Church,” most prominent in modern Lebanon.⁷⁸ The Maronites derive their name from two sources, St. Maron, “a Syrian hermit of the late 4th and 5th centuries,”⁷⁹ and John Maro, “a 7th-century Syrian religious leader, who may have been the first Maronite patriarch.”⁸⁰ While the Maronite Church has been obedient to the Roman Catholic Church since the time of the Crusades (which involved renouncing the belief that Christ does not have “two wills”), they still retain non-Roman customs, “such as the marriage of priests, a different baptismal rite and the use of spoken and chanted Syriac in the liturgy.”⁸¹ The Maronites, in addition to the Middle East, can be found in Europe and North and South America, due to emigration in the 19th century following persecution in Lebanon.⁸²

Greek Orthodox

The Greek Orthodox Church is comprised of various patriarchates, Antioch, Alexandria, Jerusalem, and Constantinople being four of them, and falls within the larger body of Eastern Orthodox Christianity.⁸³ While each patriarch is autonomous, each church is in “communion with one another and deeply rooted in the same tradition; they are part of one church.”⁸⁴ The Greek Orthodox Church does not recognize any council beyond Nicea II (787) and is Chalcedonian in theology.⁸⁵ In 1054, the Greek Orthodox church split from the Roman Catholic church. However, efforts have been recently made to reunify the churches.⁸⁶

BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/579007/Syrian-Catholic-Church>.

⁷⁴ *Britannica—Syrian Catholic Church*, *supra* note 73.

⁷⁵ Heleen Murre-van den Berg, *Syriac Christianity*, BLACKWELL REFERENCE ONLINE (Ken Parry ed., Blackwell Publishing (2007), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁷⁶ *Britannica—Syrian Catholic Church*, *supra* note 73.

⁷⁷ Murre-van den Berg, *supra* note 75.

⁷⁸ *Maronite church*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/366006/Maronite-church>.

⁷⁹ *Id.*

⁸⁰ *Maronite*, OXFORD REFERENCE ONLINE (Elizabeth Knowles ed., Oxford University Press 2006), *available at* oxfordreference.com (subscriber access only; contact author for document information).

⁸¹ *Maronite, A New Dictionary of Religions*, BLACKWELL REFERENCE ONLINE (2011), *available at* <http://www.blackwellreference.com> (subscriber access only; contact author for document information).

⁸² *Britannica—Maronite Church*, *supra* note 78.

⁸³ BETTY JANE BAILEY & J. MARIN BAILEY, WHO ARE THE CHRISTIANS IN THE MIDDLE EAST? 54 (2003).

⁸⁴ *Id.*

⁸⁵ *Id.* at 54–55.

⁸⁶ *Id.*

The Greek Orthodox Church has a deep history in the Middle Eastern region, dating back to the time of Christ himself. The Church rose to prominence in 331 when Constantine made Byzantium the capital of the Eastern Roman Empire.⁸⁷ “The Greek Orthodox Patriarchate of Jerusalem is considered the oldest of the apostolic churches and is often called ‘the mother of all churches.’”⁸⁸ The Church in Alexandria was founded in 40 A.D. by the Apostle Mark, making it the oldest Christian church in Africa;⁸⁹ and Antioch is the place where followers of Christ were first called Christians.⁹⁰ The Greek Orthodox Church currently has approximately 1,158,190 members in the Middle East.⁹¹

Melkite/Melchite

“Melkite” or “Melchite” originally refer[red] to “any of the Christians of Syria and Egypt who accepted the ruling of the Council of Chalcedon”⁹² The name “Melkite” is derived from the Syriac and Arab words for ruler or King and was initially used as a perjorative term by the Monophysites (those not accepting Chalcedon).⁹³ Today, however, the term “Melkite” has lost its negative undertones and is used to describe Byzantine Catholics who were drawn from the sees of Alexandria, Antioch, and Jerusalem.⁹⁴ Initially, the Melkites “followed Michael Cerularius, patriarch of Constantinople, into schism with Rome in 1054,” but reunified with the Catholic Church “in 1724 when Cyril VI, a Catholic, was elected patriarch of Antioch.”⁹⁵

Melkites practice the Byzantine rite, baptize by immersion, use leavened bread for communion, and cross themselves from right to left, following the practice of the Eastern churches, despite their current communion with Rome.⁹⁶ “[T]here is only one Catholic Melchite ‘patriarch of Antioch, Alexandria, Jerusalem and all the East,’” and there are approximately 250,000 Catholic Melchites who practice the Byzantine liturgy in Arabic.⁹⁷

Armenian

Tradition holds that the apostles Bartholomew and Thaddeus evangelized Armenia.⁹⁸ After a time of much persecution, Armenia became the first country to adopt Christianity when St. Gregory the Illuminator converted King Tiridates III in 300 A.D.⁹⁹ Armenian Christianity split, however, after Chalcedon. The Armenian Apostolic Church, an “independent Oriental Orthodox Christian church and the national church of Armenia,” emerged from Armenian

⁸⁷ *Id.* at 56.

⁸⁸ *Id.* at 58.

⁸⁹ *Id.* at 63.

⁹⁰ *Id.* at 60.

⁹¹ WORLD CHRISTIAN DATABASE, available at <http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

⁹² *Melchite*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/373844/Melchite>

⁹³ BAILEY & BAILEY, *supra* note 83, at 86.

⁹⁴ *Id.*

⁹⁵ *Britannica—Melchite*, *supra* note 92.

⁹⁶ BAILEY & BAILEY, *supra* note 83, at 87-88.

⁹⁷ *Britannica—Melchite*, *supra* note 92.

⁹⁸ BAILEY & BAILEY, *supra* note 83, at 67.

⁹⁹ *Armenian Apostolic Church*, ENCYCLOPÆDIA BRITANNICA ONLINE (2011), <http://www.britannica.com/EBchecked/topic/35284/Armenian-Apostolic-Church>.

Christians who rejected the council of Chalcedon in 506.¹⁰⁰ The Armenian Apostolic Church is comprised of four sees, “[t]wo are catholicosates[] at Ejmiadzin and Cilicia (now based in Antelias, Lebanon),” and two patriarchates are located at Istanbul and Jerusalem.¹⁰¹ The Liturgy is celebrated in Armenian and was developed early in Christianity.¹⁰² Currently, the Armenian Apostolic Church has approximately 466,530 members in the Middle East.¹⁰³ Other Armenian Christians accepted Chalcedon. These Christians became known as the Armenian Catholic Church of Cilicia and have maintained communion with Rome.¹⁰⁴ Although the church follows the liturgical pattern of the Roman Catholic Church, worship services are conducted in Armenian.¹⁰⁵

As history shows, these Christian denominations have a strong foundation in the Middle East but are systematically being driven out of their homelands by radical Islam, as will be shown in detail in the following section.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² BAILEY & BAILEY, *supra* note 83, at 68.

¹⁰³ WORLD CHRISTIAN DATABASE, *available at* <http://www.worldchristiandatabase.org/wcd/> (on file with author) (subscriber access only; contact author for document information).

¹⁰⁴ BAILEY & BAILEY, *supra* note 83, at 80–81.

¹⁰⁵ BAILEY & BAILEY, *supra* note 83, at 81.

IV. PERSECUTION AGAINST CHRISTIAN MINORITIES: BLASPHEMY & ANTI-CONVERSION LAWS & SOCIETAL DISCRIMINATION

The current exodus of Christians out of the Middle East has primarily been caused by radical Islam—whether by Islamic governments, terrorist organizations, or extreme Islamists. Hostile Islamic radicals, discriminatory laws, and inadequate government protection all play a part in the persecution that Christians suffer. But even when there are laws on the books that protect Christians, such laws are often rendered meaningless when the government fails to enforce them. Indeed, Christians are finding it increasingly difficult to survive in various countries throughout and near the Middle Eastern region. Below, many countries in or near the Middle East are highlighted, addressing discriminatory laws and prevalent forms of persecution. Each country and the persecution of Christians taking place therein are discussed in more detail in the Appendix of Country Reports, attached hereto.

A. IRAQ¹⁰⁶

Recently, al-Qaida has strategically targeted Iraqi Christians in order to gain the West's attention; it even issued a public warning to all Christians that they should leave the country.¹⁰⁷ The attacks reached a pinnacle on 31 October 2010 when gunmen from the "Islamic State of Iraq" murdered fifty-eight Christians in a Baghdad Cathedral.¹⁰⁸ The attacks have left Christians feeling unsafe and fleeing for their lives.¹⁰⁹ Since the October massacre, over 1,000 families have left the Baghdad and Mosul areas and fled to northern Iraq as well as to other countries.¹¹⁰ With only approximately 350,000¹¹¹ Christians remaining in the country, reduced from 1.4 million in 2003 (even though Christians have been in Iraq since the second century¹¹²), this indeed could be "the end of Christianity in Iraq."¹¹³ The Iraqi Constitution explicitly provides for religious

¹⁰⁶ For a more detailed report, see the Appendix of Country Reports.

¹⁰⁷ Larisa Epatko, *Iraqi Christians Flee as al-Qaida Steps up Attacks*, PBS.ORG (23 Nov. 2010), <http://www.pbs.org/newshour/rundown/2010/11/iraqi-christians.html>; Yitzchok Alderstein & Carl Moeller, *Iraq's Christian 'Religicide*, WASHINGTONTIMES.COM (23 Dec. 2010), <http://www.washingtontimes.com/news/2010/dec/23/iraqs-christian-religicide/>.

¹⁰⁸ Martin Chulov, *Baghdad Church Siege Survivors Speak of Taunts, Killings and Explosions*, GUARDIAN.CO.UK (1 Nov. 2010), <http://www.guardian.co.uk/world/2010/nov/01/baghdad-church-siege-survivors-speak>; *Iraqis Mourn Victims of Massive Attack on Church*, COMPASSDIRECTNEWS (2 Nov. 2010), <http://www.compassdirect.org/english/country/iraq/27961/>.

¹⁰⁹ *Id.*

¹¹⁰ Martin Chulov, *Iraqi Christians Flee Baghdad After Cathedral Massacre*, GUARDIAN.CO.UK (17 Dec. 2010), <http://www.guardian.co.uk/world/2010/dec/17/iraq-christians-flee-baghdad-cathedral>.

¹¹¹ Alderstein & Moeller, *supra* note 107. The article providing the 350,000 figure was published on 23 Dec. 2010. *Id.* The recent United States State Department report, published on 17 Nov. 2010, estimated that there were between 400,000 and 600,000 Christians remaining in Iraq. Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Iraq: International Religious Freedom Report* (2010), § I, Religious Demography, available at <http://www.state.gov/g/drl/rls/irf/2010/148821.htm> [hereinafter *Iraq Religious Freedom Report* (2010)].

¹¹² *Guide: Christians in the Middle East*, BBC (15 Dec. 2005), http://news.bbc.co.uk/2/hi/middle_east/4499668.stm#egypt.

¹¹³ United States Commission on Int'l Religious Freedom, *Annual Report* 68 (2010), <http://www.uscirf.gov/images/annual%20report%202010.pdf> [hereinafter *Annual Report*].

freedom for Muslims and non-Muslims alike.¹¹⁴ However, governmental efforts to uphold this obligation and protect Christians from religious violence have proven ineffective. The United States Department of State reported that “[v]ery few of the perpetrators of violence committed against Christians and other religious minorities in the country were punished; arrests following a murder or other crimes were rare.”¹¹⁵

The targeted attacks against Christians and lack of governmental protection have made survival almost impossible for Christians in a country where, even prior to the recent, violent outbreaks, governmental discrimination made life very difficult.¹¹⁶ The International Religious Freedom Report documented that religious minorities “experience a pattern of official discrimination, marginalization, and neglect.”¹¹⁷ Thus, even though the Constitution requires equal protection of the law for all citizens without discrimination based on religion,¹¹⁸ minorities, especially Christians, are often discriminated against because of their religion.¹¹⁹ Employment discrimination is common, with governmental ministers often hiring only those who share the same religious beliefs.¹²⁰ Citizens are required to carry national identity cards that denote the citizen’s religion,¹²¹ and religious groups must register with the government.¹²² Both of these mechanisms are used as a means of discrimination. Specifically, Evangelicals have called for less burdensome requirements and have found registration difficult to obtain.¹²³

Recent Incidents of Persecution:

- ✚ **1 January 2011:** “Rafah Butros Toma, a 44-year-old unmarried Christian woman, was murdered in her home. She was one of the worshippers who survived the al-Qaeda massacre at Our Lady of Perpetual Help Cathedral on 31 October.”¹²⁴
- ✚ **30 December 2010:** Islamic militants “left a bomb on the doorstep of the home of an elderly Christian couple and rang the doorbell.”¹²⁵ When Fawzi Rahim, 76, and his 78 year-old wife Janet Mekha, opened the door, the bomb exploded.¹²⁶ “The bombing was among a string of seemingly coordinated attacks Thursday evening that targeted at least seven Christian homes in various parts of Baghdad that wounded at least 13 other people,

¹¹⁴ *Iraq Religious Freedom Report* (2010), *supra* note 111; *see also e.g.*, Articles 41-43, Doustour Joumhouriat al-Iraq [The Constitution of the Republic of Iraq] of 2005, <http://www.state.gov/drl/rls/irf/2010/148821.htm> [hereinafter Iraq Const.].

¹¹⁵ *Iraq Religious Freedom Report* (2010), *supra* note 111.

¹¹⁶ Epatko, *supra* note 107.

¹¹⁷ *Annual Report*, *supra* note 113, at 10.

¹¹⁸ Iraq Const. art. 14.

¹¹⁹ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iraq: Human Rights Report* (2009), available at <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>.

¹²⁰ *Iraq Religious Freedom Report* (2010), *supra* note 111.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Annual Report*, *supra* note 113, at 71; *Iraq Religious Freedom Report*, *supra* note 114.

¹²⁴ Layla Yousif Rahema, *Muslim Solidarity Towards Iraqi Christians*, ASIANEWS.IT (4 Jan. 2011), <http://www.asianews.it/news-en/Muslim-solidarity-towards-Iraqi-Christians-20419.html>.

¹²⁵ *A Doorbell Rings, a New Attack on Iraqi Christians*, ASSOCIATED PRESS (1 Jan. 2010), <http://www.google.com/hostednews/ap/article/ALeqM5gJ5Y0MR9Yxe8hj1nC4MG9NHZ-EOQ?docId=195a4dafadc64de98403c34df57a322b>.

¹²⁶ *Id.*

a week after al-Qaida-linked militants renewed their threats to attack Iraq's Christians."¹²⁷

- ✚ **5 December 2010:** “[F]our men raided the Baghdad home of an elderly Christian couple, Hikmat and Samira Sammak, and their daughter and shot them all with silenced pistols.”¹²⁸
- ✚ **30 November 2010:** Three gunmen kidnapped an engineer, Fadi Walid, from his shop in Mosul and took him to another shop where they “murdered him in cold blood.”¹²⁹
- ✚ **31 October 2010:** “[A]l-Qaida-aligned gunmen” from the organization the “Islamic State of Iraq” murdered fifty-eight Christians in a Baghdad Cathedral. The gunmen entered the doors and then allegedly screamed, “‘All of you are infidels.’” “‘We are here to avenge the burning of the Qur’ans and the jailing of Muslim women in Egypt.’” “‘We will go to paradise if we kill you and you will go to hell.’” After the Iraqi army entered the church, some of the gunmen detonated the suicide vests they were wearing, causing large explosions.¹³⁰

B. EGYPT¹³¹

Although Article 46 of the Egyptian Constitution guarantees freedom of religious belief and religious exercise,¹³² Article 2 states that “the principle source of legislation is Islamic jurisprudence (Sharia).”¹³³ The Egyptian Supreme Constitutional Court¹³⁴ (“SCC”) has interpreted Article 2 to mean that no legislation can violate rules of the Sharia.¹³⁵ The government restricts proselytization, despite the fact that the law does not prohibit it.¹³⁶ The Egyptian Government has also actively restricted the freedom to adopt the religion of one’s own choice by refusing to allow Muslims who convert to another religion to change their religious affiliation on their national identity cards (“ID card”).¹³⁷ Conversion is a legal matter that must

¹²⁷ *Id.*

¹²⁸ Barnabas Fund, Prayer Focus 01/11, *Iraq: Unfolding Tragedy for Christians* (23 Dec. 2010), <http://barnabasfund.org/NZ/News/Prayer-Focus-Update/Prayer-Focus-0111.html#Iraq>.

¹²⁹ *Christian Murdered in Mosul: Bishops Protest to Government*, ASIANEWS.IT (2 Dec. 2010), <http://www.asianews.it/news-en/Christian-murdered-in-Mosul:-bishops-protest-to-Government-20150.html>.

¹³⁰ Chulov, *supra* note 108; *Iraqis Mourn Victims*, *supra* note 108.

¹³¹ For a more detailed report, see the Appendix of Country Reports.

¹³² CONST. OF THE ARAB REPUBLIC OF EGYPT art. 46 (“The State shall guarantee the freedom of belief and the freedom of practising religious rites.”) [hereinafter *Egypt Const.*]; Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Egypt: International Religious Freedom Report (2010)*, § I, Religious Demography [hereinafter *Egypt: International Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2010/148817.htm>.

¹³³ *Egypt Const.* art. 2.

¹³⁴ The Egyptian Supreme Constitutional Court exercises the role of constitutional arbiter. *Id.* art. 175 (“The Supreme Constitutional Court alone shall undertake the judicial control in respect of the constitutionality of the laws and regulations.”).

¹³⁵ Clark B. Lombardi, *Islamic Law as a Source of Constitutional Law in Egypt: The Constitutionalization of the Shari’ah in a Modern Arab State*, 37 COLUM. J. TRANSNAT’L L. 81, 98 (1998).

¹³⁶ *Egypt: International Religious Freedom Report*, *supra* note 132.

¹³⁷ *Egypt: International Religious Freedom Report*, *supra* note 132. “Although there is no penalty in Egyptian law for apostasy, government lawyers have argued in conversion cases, and courts have agreed, that apostasy ‘is synonymous with death’; that is, it deprives the ‘apostate’ of the ability to perform many civil acts.” Human Rights Watch, *Prohibited Identities: III. Religious and National Identity in Egypt*, 11 Nov. 2007, <http://www.hrw.org/en/node/10604/section/4> (citing Cessation Court rulings in Case no. 20/34 on 30 March 1966 and Case no. 162/62 on 16 May 1995).

be accomplished by changing a person's religious status as legally documented on his or her ID card.¹³⁸ ID cards are required for numerous important activities,¹³⁹ including designating court jurisdiction in personal status matters for religious law purposes.¹⁴⁰ Although change of religious affiliation is permitted by law,¹⁴¹ the Civil Status Department, which issues the ID cards, "obstruct[s] and discriminate[s] against persons who have converted from Islam to Christianity by refusing to make the change in official records or to provide vital documents reflecting the requested change."¹⁴² Egyptian courts do the same. On 29 January 2008, Egypt's Supreme Administrative Court denied the right of applicants to convert from Islam to Christianity, holding that "monotheistic religions were sent by God in Chronological order" and therefore one cannot convert to "an older religion."¹⁴³ This ruling makes a mockery of the human rights Egypt has agreed to protect, and flagrantly derogates from the Egyptian Constitution and international law.

Recent Incidents of Persecution:¹⁴⁴

✚ 1 January 2011:

Arab Muslims set off an explosion in front of the Coptic Christian Church of Saints in Sedi Beshar in Alexandria, Egypt.¹⁴⁵ One source states that at least forty-five people were killed¹⁴⁶ while another reports that at least 21 people died and scores of others were wounded.¹⁴⁷ At least 90 other people were injured, and 10 seriously wounded.¹⁴⁸ Government officials suspect an unidentified suicide bomber, rather than a car bombing.¹⁴⁹ The attack comes two months after an Islamic group known as the Islamic State of Iraq (ISI) issued a threat stating that "[a]ll Christian centers, organizations and institutions, leaders and followers are legitimate targets for the *mujahedeen* [Muslim fighters] wherever they can reach them."¹⁵⁰

✚ 16 December 2010:

"Ashraf Thabet, 45, [was] charged with defaming a revealed religion, Article 98f of the Egyptian Penal Code. The charges stem from Thabet's six-year search for spiritual meaning that

¹³⁸ Human Rights Watch, *Prohibited Identities: V. Conversion and Freedom of Religion*, 11 Nov. 2007, <http://www.hrw.org/en/node/10604/section/6>.

¹³⁹ Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Egypt: International Religious Freedom Report*, § II (2006), available at <http://www.state.gov/g/drl/rls/irf/2006/71420.htm>.

¹⁴⁰ *Prohibited Identities: III. Religious and National Identity in Egypt*, *supra* note 137.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ See Kathryn Lopez, *No President Is a Pyramid*, NATIONAL REVIEW, (5 June 2009), <http://article.nationalreview.com/print/?q=OThkN2IwM2IxODI3NzY1OWNmYWZmODQ4Y2U2NDUyYjk=>; Ethan Cole, *Egypt Rules Christian Convert Must Remain Legally Muslim*, CHRISTIAN POST, (3 Feb. 2008), <http://www.christianpost.com/article/20080203/egypt-rules-christian-convert-must-remain-legally-muslim/index.html>.

¹⁴⁴ For more instances of persecution against Christians in Egypt other than those listed, see <http://www.compassdirect.org/english/country/egypt/>.

¹⁴⁵ Dottore Architetto & Ashraf Ramelah, *Voice of the Copts condemning the uncivil, barbaric and fascist attack against a Coptic Church in Alexandria*, VOICE OF THE COPTS (1 Jan. 2011), http://voiceofthecopts.org/en/press_release/voice_of_the_copts_condemning_the_uncivil_barbaric_and_fascist_a.html.

¹⁴⁶ *Id.*

¹⁴⁷ *Blast kills 21 outside Church in Alexandria, Egypt*, COMPASSDIRECT.ORG (3 Jan. 2011), <http://www.compassdirect.org/english/country/egypt/30562/>.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

eventually led him to become a Christian. During his search, he shared his doubts about Islam and told others what he was learning about Jesus Christ. Local religious authorities, incensed at Thabet's ideas, notified Egypt's State Security Intelligence service (SSI), which arrested and charged him with defamation."¹⁵¹

✚ **November 2010:**

Muslims set off firebombs in the village of Al-Nawahid in Qena Governate, damaging and destroying over 23 Christian homes and businesses.¹⁵²

✚ **July 2010:**

After being held in prison for almost two years on false charges of insulting Islam under Egypt's Emergency law, Hani Nazeer, a Coptic Christian blogger, was released from prison on July 22, 2010. While in prison, "Nazeer said he was beaten, exposed to constant deprivation, and was pressured to convert to Islam. 'One prisoner told me, if you convert, you will be out in two days . . .'" Nazeer first brought attention to himself "by criticizing the ever-increasing Islamization of Egyptian civil society."¹⁵³

✚ **February 2010:**

"On February 27, 2010, lay pastor Shehata and his wife Samir were ambushed on a desolate street by a group of Islamic gunmen outside the village of Teleda in Upper Egypt. The attack was meant to 'break the hearts of the Christians' in the area, Samir said." "Shehata is willing to drop all criminal charges against his attackers—and avoid what could be a very embarrassing trial for the nation—if the government will stop blocking Shehata from constructing a church building."¹⁵⁴

C. PAKISTAN¹⁵⁵

Pakistan, located near the Middle East, bordering with Iran, has been included as a primary example of severe persecution against a Christian minority.

Under the United Nations' International Covenant on Civil and Political Rights, which Pakistan has recently ratified,¹⁵⁶ article 20 expressly prohibits any "advocacy of . . . religious hatred that constitutes incitement to discrimination, hostility or violence."¹⁵⁷ This provision directly affects article 19's guarantee of freedom of expression and freedom to discuss and hold ideas.¹⁵⁸ Although Pakistan has entered a reservation in which it promises to enforce article 19

¹⁵¹ *Life on Hold for Egyptian Christian Arrested for His Faith*, COMPASSDIRECT.ORG (16 Dec. 2011), <http://www.compassdirect.org/english/country/egypt/29755/>.

¹⁵² *Id.*

¹⁵³ *Coptic Blogger Released from Prison*, COMPASSDIRECT.ORG (17 Aug. 2010), <http://www.compassdirect.org/english/country/egypt/24465/>.

¹⁵⁴ *Couple Shot by Muslim Extremists Undaunted in Ministry*, COMPASSDIRECT.ORG (9 June 2010), <http://www.compassdirect.org/english/country/egypt/21405/>.

¹⁵⁵ For a more detailed report, see the Appendix of Country Reports.

¹⁵⁶ Pakistan ratified the ICCPR as of 23 June 2010. United Nations, Treaty Collection, Status of Treaties [*hereinafter* U.N. Status of Treaties], http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en (last visited 23 Sept. 2010).

¹⁵⁷ International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), art. 20, U.N. Doc. A/RES/2200A(XXI), (16 Dec. 1966) [*hereinafter* ICCPR], *available at* <http://www2.ohchr.org/english/law/ccpr.htm>;

¹⁵⁸ *Id.*, art. 19.

only in conformance with Pakistan’s Constitution and Sharia law,¹⁵⁹ it remains bound by its alleged commitment under Article 20 to prevent “religious hatred that constitutes incitement.”¹⁶⁰ Since the implementation of blasphemy laws during the 1980s and due almost entirely to their discriminatory and over-inclusive nature, Pakistan has failed to achieve the proper balance between “free expression” and “public order,” the stated purposes for blasphemy laws.¹⁶¹ The country’s blasphemy laws have redefined “religious hatred that constitutes incitement” as anything that may “incite” a Muslim to be offended on behalf of Islam. Contrary to the purpose of maintaining public order, these broad and discriminatory laws have actually created greater public disorder by fostering violent outbursts against even the most innocent and ambiguous comments. In effect, these laws—by being discriminatory and too broad—have defined “blasphemy” to include nearly every non-Muslim idea, word, or action, whether objectively blasphemous or not. Since General Zia’s Amendments to the Pakistani Penal Code, Muslims have been using the country’s blasphemy laws to settle personal scores by making false accusations that are difficult to defend.¹⁶²

In the decade following Zia’s amendments to the Penal Code, the number of blasphemy cases tripled.¹⁶³ Between 1986 and 2006, more than 800 people were charged in 375 cases of blasphemy,¹⁶⁴ and in 2000 alone, over 50 Christians were arrested and charged with blasphemy.¹⁶⁵

Recent Incidents of Persecution:

4 January 2011:

Salman Taseer, Governor of the Punjab Province, was murdered by one of his police bodyguards after the governor publicly supported Asia Noreen, the first Christian woman to be sentenced to death for blasphemy in Pakistan.¹⁶⁶ Taseer visited the woman in jail, criticized the blasphemy statutes, and promised that he would try to get her pardoned.¹⁶⁷ Radical Islamic clerics feared the President would pardon Noreen based on Taseer’s recommendation, an unacceptable outcome for them. They had him killed: “Taseer and Noreen were declared ‘Wajibul Qatil’ (liable to be killed) by radical Islamic clerics. A cleric in Peshawar and a local politician in Multan offered a combined sum of 50 million rupees (US\$579,300) for anyone who killed Taseer and Noreen.”¹⁶⁸

¹⁵⁹ U.N. Status of Treaties, *supra* note 156.

¹⁶⁰ ICCPR, *supra* note 156.

¹⁶¹ *See id.* art. 19(3) (“The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.”).

¹⁶² *See* Ali Waqar, *Walter Fazal Khan jailed for allegedly burning Quran*, DAILY TIMES, 14 May 2007, at 13, available at http://www.dailytimes.com.pk/default.asp?page=2007%5C05%5C14%5Cstory_14-5-2007_pg13_1.

¹⁶³ Osama Siddique & Zahra Hayat, *Unholy Speech and Holy Laws: Blasphemy Laws in Pakistan—Controversial Origins, Design Defects, and Free Speech Implications*, 17 MINN. J. INT’L L. 324 (2008).

¹⁶⁴ NATIONAL COMMISSION FOR JUSTICE AND PEACE, HUMAN RIGHTS MONITOR 2007: A REPORT ON RELIGIOUS MINORITIES IN PAKISTAN (2007), available at <http://asiarecipe.com/pakhumanrights.html>.

¹⁶⁵ Akbar S. Ahmed, *Pakistan’s Blasphemy Law: Words Fail Me*, WASH. POST, 19 May 2002, at B1, available at <http://www.washingtonpost.com/ac2/wp-dyn/A36108-2002May17>.

¹⁶⁶ *Murder of Governor in Pakistan Darkens ‘Blasphemy’ Case*, OPENDOORSUSA.ORG (6 Jan. 2011),

<http://www.opendoorsusa.org/persecuted-christians/persecuted-christians-news/2011/january/Murder-of-Governor-in-Pakistan-Darkens-Blasphemy-Case>.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

✚ **22 November 2010:**

Six Muslim men beat Reverend Wilson with clubs and belts and set him on fire after they saw him distributing gospel pamphlets and preaching door-to-door.¹⁶⁹

✚ **8 October 2010:**

“An 80-year-old Christian in southern Punjab Province said Muslims beat him and his 75-year-old wife, breaking his arms and legs and her skull, because he refused a prostitute they had offered him.”¹⁷⁰

✚ **September 28, 2010:**

“Islamic extremists killed a Christian lawyer, his wife and their five children in northwestern Pakistan [in September 2010] for mounting a legal challenge against a Muslim who was charging a Christian exorbitant interest”¹⁷¹

D. IRAN¹⁷²

Article 4 of the Iranian Constitution “states that all laws and regulations must be based on Islamic criteria,”¹⁷³ and thus the government severely restricts religious freedom.¹⁷⁴ Non-Muslims such as Christians may not engage in public religious expression, persuasion, and proselytization among Muslims.¹⁷⁵ The U.S. Department of State reported that in the past year, “Christians, particularly evangelicals, continued to be subject to harassment and close surveillance.”¹⁷⁶ Christians have been repeatedly arrested in their homes and in religious meetings, and their property is confiscated; some are released, some are tortured and remain in prison, and others’ whereabouts are still not known. These crimes are of concern in part because of the draft apostasy law that has been looming since September 2008,¹⁷⁷ but thus far, according to the U.S. Department of State, “there were no reported cases of the death penalty being applied for apostasy during the [2010] reporting period.”¹⁷⁸ However, it is important to note that even if the apostasy law does not pass, Iran still punishes apostasy and blasphemy. The current Penal Code already mandates execution for anyone whose “insult [to] the Islamic sanctities” rises to the level of “speaking disparagingly of Prophet Muhammad.”¹⁷⁹ Even if the individual only insults the sanctities or an *imam*, the Code requires that he be “imprisoned from one to five

¹⁶⁹ *Muslims in Pakistan Burn, Beat Evangelist Unconscious*, COMPASSDIRECT.ORG (13 Dec. 2010), <http://www.compassdirect.org/english/country/pakistan/30154/>.

¹⁷⁰ *Pakistani Muslims Beat Elderly Christian Couple Unconscious*, PERSECUTION.ORG (21 Oct. 2010), <http://www.persecution.org/2010/10/22/pakistani-muslims-beat-elderly-christian-couple-unconscious/>.

¹⁷¹ *Muslim Extremists Murder Christian Family*, COMPASSDIRECT.ORG (30 Sept. 2010), <http://www.compassdirect.org/english/country/pakistan/26168/>.

¹⁷² For a more detailed report, see the Appendix of Country Reports.

¹⁷³ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iran: International Religious Freedom Report*, § II, (2010) Legal Policy/Framework [hereinafter *Iran Religious Freedom Report* (2010)], available at <http://www.state.gov/g/drl/rls/irf/2010/148819.htm>.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* § II, Legal Policy/Framework.

¹⁷⁶ *Id.*

¹⁷⁷ *Iran: ‘Apostasy’ Bill Appeals Likely to Become Law*, COMPASSDIRECT.ORG (23 Sept. 2008),

http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5599&backpage=arc_hives&critere=iran&countryname=Iran&rowcur=0.

¹⁷⁸ *Iran Religious Freedom Report* 2010, *supra* note 175, § II, Legal Policy/Framework.

¹⁷⁹ PENAL CODE [C. PEN.] art. 513 (Iran), available at www.iranhrdc.org/httpdocs/english/pdfs/Codes/ThePenalCode.pdf.

years.”¹⁸⁰ The Press Code also requires that an individual whose “insults [to] Islam and its sanctities through the press” amount to apostasy must be “sentenced as an apostate.”¹⁸¹ Under this law any insult to Islam or its prophets amounts to apostasy. These laws create an atmosphere of active government hostility towards apostates, whose conversion is inherently insulting to Mohammad under Sharia law.¹⁸² Even in the absence of definitive law in the Iranian Penal Code, all “laws and regulations must be consistent with the official interpretation of Sharia [law].”¹⁸³ Judges in particular are bound to follow Sharia Law, which has “supremacy to any other laws”¹⁸⁴ and requires the death penalty for apostasy.¹⁸⁵

Recent Incidents of Persecution:

Note: While the statuses of these cases vary, charges are still pending against most of these Iranians, notwithstanding their release from prison. Such charges could carry the death penalty should this draft apostasy bill be enacted.

✚ 26 December 2010:

The Iranian government allegedly arrested up to seventy Christians, most of which are believed to be evangelical (twenty-five were confirmed and fifty others were believed to be arrested). Armed security officers invaded Christian’s homes “while they were asleep, and verbally and physically abused them.” “The security forces broke into at least five such homes, ransacking them, taking personal possessions, changing the locks and placing a government seal on the door.”¹⁸⁶

✚ 2 February 2010:

Iranian security agents “arrested Reverend Wilson Issavi, the pastor of the Evangelical Church of Kermanshah in Isfahan, on charges of ‘converting Muslims.’”¹⁸⁷ The police raided Issavi’s home, detained everyone in the house, and then arrested Issavi.¹⁸⁸ Issavi’s wife went to visit him

¹⁸⁰ *Id.*

¹⁸¹ PRESS CODE [C. PR.] art. 26 (Iran), available at http://www.parstimes.com/law/press_law.html.

¹⁸² Sharia law requires the death penalty for apostates. AHMAD IBN NAQIB AL-MISRI, RELIANCE OF THE TRAVELLER [UMDAT AL-SALIK]: A CLASSIC MANUAL OF ISLAMIC SACRED LAW 595 (Nuh Ha Mim Keller trans., Amana Publications 1994) (1991).

¹⁸³ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iran: International Religious Freedom Report* (2009) [hereinafter *Iran Religious Freedom Report* (2009)], available at <http://www.state.gov/g/drl/rls/irf/2009/127347.htm>.

¹⁸⁴ DANISH IMMIGRATION SERVICE, DANISH REFUGEE COUNCIL, HUMAN RIGHTS SITUATION FOR MINORITIES, WOMEN AND CONVERTS, AND ENTRY AND EXIT PROCEDURES, ID CARDS, SUMMONS AND REPORTING, ETC.: FACT FINDING MISSION TO IRAN 29 (2009) [hereinafter DANISH IMMIGRATION SERVICE], available at http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf.

“The judge is bound to endeavor to judge each case on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa.” CONST. OF THE ISLAMIC REPUBLIC OF IRAN art. 167.

¹⁸⁵ AL-MISRI, *supra* note 182.

¹⁸⁶ *Over 70 Christians Arrested in Iran During Christmas*, ELAM.COM, <http://www.elam.com/articles/70-Christians-Arrested/> (last visited 11 Jan. 2011).

¹⁸⁷ *Iran Religious Freedom Report* (2010), *supra* note 173, at § II.

¹⁸⁸ *Iranian Pastor Tortured, Threatened for ‘Converting Muslims,’* COMPASSDIRECT.ORG (8 Mar. 2010), <http://www.compassdirect.org/english/country/iran/16025/>.

and observed “obvious signs of torture”; officials told her that her husband could be executed for his activities.¹⁸⁹

 **11 January 2010:**

“In the southwestern city of Shiraz, seven Christians were being detained as of Jan. 11 . . . and most of them may face charges of apostasy, or leaving Islam. Family members who have spoken with the arrested Christians said authorities have told the detainees—with the exception of one who was not born a Muslim—that they are guilty of apostasy”¹⁹⁰

E. ISRAEL/PALESTINIAN TERRITORIES¹⁹¹

ISRAEL

Israel has a population of 7.3 million and approximately 76 percent of the population is Jewish.¹⁹² Of the approximately 20 percent non-Jewish population, 2.1 percent are Christians, and 0.5 percent are small religious groups including Messianic Jews, Jehovah’s Witnesses, and Baha’is.¹⁹³ Israel recognizes the religious communities that carried over from the British Mandate period, including several Christian denominations: “Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Jewish.”¹⁹⁴ A major flashpoint for the issues of Jewish identity in Israel concerns the treatment of the Messianic Jews in the country. Messianic Jews, who number about 15,000 in Israel, consider themselves strictly Jewish, but neither the Chief Rabbinate nor the High Court of Justice consider Messianics to be Jews. A former Justice of the Supreme Court of Israel reportedly stated that “Judaism repelled [Messianic Jews] and they cannot be considered part of the Jewish community.”¹⁹⁵ This categorical denial of Messianic Jews as part of the Jewish community has led to frequent denial of immigration and nationalization rights. The U.S. Department of State reported “numerous cases dealing with attempts by the Interior Ministry to revoke the citizenship of persons discovered holding Messianic or Christian beliefs, or to deny certain national services—such as welfare benefits or passports—to such persons.”¹⁹⁶

Recent Incidents of Persecution:

 **29 October 2010:**

“An unidentified arsonist in Israel set fire to a Jerusalem church building that has long been a focal point for anti-Christian sentiment in a Jewish ultra-Orthodox-leaning neighborhood”

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ For a more detailed report, see the Appendix of Country Reports.

¹⁹² Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *International Religious Freedom Report 2010: Israel and the Occupied Territories*, § I (2010) [hereinafter *Israel International Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2010/148825.htm>.

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Justice Zvi Berenson, *Just Like Chabad*, Jerusalem Post, 29 Apr. 2005, at 9, available at <http://pqasb.pqarchiver.com/jpost/access/840089371.html?dids=840089371:840089371&FMT=ABS&FMTS=ABS:FT&date=Apr+29%2C+2005&author=KSENIA+SVETLOVA&pub=Jerusalem+Post&edition=&startpage=09&desc=Just+like+Chabad>.

¹⁹⁶ *Israel International Religious Freedom Report*, *supra* note 192, § II; see also Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Israel/Palestinian Occupied Territories: International Religious Freedom Report* (2010), § II, available at <http://www.state.gov/g/drl/rls/irf/2010/148825.htm>.

Ten volunteer workers from the United States and Denmark were sleeping in the church when it was lit on fire.¹⁹⁷

✚ **2 December 2009:**

“Beit She’an police arrested two ultra-Orthodox suspects for burning the car of Eliav Levine, a Messianic Jewish leader; on December 1, Levine had changed his residence to avoid repeated harassment by ultra-Orthodox men.”¹⁹⁸

✚ **15 May 2009:**

“Ultra-Orthodox residents of the Tel Aviv suburb of Rehovot attacked and beat a group of Messianic Jews who were handing out New Testament pamphlets on the street. According to press reports, secular residents joined in the beating before police intervened to stop them.”¹⁹⁹

PALESTINIAN TERRITORIES

Although the current numbers are unclear, *it is clear that there has been a mass exodus of Christians from Palestinian territories. One observer attributes the exodus to “relentless Moslem terror threats against Christians.”*²⁰⁰ The traditionally Christian cities of Bethlehem, Jerusalem, and Ramallah reflect the drastic changes in demographics over the past decade or so.

While Palestine’s Amended Basic Law ostensibly respects religious freedom,²⁰¹ it also proclaims Islamic Sharia as the law of the land.²⁰² And while nothing in Hamas’ Charter²⁰³ or the Amended Basic Law authorizes punishment for conversions from Islam, both subordinate themselves to Islamic Sharia law, which has been used in most Islamic nations to justify punishment for conversion (although there is some disagreement over how to interpret Sharia).²⁰⁴ In light of the 2006 split between the Hamas government and Fatah, the potential for punishing apostasy is much greater in Hamas-controlled Gaza. But persecution of Islamic apostates has been documented in the PA.²⁰⁵ In one instance, the PA imprisoned a Muslim convert to Christianity for twenty-one months, seven of which were in solitary confinement.²⁰⁶ In another

¹⁹⁷ *Church Building in Israel Set Ablaze*, COMPASSDIRECT.ORG (4 Nov. 2010), <http://www.compassdirect.org/english/country/israel/28054/>.

¹⁹⁸ *Israel International Religious Freedom Report*, *supra* note 192.

¹⁹⁹ *Id.*

²⁰⁰ David Meir-Levi, *Bethlehem’s Christian Exodus*, FRONTPAGEMAGAZINE.COM, (5 Jan. 2005) (emphasis added), available at <http://www.frontpagemag.com/Articles/Read.aspx?GUID=8525A8B1-166B-4998-96E5-DC965F4C7CF6>.

²⁰¹ The Amended Basic Law of Palestine, Palestine Official Gazette, 19 Mar. 2003 [hereinafter Amended Basic Law], arts. 9 and 18, available at http://www.usaid.gov/wbg/misc/Amended_Basic_Law.pdf.

²⁰² *Id.* at art. 4.

²⁰³ The Covenant of the Islamic Resistance Movement, 18 Aug. 1988, art. 31 [hereinafter Hamas Charter], available at http://avalon.law.yale.edu/20th_century/hamas.asp.

²⁰⁴ Magdi Abdelhadi, *What Islam Says on Religious Freedom*, BBC NEWS, (27 Mar. 2006), available at http://news.bbc.co.uk/2/hi/south_asia/4850080.stm; Dr. Ahmad Shafaat, *The Punishment of Apostasy in Islam Part I: The Qur’anic Perspective*, ISLAMICPERSPECTIVES.COM, (Feb. 2006), available at <http://www.islamicperspectives.com/Apostasy1.htm>.

²⁰⁵ Jamie Glazov, *Symposium: The Muslim Persecution of Christians*, FRONT PAGE MAG., (10 Oct. 2003), <http://www.frontpagemag.com/Articles/Read.aspx?GUID=8C1D2863-9FE5-43E9-BA8E-B21C2FFE5158>.

²⁰⁶ Michelle Vu, *Muslim Persecution of Christians in Palestine*, (23 July 2007), <http://www.doctorbulldog.wordpress.com/2007/07/23/muslim-persecution-of-christians-in-palestine> (reporting on Dr. Justus Weiner’s report from the incarcerated man and his interview with him); see also Paul Steven Ghiringhelli, *Treatment of Palestinian Christians ‘Medieval,’* CHARISMA MAG., (20 July 2007), available at <http://www.charismamag.com/middle-east/073007.html>.

account, Palestinian authorities burned a Christian convert by putting out their cigarettes on his back and held him in a cell without food for many days; masked men later murdered him.²⁰⁷ In Bethlehem, Ahmad El-Achwal was tortured and eventually killed because he converted to Christianity from Islam.²⁰⁸ The ECLJ has met with several Christian converts who have told harrowing stories of the intimidation, persecution, torture, and imprisonment that they suffered because of their conversions. Reports from the **West Bank** include unfounded arrests and brutal treatment of converts from Islam and their families at the hands of security forces, boycotts and burnings of Christian businesses, and even the attempted burning of established Christian churches in Ramallah.²⁰⁹

F. TURKEY²¹⁰

Of Turkey's population of 77.8 million, 99 percent is Muslim, the majority of which is Hanafi Sunni. The remaining 1 percent of other religious groups includes (but is not limited to) approximately 60,000 Armenian Orthodox Christians, 20,000 Syrian Orthodox (Syriac) Christians, 3,500 members of various other Protestant sects, and up to 2,500 Greek Orthodox Christians. There are also other Christian groups (Bulgarian, Nestorian, Georgian, Roman Catholic, Syriac Catholic, and Maronite Christians).²¹¹

Article 24 of Turkey's Constitution provides the right to freedom of conscience, religious belief and conviction,²¹² which includes the right to perform acts of worship and expression of one's religious beliefs.²¹³ However, these rights are subject to the limitations provided in Article 14 of Turkey's Constitution, which prohibits the exercise of constitutional rights with the aim of violating the integrity of the state or endangering its secular or democratic order.²¹⁴ These provisions and limitations can actually be interpreted in a way that restricts the free exercise of religion among Christians. This is often accomplished through Turkey's Penal Code. One example is Article 301, which outlaws speech that can be construed as insulting "Turkishness" or the "Turkish Nation."²¹⁵

Recent Incidents of Persecution:

²⁰⁷ Vu, *Muslim Persecution of Christians in Palestine*, *supra* note 206; *See also*, Michelle Vu, *Persecution Fuelling Drastic Decline of Christians in Palestine*, CHRISTIANTODAY.COM (23 July 2007), available <http://www.christiantoday.com/article/persecution.fuelling.drastic.decline.of.christians.in.Palestine/11791.htm>.

²⁰⁸ *Middle East: Palestine Country Report*, PERSECUTION.ORG, (Feb. 2007), <http://www.persecution.org/suffering/countryinfodetail.php?countrycode=36>.

²⁰⁹ *Palestine Facts: Current Events: Christians, What Has Happened to Christians Living in Israel and Neighboring Areas?* 2008, available at http://www.palestinefacts.org/pf_current_christians.php (last visited 27 Feb. 2009).

²¹⁰ For a more detailed report, see the Appendix of Country Reports.

²¹¹ Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Turkey: International Religious Freedom Report* (2010), available at <http://www.state.gov/g/drl/rls/irf/2010/148991.htm>.

²¹² CONSTITUTION OF THE REPUBLIC OF TURKEY art. 24, available at http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf.

²¹³ *See Id.*

²¹⁴ CONSTITUTION OF THE REPUBLIC OF TURKEY art. 14. III.

²¹⁵ Law no: 5759 of 30 April 2008. Published in the Official Gazette [Resmi Gazete] on 8 May 2008, available at http://www.germanlawjournal.com/pdfs/Vol09No12/PDF_Vol_09_No_12_2237-2252_Developments_Algan.pdf.

Dangers to Christians and other religious minorities come not only from governmental and general social pressures, but also from a widespread nationalist movement deeply opposed to Christianity, which has infiltrated Turkey's government.²¹⁶ Religious minorities report that they are restricted from employment with the state.²¹⁷ They also face hurdles in registering with the government, are not free to worship and train followers as their religion dictates, and face serious restrictions and harassment if they engage in proselytism.²¹⁸

- ✚ **15 October 2010:** Commenting on the murder of Bishop Luigi Padovese on 3 June 2010, Monsignor Ruggero Franceschini called the murder another “work of ultra-nationalists and religious fanatics who are experts in strategies of tensions” and asserted that Padovese, only “a few months earlier, indicated [these same conspiring ultra-nationalists and religious fanatics] as responsible for the murder of Don Andrea Santoro and the Armenian journalist Hrant Dink as well as the four Protestants in Malatya”²¹⁹ A previous news report details the murder of three Christians at a publishing house where they were “bound and tortured before they were murdered on April 18, 2007.”²²⁰ Since the murders in 2007, five suspects have been arrested, and a court in southeast Turkey, on 15 October 2010, ordered the arrest of yet another suspected middleman who is believed to link the 2007 murders to “alleged high-level masterminds.”²²¹ The 2007 murders are now believed to be connected to the Cage Plan, a “‘deep state’ operation to destabilize the government...by targeting minorities in Turkish society.”²²²
- ✚ **June 2010:** Bishop Luigi Padovese, Vicar of Anatolia, was killed by his driver, Murat Altun, on June 3, 2010.²²³ Mr. Altun, who had worked for Bishop Padovese for a notable length of time,²²⁴ has claimed that mental illness is one reason for the murder.²²⁵ The driver also spread rumors that the killing was in response to a homosexual relationship he had with the bishop.²²⁶ The testimonies collected by Asia News immediately after the murder, however, report that Mr. Altun shouted “Allah akbar! I killed the great Satan.”²²⁷

²¹⁶ Otmar Oehring, *TURKEY: Hopes for 2009 disappointed*, 22 Oct. 2009, http://www.forum18.org/Archive.php?article_id=1365.

²¹⁷ See generally *Turkey: International Religious Freedom Report*, *supra* note 211

²¹⁸ *Id.*

²¹⁹ *Mgr. Franceschini: Ultranationalist and Religious Fanatics Behind Bishop Padovese's Murder*, ASIANEWS.IT (16 Oct. 2010), <http://www.asianews.it/index.php?l=en&art=19743>. Other sources have indicated that the number of Christians murdered may only have been three, rather than four. See, e.g., *Turkey: Alleged Masterminds of Slayings in Malatya Implicated*, PERSECUTION.ORG (5 June 2008), <http://www.persecution.org/2008/06/06/turkey-alleged-masterminds-of-slayings-in-malatya-implicated/>.

²²⁰ *Turkey: Alleged Masterminds of Slayings in Malatya Implicated*, *supra* note 219.

²²¹ *Alleged ‘Middleman’ Arrested in Malatya, Turkey Murders*, COMPASS DIRECT NEWS (21 Oct. 2010), <http://www.compassdirect.org/english/country/turkey/27472/>.

²²² *Links Between Murders in Turkey and ‘Masterminds’ Expected*, COMPASS DIRECT NEWS (20 Dec. 2010), <http://www.compassdirect.org/english/country/turkey/30077/>; see also *Plot Targeting Turkey’s Religious Minorities Allegedly Discovered*, *infra*, notes 235-237 and accompanying text.

²²³ See *Mgr Franceschini*, *supra* note 219.

²²⁴ Gerjes Othman, *Catholic Bishop Luigi Padovese Assassinated in Southern Turkey*, CATHOLIC ONLINE, 04 June 2010, http://www.catholic.org/international/international_story.php?id=36811.

²²⁵ See *Mgr Franceschini*, *supra* note 219.

²²⁶ *Id.*

²²⁷ *Id.*

Monsignor Ruggero Franceschini, who succeeded the slain bishop as vicar of Anatolia, said that he hoped to end the “intolerable rumors circulated by the organizers of the crime.”²²⁸ Monsignor Franceschini declared, while addressing the Synod assembly on the Middle East, that the murder was the work of “ultra-nationalists and religious fanatics.”²²⁹ He also referred to the murder as “premeditated.”²³⁰ Monsignor Franceschini said, “Certainly within the motive for this carefully studied murder, is the desire of some sectors of Turkish society not to join Europe, and that do not want any change.”²³¹ “The Church of Anatolia—he concluded—is unlikely to survive, and I want to make you all aware of the seriousness and urgency of this.”²³²

- ✚ **June 2010:** “A foreign citizen performing missionary work and his family were deported in June 2010 and charged by the Ministry of Interior with threatening public order and national security.”²³³
- ✚ **20 May 2010:** “[T]he ECHR ruled that the rights of another foreign citizen were violated when she was deported from the country repeatedly in the 1980s for missionary activities seen as a threat to national security. The government was ordered to pay a fine of \$15,320 (12,000 euros) in compensation.”²³⁴
- ✚ **December 2009:** The Third Criminal Court of Malatya, Turkey took steps toward linking the Cage plot (a Turkish military plan “to overthrow the [pro-Islamic] government in a special operation called the ‘Operation Cage Action Plan’”) with the murder of several Christians in Turkey.²³⁵ The court found evidence of Cage plot materials that specifically referred to these murders as “operations.”²³⁶ These materials referred to the 2007 murder of three Christians (two Turkish men and one German), “the 2006 assassination of Catholic priest Andreas Santoro, and the 2007 slaying of Hrant Dink, Armenian editor-in-chief of the weekly *Agos*.”²³⁷
- ✚ **November 2009:** the Turkish newspaper *Taraf*²³⁸ reported that Turkish naval officers had conspired in a plot to attack Turkish Christians and other non-Muslim citizens in an effort to undermine the current pro-Islamic Government.²³⁹ The plot is believed to be part of the broader activities of *Ergenekon*, a secretive organization comprised of military officials, state security personnel, lawyers and journalists.²⁴⁰ The conspirators called the plan the

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Turkey: International Religious Freedom Report, supra* note 211, § II, Abuses of Religious Freedom.

²³⁴ *Id.*

²³⁵ *Turkish Court Seeks to Link Murder of Christians to ‘Cage Plan’*, COMPASS DIRECT NEWS, (29 Dec. 2009), <http://www.compassdirect.org/english/country/turkey/13084/>.

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Taraf* is a daily newspaper which has recently generated controversy by reporting questionable government activities. *See Editor of Taraf Facing up to Five Years in Prison*, REPORTERS WITHOUT BORDERS, (7 Jan. 2009), <http://www.rsf.org/Editor-of-Taraf-facing-up-to-five.html>.

²³⁹ *Plot Targeting Turkey’s Religious Minorities Allegedly Discovered*, COMPASS DIRECT NEWS, (19 Dec. 2009), <http://www.compassdirect.org/english/country/turkey/12618/>.

²⁴⁰ *Id.*

“Operation Cage Action Plan,”²⁴¹ which called for bombings, killings, and acts of arson against religious minorities, which would then be blamed on the Government.²⁴² On the date of the story, at least 11 naval officials had been arrested on charges of membership in an illegal organization.²⁴³

G. SAUDI ARABIA²⁴⁴

According to the Open Doors country “Watch List” for 2011, the Wahhabi kingdom of Saudi Arabia ranks **fourth** on the list of the world’s **worst persecutors of Christians**.²⁴⁵ In Saudi Arabia, there is no legal recognition of, or protection under the law for, freedom of religion, and it is severely restricted in practice.²⁴⁶ For example, “Saudi Arabia forbids the construction of churches, and other non-Muslim temples, the wearing of religious symbols, or hanging of images in homes.”²⁴⁷ The legal system is based on the government’s official interpretation of Sharia law²⁴⁸ and the constitution, or Basic Law, states that the Quran and the Sunna are the constitution.²⁴⁹ Sunni Islam is the official religion and Sunni Muslims comprise 85-90 percent of the population, while approximately 10-15 percent are Shi’a Muslims.²⁵⁰

According to the U.S. Department of State, in 2009 to 2010, “the [Saudi] government continued to commit abuses of religious freedom. Non-Muslims groups in different parts of the country were detained and harassed for worshipping privately.”²⁵¹ Most repugnant to the notion of religious freedom is the fact that blasphemy and apostasy are punishable by death.²⁵² While there have been no confirmed reports of execution for these crimes in recent years, society often takes matters into its own hands. For example, in August 2008, a member of the Commission for the Promotion of Virtue and Prevention of Vice (“CPVPV”) killed his daughter for converting to Christianity.²⁵³

While the law does not require citizens to be Muslims, non-Muslims are essentially treated as second-class citizens.²⁵⁴ Religious minorities, including Christians, are not allowed to publicly profess or practice their faith and are vulnerable to discrimination, harassment,

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ For a more detailed report, see the Appendix of Country Reports.

²⁴⁵ 2011 World Watch List, OPENDOORSUSA.ORG, <http://members.opendoorsusa.org/worldwatchlist> (last visited 10 Jan. 2011).

²⁴⁶ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Saudi Arabia: International Religious Freedom Report* (2010), available at <http://www.state.gov/g/drl/rls/irf/2010/148843.htm> [hereinafter *Saudi Arabia Religious Freedom Report*].

²⁴⁷ *Saudi Arabia: Conditional Release for 12 Filipinos Accused of Proselytizing*, ASIANEWS.IT (7 Oct. 2010), <http://www.asianews.it/news-en/Saudi-Arabia:-conditional-release-for-12-Filipinos-accused-of-proselytizing-19655.html>.

²⁴⁸ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

²⁴⁹ BASIC LAW [CONST.] art. I (1992) (Saudi Arabia).

²⁵⁰ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

²⁵¹ *Id.*

²⁵² *Saudi Arabia Religious Freedom Report*, *supra* note 246.

²⁵³ Mariam Al Hakeem, *Saudi Man Kills Daughter for Converting to Christianity*, GULFNEWS.COM (12 Aug. 2008), <http://gulfnews.com/news/gulf/saudi-arabia/saudi-man-kills-daughter-for-converting-to-christianity-1.124541>.

²⁵⁴ *Id.*

detention, and, if a noncitizen, deportation.²⁵⁵ This public enforcement of Sharia law is largely carried out by the CPVPV, “a semiautonomous agency with the authority to monitor social behavior and enforce morality consistent with the Government’s interpretation of Islam.”²⁵⁶ The “mutawwa’in,” volunteers of the CPVPV, and the Ministry of the Interior often raid non-Muslim religious gatherings and sometimes confiscate the personal religious material of non-Muslims (e.g., Bibles and crucifixes).²⁵⁷ Additionally, religious discrimination in employment is rampant. Christian migrant workers are often faced with the choice of converting to Islam or losing their jobs.²⁵⁸ Moreover, the government also uses identity cards to discriminate against Christians and other religious minorities.²⁵⁹

Recent Incidents of Persecution:

October 2010:

The CPVPV arrested twelve Filipinos for “allegedly being the organizers and leaders” of a Catholic Mass with 150 attendants.²⁶⁰ According to Ezzedin H. Tago of the Philippine Embassy, those arrested were “charged with proselytizing.”²⁶¹ Although they were released on October 6, five days after their arrest, “[i]f they are proven guilty as charged, they w[ill] go back to jail.”²⁶²

January 2009:

The Saudi Government arrested a Christian man, Hamoud Saleh Al-Amiri, after he described his conversion from Islam and criticized the judiciary on his blog site. This was the third time Amiri was arrested. The first two times, “he was mistreated with sleep deprivation, prolonged solitary confinement and a continuous barrage of physical torture and insults.” Amiri was released on March 28, 2009.²⁶³

H. SYRIA²⁶⁴

The Syrian Constitution provides for religious freedom in Article 35.²⁶⁵ However, Article 35 includes a caveat that religious rites may be held “provided they do not disturb the public order.”²⁶⁶ Generally, “public order” allows for arbitrary discretion and enforcement. Additionally, Article 3 requires the Syrian President to be a Muslim and that “Islamic

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ *Id.*; see also *Religious police accused of torture by Saudi Society for Human Rights*, ASIANEWS.IT (24 Mar. 2009), <http://www.asianews.it/index.php?l=en&art=14810&size=A>.

²⁵⁸ Santosh Digal, *Christian Filipino Migrants Forced to Convert to Islam*, ASIANEWS.IT (28 Jan. 2010), <http://www.asianews.it/news-en/Christian-Filipino-migrants-forced-to-convert-to-Islam-17478.html>.

²⁵⁹ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

²⁶⁰ Rodolfo Estimo Jr., *12 Filipinos Arrested for Proselytizing out on Bail*, ARABNEWS.COM, (6 Oct. 2010), <http://arabnews.com/saudiarabia/article154864.ece>.

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Authorities Release Christian Blogger*, COMPASSDIRECT.ORG, (15 Apr. 2009), <http://www.compassdirect.org/english/country/saudiarabia/3004/>.

²⁶⁴ For a more detailed report, see the Appendix of Country Reports.

²⁶⁵ VERFASSUNGSVERGLEICH [CONSTITUTION] 13 Mar. 1973, art. 35 (Syria), http://www.servat.unibe.ch/icl/sy00000_.html.

²⁶⁶ *Id.*

jurisprudence is a main source of legislation.”²⁶⁷ Because Islam is given a place of preeminence, Articles 298 and 462 of the Syrian code prohibit “causing tension between religious communities.”²⁶⁸ Part of preventing this tension includes cracking down on proselytization, although proselytization is technically not illegal.²⁶⁹ Thus, Christian Syrians are repressed because proselytization (a main tenet of their faith) is seen as a danger to the country’s stability.

The 2009 International Religious Freedom Report observed that although “[s]ocial conventions and religious and theological proscriptions made conversion relatively rare, especially Muslim-to-Christian conversion, which is technically illegal,” often “societal pressure force[s] such converts to *relocate within the country or leave the country to practice their new religion openly.*”²⁷⁰ Open Doors, a Christian organization that supports persecuted Christians around the globe, reflected this sentiment, noting that “Muslim-background believers face rejection by family and friends, and churches are often afraid to receive them.”²⁷¹ According to Todd Nettleton, Spokesman of Voice of the Martyrs, “there is virtually no freedom for a Muslim to convert to Christianity.”²⁷² For example, in August 2005, a twenty-three year old woman, Huda Abu Assaly, was murdered by her brother for “betraying” the family’s honor by marrying a Christian man.²⁷³

Societal pressures on Syrian Christians are intended to drive Christians out. The Economist reported in November 2010 on several recent crackdowns by the Syrian government on Protestant Christians.²⁷⁴ For example, buildings that hold Christian services have been closed because they were not officially sanctioned as churches. Some foreigners serving Protestant churches have been told their visas will not be renewed due to a decree banning them from working for injeeli (Protestant churches), and several summer church camps have been cancelled.²⁷⁵ The government also enforced a law requiring people to worship in buildings that resemble a church, but because many Syrian congregations are too small to be able to afford such buildings, they cannot congregate.²⁷⁶

²⁶⁷ *Id.* art. 3.

²⁶⁸ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *International Religious Freedom Report 2010: Syria*, § 2, (2010), available at <http://www.state.gov/g/drl/rls/irf/2010/148845.htm> [hereinafter *Syria Religious Freedom Report* (2010)].

²⁶⁹ *Id.*

²⁷⁰ *Id.* (emphasis added).

²⁷¹ Country Profile: Syria, OPEN DOORS, <http://www.opendoorsusa.org/persecuted-christians/persecuted-country-profiles/syria/> (last visited 18 Oct. 2010).

²⁷² Bob Unruh, *Rick Warren’s Syria Assessment Disputed*’ WORLDNET DAILY (22 Nov. 2006), http://www.wnd.com/news/article.asp?ARTICLE_ID=53061. According to Jim Jacobson, president of Christian Freedom International, “‘Syria isn’t Saudi Arabia, but it’s one of the big untold stories out there. . . . For those who want to convert from Islam to Christianity, *you’re disowned by your family*, if the local mosque issues a death threat, no one is going to do anything about it, you’ll just end up dead. Nothing is done, no police action, that’s just understood.’” Bob Unruh, *Christians Flee Iraq, Find Syria ‘Ruthless,’* WORLDNET DAILY (29 Dec. 2006), http://www.wnd.com/news/article.asp?ARTICLE_ID=53549 (emphasis added).

²⁷³ SYRIA: *Popular campaign takes aim at “honour killings,”* IRIN, <http://www.irinnews.org/Report.aspx?ReportId=25612> (last visited 19 Oct. 2010); see also *Criticism in Syria*, *supra* note 15.

²⁷⁴ *Syria’s Evangelical Christians: Don’t Try Too Hard, Protestant Christians are under Rare Fire*, THE ECONOMIST, 18 Nov. 2010, available at <http://www.economist.com/node/17528080>.

²⁷⁵ *Id.*

²⁷⁶ *Id.*

I. YEMEN²⁷⁷

Yemen has held its rank as No. 7 on Open Doors' World Watch List for 2010 and 2011 (2011 reporting period: 1 Nov. 2009 through 31 Oct. 2010) for the world's worst persecutors of Christians.²⁷⁸ The Constitution of the Republic of Yemen contains no provisions concerning religious freedom.²⁷⁹ The constitution, however, declares that the Republic is "an Arab, Islamic and independent sovereign state."²⁸⁰ Furthermore, the constitution declares Islam as the state religion²⁸¹ and "Islamic [Sharia] as the source for all legislation."²⁸² Although the Yemeni Constitution provides no explicit protection for religious freedom, Yemen has signed onto several key international legal documents that do, including the International Covenant on Civil and Political Rights (ICCPR). While the Republic of Yemen purportedly supports the freedom of creed and conscience through its ratification of the ICCPR, it also "holds that to change one's religion and to proclaim such change would be to create discord that would be highly detrimental to social stability and security."²⁸³ The U.N. Human Rights Committee has repeatedly reiterated its concern for the prohibition of Muslims converting to another religion in the name of social stability and security.²⁸⁴ Thus, contrary to the international covenants and UN interpretation, the government continues to impose restrictions on conversion from Islam and proselytization of Muslims.²⁸⁵ Under Sharia law, "the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death."²⁸⁶ In recent years, the police in Yemen have arrested people for apostasy and proselytizing.²⁸⁷ "Those arrested are only released if they renounce their new faith and vow to embrace Islam again."²⁸⁸ Furthermore, courts have convicted people for blasphemy against Mohammad.²⁸⁹

Recent Incidents of Persecution:

- ✚ **14 June 2009:** Nine foreigners working at a hospital in Saada were kidnapped by armed men. Three of the hostages were killed immediately. Two hostages were transferred to

²⁷⁷ For a more detailed report, see the Appendix of Country Reports.

²⁷⁸ Open Doors, *Explanation of World Watch List*, <http://www.opendoors.org.za/index.php/news/291-open-doors-world-watch-list-2010> (last visited 13 Jan. 2011).

²⁷⁹ U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, *Yemen: Int'l Religious Freedom Report 2010* (17 Nov. 2010) [hereinafter, *Yemen Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2010/148855.htm>.

²⁸⁰ CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 1.

²⁸¹ CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 2.

²⁸² CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 3.

²⁸³ The Human Rights Committee, *Consideration of Reports Submitted by States Parties under the Covenant*, ¶ 354, U.N. Doc. CCPR/C/YEM/2004/4 (21 July 2004) (Fourth Periodic Report, Yemen). See also The Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant*, ¶253, U.N. Doc. CCPR/C/YEM/5 (14 Dec. 2009) (Fifth Periodic Report, Yemen) (pertaining to ICCPR Article 18, Yemen states that "[t]he legal position on this article is explained in the previous report").

²⁸⁴ The Human Rights Committee, *Concluding observations of the Human Rights Committee*, ¶ 18, U.N. Doc. CCPR/CO/84/YEM (9 Aug. 2005).

²⁸⁵ *Yemen Religious Freedom Report*, supra note 279.

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ Press Release, Freedom House, *Yemen Urged to Respect Rights of Religious Minorities* (27 Aug. 2008) (on file with author), available at <http://www.freedomhouse.org/template.cfm?page=70&release=697>.

²⁸⁹ *Yemen Religious Freedom Report*, supra note 279.

Saudi Arabian authorities in May 2010 after 11 months in captivity. The remaining four hostages were still missing at the end of the reporting period. An investigation was ongoing, but some observers reported that religious extremists may have targeted the foreigners because of rumors that they were Christian missionaries proselytizing in Saada.²⁹⁰

- ✚ **October 2008:** “Michael Kenea was murdered for his faith in Christ, in front of his home and family . . . [N]o one was prosecuted for his murder.”²⁹¹
- ✚ **June 2008:** A convert to Christianity and two of his associates were reportedly arrested in Hodeida for “promoting Christianity and distributing the Bible.”²⁹² Authorities reportedly transferred them to a jail in Sana’a. Four other associates, who evaded capture, were sought by the authorities. In a separate instance in the same month, seven Christians were detained with the threat of torture by the Yemeni government for promoting Christianity and “distributing the Bible.”²⁹³

J. AFGHANISTAN²⁹⁴

Despite several Afghani laws claiming to protect religious freedom,²⁹⁵ the Government of Afghanistan is strictly governed by Sharia law.²⁹⁶ The constitution itself claims that adherents to non-Islamic faiths are free “within the bounds of law in the exercise and performance of their religious rituals.”²⁹⁷ However, the constitution makes Islam the official state religion,²⁹⁸ prohibits any law from contravening Islamic tenets,²⁹⁹ and establishes Sharia as the over-arching law which interprets all other laws and fills in any gaps in the law. Ultimately, no law or constitutional amendment may “contravene” Islamic principles.³⁰⁰

²⁹⁰ *Yemen Religious Freedom Report*, *supra* note 279, at §II, Abuses by Rebel or Foreign Forces or Terrorist Organizations.

²⁹¹ *Persecution in Yemen*, OPEN DOORS INTERNATIONAL, available at <http://www.opendoorsusa.org/persecuted-christians/persecution/persecution-in-yemen/> (last visited 11 Jan. 2010).

²⁹² *Yemen Religious Freedom Report*, *supra* note 279, at § II, Abuses of Religious Freedom.

²⁹³ *Seven Christians Detained in Yemen for “Promoting Christianity,”* INTERNATIONAL CHRISTIAN CONCERN, PERSECUTED COUNTRIES: YEMEN, (27 June 2008), available at <http://www.persecution.org/2008/06/27/seven-christians-detained-in-yemen-for-promoting-christianity/>.

²⁹⁴ For a more detailed report, see the Appendix of Country Reports.

²⁹⁵ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, pmbll., arts. 2, 7, 34, 58, available at http://www.president.gov.af/root_eng.aspx?id=68.

²⁹⁶ Although there are many cases of persecution involving women and children, as well as other human rights violations involving violence and torture, these are not the focus of this report. For other human rights violations see U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Human Rights Report 2009: Afghanistan* (2010) available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136084.htm>; U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Afghanistan: Int’l Religious Freedom Report 2010* (2010), § I (Demography) [hereinafter *Afghanistan Religious Freedom Report* (2010)], available at <http://www.state.gov/g/drl/rls/irf/2010/148786.htm>.

²⁹⁷ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 2.

²⁹⁸ *Id.* art. 2.

²⁹⁹ *Id.* art. 3.

³⁰⁰ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 149.

The principles of adherence to the tenets of the Holy religion of Islam as well as Islamic Republicanism shall not be amended. Amending fundamental rights of the people shall be permitted only to improve them. Amending other articles of this Constitution, with due respect to new experiences and requirements of the time, as well as provisions of Articles Sixty-Seven and

Although the Afghani Criminal Code does not address apostasy,³⁰¹ converting from Islam to another religion is punishable by death according to Sharia law.³⁰² Afghans strongly believe that apostasy contravenes the tenets of Hanafi jurisprudence.³⁰³ Although the United States Department of State reported that criminal penalties have not been *recently* imposed on converts,³⁰⁴ there have been repeated calls for the death penalty over the last several years.³⁰⁵ For example, in February 2006, Abdul Rahman was arrested and held in a high-security prison outside Kabul, Afghanistan.³⁰⁶ The Government charged Rahman with apostasy after his family reported him and police discovered him with a Bible.³⁰⁷ Afghani Supreme Court Justice and cleric Khoja Ahmad Sediqi spoke strongly in favor of executing Rahman, claiming that “[t]he Quran is very clear and the words of our prophet are very clear. There can only be one outcome: death.”³⁰⁸ Additionally, in 2010, repeat footage of Afghan converts to Christianity being baptized and Christian organizations evangelizing incited a member of parliament to call for execution of converts.³⁰⁹ As of 3 January 2011, another individual charged with apostasy has been given one week to either renounce his faith in Christ or face a capital sentence of twenty years in prison or the death sentence.³¹⁰

The Government and courts apply traditional Sharia law in blasphemy cases,³¹¹ imprisoning blasphemers and condemning them to death.³¹² Consequently, both the Government

One Hundred Forty-Six of this Constitution, shall become effective with the proposal of the President and approval of the majority of National Assembly members.

Id. See also *id.* art 3.

³⁰¹*Id.*

³⁰² See *Afghanistan Religious Freedom Report* (2010), *supra* note 296, § II, Legal Policy/Framework. The Religious Freedom Report explained that apostasy is punishable by death:

The criminal code does not define apostasy as a crime, and the constitution forbids punishment for any crime not defined in the criminal code; however, the penal code states that egregious crimes, including apostasy, would be punished in accordance with Hanafi religious jurisprudence and handled by an attorney general's office prosecutor. Converting from Islam to another religion was considered an egregious crime, and therefore, fell under Islamic law. Male citizens over age 18 or female citizens over age 16 of sound mind who converted from Islam had three days to recant their conversion or be subject to death by stoning, deprivation of all property and possessions, and the invalidation of their marriage. In recent years neither the national nor local authorities have imposed criminal penalties on converts from Islam.

Id.

³⁰³*Id.*

³⁰⁴*Id.*

³⁰⁵ See *infra*, notes 306-310 and accompanying text.

³⁰⁶ *Afghan Christian Convert Flees to Italy*, FOXNEWS.COM (29 Mar. 2006),

<http://www.foxnews.com/story/0,2933,189440,00.html>.

³⁰⁷*Id.*

³⁰⁸ *Karzai under pressure to free Christian*, USATODAY, (26 Mar. 2006),

http://www.usatoday.com/news/world/2006-03-25-karzai_x.htm.

³⁰⁹ *Afghanistan*, OPEN DOORS INTERNATIONAL, <http://www.opendoorsuk.org/resources/persecution/afghanistan.php> (last visited 12 Jan. 2011) (listing Afghanistan as third on the World Watch List 2011). See also *World Watch List 2011*, OPEN DOORS INTERNATIONAL, available at <http://www.opendoorsuk.org/resources/persecution/> (last visited 13 Jan. 2011)).

³¹⁰ *Afghanistan: Christian Imprisoned*, THE VOICE OF THE MARTYRS, PERSECUTION.COM, 6 Jan. 2011,

http://www.persecution.com/public/newsroom.aspx?story_ID=MzI5.

³¹¹ See CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN .

and the Afghani culture consider criticism of or deviation from the prevailing view of Islam to be punishable by death.³¹³ For example, in October 2007, the Government arrested Sayed Perwiz Kambakhsh for allegedly downloading and distributing information from the Internet regarding the role of women in Islamic societies.³¹⁴ After being held without charges, he was eventually convicted of “blasphemy” and sentenced to death by a local court,³¹⁵ although his sentence was later commuted to twenty years imprisonment.³¹⁶

Recent Incidents of Persecution:

- ✚ **2010:** A Christian lawyer was denied the opportunity to represent an Afghan Christian charged with apostasy,³¹⁷ despite Article 31 of the constitution, which provides that every individual arrested has the right to legal counsel.³¹⁸ The accused, Said Musa, had been detained approximately six months and suffered brutal treatment from fellow inmates, including sexual abuse, beatings and being spat upon.³¹⁹ Musa has been unable to secure an attorney willing to represent him and has been denied the right to review his charges or the evidence offered against him, both rights provided for under Afghan law.³²⁰
- ✚ **3 January 2011:** In a similar circumstance, another charged with the capital offense of apostasy has likewise been unable to secure legal representation, after being arrested for distributing a Bible.³²¹ As of January 3, 2011, this Afghani has been given one week to either renounce his faith in Christ or face a capital sentence of twenty years in prison or the death sentence.³²² As the Christian attorney stated, “there are no ‘rights’ Christians can claim.”³²³ One anonymous commentator noted that allowing Christians a trial, even without an attorney willing to represent them, will be “kind of a test case to see which law prevails in the country: sharia [Islamic law] or international agreements.”³²⁴

³¹² See *infra* notes 314–315 and accompanying text.

³¹³ See *infra* note 315.

³¹⁴ U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Afghanistan: Int’l Religious Freedom Report 2008* (2008), available at <http://www.state.gov/g/drl/rls/irf/2008/108497.htm>.

³¹⁵ Laura King, *For Afghan, reprieve is a 20-year term*, L.A. TIMES, 22 Oct. 2008, available at <http://www.latimes.com/news/print/edition/asection/la-fg-afghanistan22-2008oct22,0,3625278.story>.

³¹⁶ *Id.*

³¹⁷ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, COMPASS DIRECT NEWS, (9 Dec. 2010), <http://www.compassdirect.org/english/country/23987/29549/>.

³¹⁸ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 31.

³¹⁹ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

³²⁰ See CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, arts 27 and 31 (guaranteeing the accused the right to “due process of the law” and “the right to be informed of the nature of the accusation[,]” respectively).

³²¹ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

³²² *Afghanistan: Christian Imprisoned*, THE VOICE OF THE MARTYRS, PERSECUTION.COM, (6 Jan. 2011), http://www.persecution.com/public/newsroom.aspx?story_ID=MzI5.

³²³ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

³²⁴ *Christian Jailed in Afghanistan to Face Judge on Sunday*, COMPASS DIRECT NEWS, (16 Nov. 2010), <http://www.compassdirect.org/english/country/23987/28442/>.

- ✚ **August 2010:** Ten medical workers, eight of whom were Christians, were gunned down, without a definitive motivation. The Taliban claim they committed the shootings because the workers were “preaching Christianity,” although conflicting reports have led some to believe this was simply an opportunistic killing.³²⁵
- ✚ **October 2008:** The Taliban killed a British aid worker in Kabul purportedly for “spreading Christianity.”³²⁶ The native of Britain was living in Afghanistan to work for a Christian relief organization, and according to the Taliban, she had to be killed for “[coming] to Afghanistan to teach Christianity to people of Afghanistan.”³²⁷

³²⁵ *Motive for Aid Worker Killings in Afghanistan Still Uncertain*, COMPASS DIRECT NEWS, (12 Aug. 2010), <http://www.compassdirect.org/english/country/23987/23994/>.

³²⁶ Amir Shah, *Taliban Kill Christian Aid Worker for Proselytizing*, THE CHRISTIAN POST, (20 Oct. 2008), <http://www.christianpost.com/article/20081020/taliban-kill-christian-aid-worker-for-proselytizing/>.

³²⁷ *Id.*

V. THE VALUE OF RELIGIOUS PLURALISM IN THE MIDDLE EAST

A. *The Emigration of Christians out of the Middle East will Erode Religious Pluralism*

The Council of Europe's Committee of Ministers affirmed the value of religious pluralism as "an inherent feature of the notion of a democratic society."³²⁸ Because of this, "[w]here religious pluralism gives rise to religious divisions, with attendant tensions, the public authorities' response should not be to eliminate religious pluralism, but to strive to ensure that the various groups respect each other."³²⁹ Moreover, Member States have the responsibility to "ensure conditions conducive to the preservation of harmonious relations between religions."³³⁰

With the rapid depletion of the already small minority religious population in the Middle East, hopes of religious pluralism are greatly diminished.³³¹ Even with a small population of religious minorities, the domination of Islam in the Middle East tends toward the suppression of any non-Muslim religion and stifles religious pluralism.³³² This stifling of religious pluralism is not only harmful from a democratic and human rights viewpoint, it will have a detrimental impact on Islamic societies that continue to compel the emigration of minority religious populations.³³³

B. *The Value of Religious Pluralism in those Middle Eastern Countries That Are More Open is Evident in the Contribution of Christian Minorities to Societal and Economic Welfare*

The emigration of Christians from the Middle East "harms not only the individuals involved and their community, but also the remaining predominantly Muslim majority."³³⁴ According to Bassem Eid, the Founder and Executive Director of Palestinian Human Rights Monitoring Group (PHRMG), a Palestinian human rights group, "[t]he people who are leaving are generally those with an education, people who know the West, who have a culture of human rights Because they are leaving, I am beginning to doubt that we will have a Palestinian civil society. These are the people our society needs most of all."³³⁵

³²⁸ Council of Europe, *Reply from the Comm. of Ministers on Recommendation 1396 (1999) Religion and Democracy*, Doc. 9215 (Sept. 21, 2001), available at, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc01/EDOC9215.htm>.

³²⁹ *Id.*

³³⁰ *Id.*

³³¹ Bernard Sabella, *The Emigration of Christian Arabs: Dimensions and Causes of the Phenomenon*, in CHRISTIAN COMMUNITIES IN THE MIDDLE EAST: THE CHALLENGE OF THE FUTURE 152 (Andrea Pacini ed., 1998).

³³² Nazila Ghanea, *Religious or Minority? Examining the Realisation of International Standards in Relation to Religious Minorities in the Middle East*, 36 RELIGION, STATE & SOCIETY 303, 315 (2008).

³³³ *See id.*

³³⁴ Justus Reid Weiner, *Palestinian Christians: Equal Citizens or Oppressed Minority in a Future Palestinian State?*, 7 OR. REV. INT'L L. 26, 54 (2005).

³³⁵ *Id.* (quoting Minutes of Meeting of Works of Aid for the Oriental Churches, Jan. 2002, at 22).

In some Middle Eastern countries the Christian population is so small and oppressed that it is difficult to measure the Christian impact on society. However, for those Middle Eastern countries that have religious pluralism, the historical and continuing positive impacts on healthcare, education, and basic human needs are unmistakable. Highlighted in this Report are some of those Christian activities in a few such countries.

In the nineteenth century, Christians played “the leading role in the Arab renaissance.”³³⁶ During this time, Arab Christians were the leading scholars and laid the intellectual foundations for Arab nationalism.³³⁷ In Egypt, Arab Christians pioneering in journalism and scientific periodicals “virtually creat[ed] the modern Arab press.”³³⁸ They were leaders in education and vocational training.³³⁹

In more recent years, those Middle Eastern countries that have been less hostile towards minority religions have benefitted greatly from Christian education and social welfare programs.³⁴⁰ The benefit of Christian welfare programs in Pakistan is an excellent example. Christians in Pakistan and other Middle Eastern countries currently provide healthcare facilities for the financially disadvantaged, schools for underserved communities (ranging from elementary schools to nursing schools), and basic social welfare programs, such as providing food and basic necessities.³⁴¹ If the trend towards increased Christian emigration from the Middle East continues, these essential social services may be lost to those most in need.

1. Healthcare

Pakistan

St. Elizabeth’s Hospital in Hyderabad, Pakistan is a non-profit Christian hospital staffed by Pakistani Catholic Christians; it was founded in 1975.³⁴² This facility serves the most underprivileged and marginalized of Hyderabad and specializes in maternity and neonatal care.³⁴³ Since less than 25% of Pakistani women receive medical assistance during child birth, the services provided by St. Elizabeth’s are essential to reducing the maternal and infant mortality rate in Pakistan.³⁴⁴ (Pakistan ranks the 8th highest in the world for infant mortality rates).³⁴⁵ There are seven similarly run Catholic hospitals in Pakistan.³⁴⁶ However, in Pakistan’s

³³⁶ EL HASSAN BIN TALAL, CHRISTIANITY IN THE ARAB WORLD 88 (Continuum Pub. Co. 1998).

³³⁷ *Id.*

³³⁸ *Id.*

³³⁹ *Id.*

³⁴⁰ See Sabella, *supra* note 331, at 153; see also The Holy Land Christian Ecumenical Foundation, *Report on Christian Emigration: Jordan* (Aug. 1, 2008),

http://www.hcef.org/index.php?option=com_content&task=view&id=105&Itemid=1.

³⁴¹ Franciscan Sisters of the Heart of Jesus, *Brief History Of Our Communities*

<http://www.fcjpkakistan.com/community.html> (last visited Jan. 7, 2011).

³⁴² Robert McCulloch, *Can You Believe This?*, THE FAR EAST (Nov. 25, 2008),

<http://columban.org.au/publications/the-far-east/2008/march/can-you-believe-this/>.

³⁴³ *Id.*

³⁴⁴ *Id.*

³⁴⁵ *Pakistan has 8th Highest Newborn Mortality Rate*, DAILY TIMES (Lahore, Pakistan) (Jan. 20, 2010),

http://www.dailytimes.com.pk/default.asp?page=2010\01\20\story_20-1-2010_pg12_11.

³⁴⁶ *Christian Nurses Need Support in Pakistan*, UCANEWS (May 17, 2010),

<http://www.ucanews.com/2010/05/17/church-offers-christian-nurses-support/>.

Swat Valley, some Christian medical clinics have been forced to shut down after receiving bomb threats.³⁴⁷

In addition to operating a plethora of schools in Pakistan, like the Public High School in Sangota, Christians are leaders in Pakistani healthcare education.³⁴⁸ For example, St. Elizabeth's Hospital in Hyderabad, Pakistan not only provides medical services to the community, it also runs a nursing and midwifery school for over 50 students.³⁴⁹ Many other Catholic hospitals throughout Pakistan also provide the same training for young women³⁵⁰ in a culture that not only suppresses women's right to education,³⁵¹ but which is also in desperate need of qualified medical professionals.³⁵²

Lebanon

Lebanon has traditionally been more open to religious pluralism than most Middle Eastern countries, allowing for community services such as The Psychiatric Hospital of the Cross to develop.³⁵³ Located in Jal El Dib, Lebanon, the Hospital is one of the largest psychiatric facilities in the Middle East.³⁵⁴ The Franciscan Sisters of the Cross, comprised of Lebanese and Egyptians, serve at the hospital caring for "1,000 patients whom no one else in Lebanon seems to be interested in: the mentally ill and the severely mentally handicapped."³⁵⁵ The majority of the patients cared for at The Psychiatric Hospital of the Cross are not Christians.³⁵⁶

Egypt

In a population that is 90% Muslim, and in a culture that is hostile towards Christians, one program has stood out for one-hundred years, bridging the gap and attempting to promote tolerance and pluralism in a monolithic society.³⁵⁷ The Harpur Memorial Hospital is run by the Anglican Diocese of North Africa³⁵⁸ and was founded by Irish Missionary Dr. Frank Harpur in 1910.³⁵⁹ This Christian hospital serves the local Muslim community (over 90% of those served are Muslim³⁶⁰) by providing free immunizations and checkups for children and low cost or free

³⁴⁷ Peter Lamprecht, *Pakistani Taliban Force Burqa on Christian Women's School*, COMPASS DIRECT NEWS (Sept. 28, 2007), <http://www.crosswalk.com/news/religiontoday/11555374/page2/>.

³⁴⁸ Franciscan Sisters, *supra* note 341 (listing several nursing schools operated by Catholic hospitals).

³⁴⁹ Robert McCulloch, *The Future Looks Bright*, THE FAR EAST (Nov. 11, 2008), <http://columban.org.au/publications/the-far-east/2008/april/future-looks-bright/>.

³⁵⁰ Franciscan Sisters, *supra* note 341.

³⁵¹ *Church Workers Fear*, *supra* note 368.

³⁵² *Pakistan Newborn Mortality*, *supra* note 345.

³⁵³ See BIN TALAL *supra* note 336, at 86 (noting that estimates put the various Christian denominations at 40% of the Lebanese population in the mid 1990s); see also, ANDREA PACINI, COMMUNITIES IN THE MIDDLE EAST: THE CHALLENGE OF THE FUTURE 18–19 (Andrea Pacini ed., 1998).

³⁵⁴ Cindy Wooden, *Catholic Hospital In Lebanon*, CNEWA (Nov. 12, 2010), <http://www.cnewa.org/default.aspx?ID=1343&pagetypeID=8&sitecode=HQ&pageno=1>

³⁵⁵ *Id.*

³⁵⁶ *Id.*

³⁵⁷ Jennifer Gold, *Christian Hospital Serves Muslim Neighbors in Egypt*, CHRISTIANITY TODAY, May 6, 2009, available at <http://www.christiantoday.com/article/christian.hospital.serves.muslim.neighbours.in.egypt/23247.htm>.

³⁵⁸ *Id.*

³⁵⁹ *Harpur Memorial Hospital*, BIBLELANDS.ORG, http://www.biblelands.org.uk/about_us/egypt/harpur_hospital.html (last visited Jan 14, 2011).

³⁶⁰ *Christian Doctors Run Hospital for Muslim Patients in Egypt*, VOANEWS.COM (Apr. 6, 2009), <http://www.voanews.com/english/news/a-13-2009-04-06-voa50-68785392.html>.

medical services for adults.³⁶¹ Harpur Memorial Hospital has 120 staff members, 75 beds, two operating rooms, serves over 50,000 patients each year, and is one of the only hospitals in Egypt to accept leprosy patients.³⁶² Of the 120 staff, most are Christians who donate their time to the community since the hospital receives no government funding to supplement the cost of services.³⁶³ In addition to the medical services provided by the hospital, the community also benefits by preventative health education and business instruction from the hospital staff.³⁶⁴

2. Education

Pakistan

Christian schools have been renowned in Pakistan for their high quality of education. In fact, most of the country's leaders have been trained in Christian schools. For example, in 1847 the Reverend Brereton began what would become the Karachi Grammar School.³⁶⁵ Karachi Grammar School is now one of the most prestigious schools in Pakistan, boasting alumni such as the current President of Pakistan, Asif Ali Zardari,³⁶⁶ and former Prime Minister, Benazir Bhutto.³⁶⁷

As the intolerance of religious minorities increases, Pakistani society has already begun to feel the impact on their education system. For example, the Public High School in Sangota³⁶⁸ was built in 1965 and run by the Apostolic Carmelite Sisters of Sri Lanka.³⁶⁹ By 2008, the all-girl Catholic high school was serving 970 students in the Swat valley of Pakistan.³⁷⁰ Nine hundred and sixty four of the girls were ethnic Pathan Muslims; only six were Christians.³⁷¹ In September 2007, the school closed its doors for one week after receiving a letter threatening suicide bombing of the school and reopened only after receiving assurances from the local authorities of increased security.³⁷² On 6 October 2008, militant's set off five bombs at the school, badly damaging the facilities and forcing the doors to be closed indefinitely.³⁷³ As a result of the bombing, Bishop Anthony Lobo of Islamabad-Rawalpindi directed the nuns in charge of the school to abandon the work and return to their headquarters.³⁷⁴ "A Catholic elementary school in Bannu, west of Peshawar, was [also] bombed on September 15, 2008,"³⁷⁵ and as of February 2009, over 200 schools had been bombed (the majority of the schools were

³⁶¹ *Harpur Memorial Hospital*, *supra* note 359.

³⁶² *Id.*

³⁶³ *Christian Doctors*, *supra* note 360.

³⁶⁴ *Harpur Memorial Hospital*, *supra* note 359.

³⁶⁵ Karachi Grammar School, *History of the School*, <http://www.kgs.edu.pk/History.aspx> (last visited Jan. 14, 2011).

³⁶⁶ President's Profile, *President Asif Ali Zardari*, <http://www.president.gov.pk/Pages/ThePresident.ksp> (last visited Jan. 14, 2011).

³⁶⁷ *Obituary: Benazir Bhutto*, THE SUNDAY TIMES (London), Dec. 27, 2007, available at <http://www.timesonline.co.uk/tol/comment/obituaries/article3101102.ece?token=null&offset=12>.

³⁶⁸ *Church Workers Fear Islamic-law Concession to Militants*, UCANEWS (Feb. 20, 2009), <http://www.ucanews.com/2009/02/20/church-workers-fear-islamic-law-concession-to-militants/>.

³⁶⁹ *Pakistan: Catholic girls' school destroyed*, INDEPENDENT CATHOLIC NEWS (Nov. 10, 2008), <http://www.indcatholicnews.com/news.php?viewStory=433>.

³⁷⁰ *Church Workers Fear*, *supra* note 368.

³⁷¹ *Id.*

³⁷² Lamprecht, *supra* note 347.

³⁷³ *Id.*

³⁷⁴ *Id.*

³⁷⁵ *Id.*

targeted at educating women).³⁷⁶ Other well-known Christian schools include St. Anthony's High School, St. Patrick's School, Convent of Jesus and Mary, and the Cathedral School system. These schools are responsible for training thousands of students, mostly Muslim, who have contributed to Pakistan's political, economic, and social growth. Undeniably, Christian schools have significantly contributed in keeping the Pakistani Muslim society tolerant of other religions for a long time. However, Pakistani Muslims have been radicalized in the last three decades due to the progress of Islamic groups and madrassahs (seminaries), which are adamant about making Pakistani society intolerant toward religious minorities. This trend shows the utmost need to protect Christian minorities who have helped Muslim countries to become peaceful, tolerant, and progressive.

Lebanon

Christians are and have been leaders in education and the arts and sciences in Lebanon.³⁷⁷ Lebanese Christian schools have been especially influential in the literary arts and linguistics in Lebanon.³⁷⁸ For example, many Christian schools are tri-lingual, training their students in Arabic, English, and French.³⁷⁹ The 330 staff and administrators at St. Joseph's School in Cornet Chahwan, Lebanon serve over 2,500 pre-school through high-school students.³⁸⁰ St. Joseph's sister school, The Jesus and Mary School, serves over 1,200 students and has started a college offering degrees in the arts, literature, philosophy, and the sciences.³⁸¹

This Christian culture of academic excellence has produced Lebanese leaders in journalism, pedagogy, law, economics, philosophy, and music.³⁸² Lebanese scholar Camille Hechaïmé argues that Lebanese Christian education not only evinces excellence in quality, but is "also an impact on people's consciences through the critical approach and the values of freedom and tolerance, which are transmitted by Christians."³⁸³

3. Social Outreach

At the Catholic Diocese of Faisalabad, Pakistan, the "core focus" is to serve the community by (1) "break[ing] the cycle of ignorance and poverty," (2) caring "for the sick and neglected," (3) "strengthen[ing] the weak and free[ing] the oppressed."³⁸⁴ To accomplish this mission, the church uses a holistic approach. "To break the cycle of ignorance and poverty," the

³⁷⁶ *Church Workers Fear*, *supra* note 368.

³⁷⁷ Camille Hechaïmé, *The Cultural Production of Arab Christians Today: An Expression of their Identity in a Predominantly Muslim Society*, in *CHRISTIAN COMMUNITIES IN THE MIDDLE EAST: THE CHALLENGE OF THE FUTURE* 162–63 (Andrea Pacini ed., 1998).

³⁷⁸ *Id.*

³⁷⁹ See St. Joseph's School, *About Us: Identity and Mission*,

<http://www.sjs.edu.lb/new/pages.php?id=1&tab=aboutus> (last visited Jan. 14, 2011); see also Jesus and Mary School, *School History*, <http://www.jmrab.edu.lb/index.htm> (follow "History"; then follow "School History.") (last visited Jan. 14, 2011).

³⁸⁰ St. Joseph's School, *supra* note 379.

³⁸¹ Jesus and Mary School, *supra* note 379.

³⁸² Hechaïmé, *supra* note 377, at 163.

³⁸³ *Id.*

³⁸⁴ Faisalabad Catholic Diocese, <http://diocesefaisalabad.org/> (last visited Jan. 14, 2011).

diocese sponsors 72 schools, 51 of which are in city slums or remote villages, in order to target the most marginalized and underprivileged of society.³⁸⁵

As part of its outreach to the “sick and neglected” the church sponsors a home for the physically handicapped, a home for the blind, fourteen Children’s homes for orphans, and a women’s shelter for victimized women.³⁸⁶ In addition, the church runs two hospitals, a midwifery school, and a number of small health clinics in the villages to provide preventative as well as curative care.³⁸⁷

As part of its mission to strengthen the weak and free the oppressed, the church promotes cultural and religious pluralism through its Commission for Inter-Faith Dialogue, the Center for Peace and Harmony, and the Commission for Justice and Peace, which provides legal assistance to victims of injustice, trains human rights workers, and networks with other NGO’s for human rights and the promotion of religious pluralism.³⁸⁸ Similar church sponsored programs reach other communities across Pakistan.³⁸⁹

In addition, with help from organisations such as Christian Aid, Pakistani Christians continued to participate in emergency relief and rebuilding efforts long after others had forgotten the massive flooding in 2010 that displaced close to 20 million Pakistanis.³⁹⁰ The focus of this mission is to provide basic necessities such as canteens, clean drinking water, blankets, and clothes to those who lost everything in the flood.³⁹¹ Unfortunately, Christians are not always able to distribute humanitarian aid in peace. In March 2010, six people associated with World Vision (one of the largest Christian humanitarian aid organisations in the world) were killed by a grenade attack in north-west Pakistan while they were helping with disaster relief.³⁹² As a result of the attack, World Vision suspended their relief operations across Pakistan.³⁹³

C. Conclusion

The future of religious minorities in the Middle East “depends not only on the solution of specific political situations . . . but also on the more general evolution of Arab Muslim culture in

³⁸⁵ Faisalabad Catholic Diocese, *Educating*, http://diocesefaisalabad.org/index.php?option=com_content&view=article&id=93:educating&catid=41:diocese (last visited Jan. 14, 2011).

³⁸⁶ Faisalabad Catholic Diocese, *Healing & Caring*, http://diocesefaisalabad.org/index.php?option=com_content&view=article&id=94:healinmg-a-caring&catid=41:diocese (last visited Jan 14. 2011).

³⁸⁷ *Id.*

³⁸⁸ Faisalabad Catholic Diocese, *Empowering*, http://diocesefaisalabad.org/index.php?option=com_content&view=article&id=95:empowering&catid=41:diocese (last visited Jan. 14, 2011).

³⁸⁹ Franciscan Sisters, *supra* note 341.

³⁹⁰ Christian Aid, *Pakistan Floods: Indigenous Missions Reaching Victims One Family at a Time*, CHRISTIANAID.ORG (Sept. 13, 2010), <http://www.christianaid.org/Missionaries/MIR/mir20100913.aspx>.

³⁹¹ *Id.*

³⁹² Associated Press, *Pakistan Attack Kills Aid Workers*, THE GUARDIAN (London), Mar. 10, 2010, *available at* <http://www.guardian.co.uk/world/2010/mar/10/pakistan-world-vision-aid-attack>.

³⁹³ *Id.*

relation to modern society.”³⁹⁴ The contribution of Christians to Middle Eastern society is a catalyst in this evolution process and promotes diversity, religious pluralism, and societal welfare. The adherence of Middle Eastern Christians “to fundamental values of freedom, of individual rights, of dialogue, [and] their education which is open to other cultures which spurs them to promote criticism of sources and facts,” acts as a propellant for tolerance and pluralism in Middle Eastern society.³⁹⁵ Finally, “if this evolution is encouraged, and supported by the various social, political, and cultural actors, then a new basis for national integration in the Middle East will be possible,” which would benefit “not only Christians, but Middle Eastern societies as a whole.”³⁹⁶

³⁹⁴ Pacini, *supra* note 353, at 24.

³⁹⁵ Hechaïmé, *supra* note 377, at 171.

³⁹⁶ Pacini, *supra* note 353, at 24.

VI. COUNCIL OF EUROPE POLICY & EUROPEAN COURT OF HUMAN RIGHTS PRACTICE CONCERNING RELIGION BASED ASYLUM SEEKERS

A. *Council of Europe*

The Commissioner of Human Rights and the Parliamentary Assembly of the Council of Europe (PACE) have been calling for common European procedures for asylum seekers for several years now. In March 2008, Commissioner of Human Rights, Thomas Hammarberg generally addressed the problem, arguing that “States should not impose penalties on arriving asylum-seekers,” many of whom are “particularly vulnerable refugees, such as those who are torture or other trauma victims”³⁹⁷ As the Commissioner observed in 2008,

A minimum of solidarity with those oppressed is to receive them when they are forced to flee. The “right to seek and to enjoy in other countries asylum from persecution” is indeed a key provision in the Universal Declaration of Human Rights. Sadly, this right is not fully observed in parts of Europe today. Instead, refugees are met with suspicion and too often even placed in detention.³⁹⁸

The need for effective remedies for Christian asylum seekers from the Middle East grows more obvious daily as the reports of violence, torture, and murder increase at rates which are spinning out of control. Most recently, the President of the (PACE) condemned the violent New Year’s Day 2011 attack against the Coptic Christian Church of Saints in Sedi Beshar in Alexandria, Egypt that “caused the death of at least 21 people and wounded many others.”³⁹⁹ Quoting the PACE’s prior Resolution 1743 (2010) *on Islam, Islamism and Islamophobia in Europe*, the PACE President recalled the Assembly’s position against “the manipulation of religious beliefs for political reasons” as it “violates human rights and democratic values.”⁴⁰⁰ In that Resolution, the PACE also “firmly condemn[ed] death decrees and threats against people who criticize Islam or political views linked to Islam.”⁴⁰¹ Moreover, the PACE expressed its regret that,

some member governments of [the Islamic Educational, Scientific and Cultural Organization (ISESCO) and the Arab League Educational, Cultural and Scientific Organization (ALECSO)] have adopted national legislation based on an interpretation of Sharia law or have pursued national policies which are in conflict

³⁹⁷ Council of Europe: Comm’r for Human Rights Viewpoints (Mar. 17, 2008) (“States should not impose penalties on arriving asylum-seekers.”), available at http://www.coe.int/t/commissioner/Viewpoints/080317_en.asp.

³⁹⁸ *Id.*

³⁹⁹ Council of Europe, News of the Week, *PACE President Condemns Attack in Alexandria*, http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=6217&L=2 (last visited Jan. 6, 2011). See also *Statement by the spokesperson of EU High Representative Catherine Ashton following he attack against worshipers at Coptic Church in Alexandria, Egypt (01/01/2011)* (Appendix of Documents, at A-8).

⁴⁰⁰ Parliamentary Assembly of the Council of Europe, Resolution 1743 (2010), *Islam, Islamism and Islamophobia in Europe* (adopted June 23, 2010), ¶ 1, available at

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/eRES1743.htm>.

⁴⁰¹ *Id.* ¶ 5.

with the ICCPR and the ICESCR: imposing severe penalties or even the death penalty on persons wishing to adopt a religion other than Islam is incompatible with Article 18 (2) ICCPR; imposing severe sanctions on, or passing public death decrees against, persons who have criticised Islam is incompatible with Article 19 of the ICCPR; calling for a “holy war” or violence against other countries or their citizens and glorifying terrorists as “holy martyrs” is incompatible with Article 20 (2) of the ICCPR; educating children to hate or fight persons of faiths other than Islam is incompatible with Article 13 (1) of the ICESCR.⁴⁰²

While the PACE has taken this strong position against radical and extremist Islamists, the PACE has yet to specifically recognize in its adopted texts the severe persecution against Christians by radical and extremist Islamists in the Middle East and other countries in which Christians are now fleeing in droves to escape. The PACE has, however, called for quality and consistency in Council of Europe Member States’ asylum procedures and decisions.

The PACE took its most recent position on this issue in late November 2009, when it promulgated Recommendation 1889⁴⁰³ and Resolution 1695,⁴⁰⁴ titled “Improving the quality and consistency of asylum decisions in the Council of Europe States.” One of the stated purposes included drawing attention “to significant divergences in the recognition rates of asylum seekers between Council of Europe member states.”⁴⁰⁵ The PACE made several recommendations to the Committee of Ministers on this issue, including but not limited to, producing new guidelines for Member States in improving the quality of asylum decisions, developing training programs, establishing monitoring mechanisms and a new permanent committee within the Council of Europe “with a mandate to examine asylum issues.”⁴⁰⁶ Of the more significant recommendations that would affect persecuted Christians positively (as well as other persecuted groups), the PACE sought to “encourage member states to share available country of origin information and important case law decisions by, *inter alia*, setting up a common database for Council of Europe member states”⁴⁰⁷ and called for further examination of proposing the incorporation of “the right to asylum” into the European Convention on Human Rights.⁴⁰⁸

The PACE’s recommendations rested on the sad reality of strikingly inconsistent statistics between Member States’ asylum decisions. For example, Resolution 1695 cited a shocking variation rate for Iraqis seeking protection in Europe in 2007: between 0% and 81%.⁴⁰⁹ The 2007 acceptance rates in countries receiving significant numbers of asylum seekers varied

⁴⁰² *Id.* ¶ 25.

⁴⁰³ Parliamentary Assembly of the Council of Europe, Recommendation 1889 (2009), *Improving the Quality and Consistency of Asylum Decisions in the Council of Europe Member States* (adopted Nov. 20, 2009), available at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta09/erec1889.htm>.

⁴⁰⁴ Parliamentary Assembly of the Council of Europe, Resolution 1695 (2009), *Improving the Quality and Consistency of Asylum Decisions in the Council of Europe Member States* [hereinafter Resolution 1695] (text adopted 20 Nov. 2009), available at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/ERES1695.htm>.

⁴⁰⁵ Recommendation 1889, ¶ 1.

⁴⁰⁶ *Id.* ¶¶ 2.1, 2.4, 2.7, 2.8.

⁴⁰⁷ *Id.* ¶ 2.5.

⁴⁰⁸ *Id.* ¶ 3.2.

⁴⁰⁹ Resolution 1695, ¶ 1.

between 1% and 39%.⁴¹⁰ Whether inconsistent decisions are delivered in the same country or across Member States, the PACE's position has been that this inconsistency "is an affront to the rule of law and inherently unfair."⁴¹¹ Even more disturbing, the PACE noted that, "[i]n some Council of Europe member states, up to 50%, or in some cases even more, of first instance decisions on asylum are overturned on appeal, indicating that first instance decisions are unreliable and of poor quality."⁴¹² In this Resolution, the PACE called upon the Member States to take numerous actions that would assist those fleeing persecution, including but not limited to the following points (which are generally pertinent to Christian persecution in the Middle East): "[E]nsuring gender- and child-specific forms of persecution" are fully considered⁴¹³; "refraining from using lists of safe countries of origin and safe third countries, to ensure that each asylum case is examined individually with rigorous scrutiny of the particular situation of each applicant with respect to the country in question. . . ."⁴¹⁴; and "preparing, as appropriate, regular and updated country of origin information and guidance notes for decision makers at all levels, including judges, and publishing key case law in order to contribute to the consistency and quality of decisions."⁴¹⁵

The PACE further invited the European Union, *inter alia*, to consider the recommendations made in Resolution 1695 (2009) in "implementing its Common European Asylum System and ensure that consistency is not achieved to the detriment of procedural safeguards and that minimum standards do not become maximum standards."⁴¹⁶ The PACE also asked the European Union to "give priority—in setting up of a European asylum support office—to the issue of raising the quality and consistency of asylum decisions in Europe."⁴¹⁷

In response, however, the Committee of Ministers narrowed the focus of the PACE's recommendations.⁴¹⁸ Although agreeing with the PACE that greater quality and consistency in asylum decisions are necessary, the Committee of Ministers noted the work of other organisations currently underway,⁴¹⁹ such as the European Union's plan to set up "a Common European Asylum System (CEAS) by 2010, with a view to establishing a common asylum procedure and a uniform status for those who are granted asylum or complementary protection."⁴²⁰ The Committee of Ministers also took note of the European Commission's 2009 proposal to set up a European Asylum Support Office, which would (if implemented) take on some of the duties that the PACE has recommended, such as training and support.⁴²¹ Furthermore, a European Asylum Curriculum (EAC) has already been developed.⁴²²

⁴¹⁰ *Id.*

⁴¹¹ *Id.* ¶ 3.

⁴¹² *Id.* ¶ 6.

⁴¹³ *Id.* ¶ 8.2.1.

⁴¹⁴ *Id.* ¶ 8.3.5.

⁴¹⁵ *Id.* ¶ 8.4.2.

⁴¹⁶ *Id.* ¶ 9.1.

⁴¹⁷ *Id.* ¶ 9.3.

⁴¹⁸ Parliamentary Assembly of the Council of Europe, *Reply from the Committee of Ministers to PACE Recommendation 1889 (2009)*, Doc. 12415 (Oct. 15, 2010), available at, <http://assembly.coe.int/Documents/WorkingDocs/Doc10/EDOC12415.pdf>.

⁴¹⁹ *Id.* ¶ 3.

⁴²⁰ *Id.* ¶ 5.

⁴²¹ *Id.*

⁴²² *Id.*

Additionally, the Committee of Ministers observed that the European Network of Asylum Practitioners (EURASIL) “pools country information and the European Migration Network provides for the exchange of statistical data on immigration and asylum.”⁴²³

Even so, the Committee of Ministers found room for “targeted action” and saw “opportunities for co-operation with the European Union on issues such as data collection and training.”⁴²⁴ However, the Committee of Ministers found the budget lacking to implement a new permanent committee, as the PACE sought. Instead, the Committee of Ministers merely stated that it would “reflect on other possibilities and means for ensuring the necessary co-ordination in this field.”⁴²⁵ Insofar as new guidelines were considered, the Committee of Ministers recalled the 1 July 2009 Guidelines on human rights protection in the context of accelerated asylum procedures, and called on Member States to follow them.⁴²⁶ Finally, the Committee of Ministers rejected the PACE’s proposal to incorporate a right of asylum into the European Convention on Human Rights.⁴²⁷

B. European Court of Human Rights

Failed asylum applications of Christians fleeing the Middle East, which reach the European Court of Human Rights (Court), are usually brought under Article 3 of the European Convention on Human Rights (ECHR or Convention), which commands that, “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”⁴²⁸ When assessing whether a Council of Europe Member State has violated Article 3 with respect to deportations, the Court first applies a general standard:

Contracting States have the right as a matter of international law and subject to their treaty obligations, including the Convention, to control the entry, residence and expulsion of aliens. . . . However, expulsion by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where *substantial grounds have been shown for believing that the person concerned, if deported, faces a real risk of being subjected to treatment contrary to Article 3. In such a case, Article 3 implies an obligation not to deport the person in question to that country.*⁴²⁹

Pertaining to general violence in a country of origin, the Court has stated that such a situation “will not normally in itself entail a violation of Article 3 in the event of an expulsion,” but it is possible that “the general situation of violence in a country of destination may be of a sufficient level of intensity as to entail that any removal to it would necessarily breach Article 3

⁴²³ *Id.*

⁴²⁴ *Id.* ¶ 6.

⁴²⁵ *Id.* ¶ 8.

⁴²⁶ *Id.* ¶ 9.

⁴²⁷ *Id.*

⁴²⁸ Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms As Amended by Protocols No. 11 and No. 14*, art. 3 (Nov. 4, 1950), <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>.

⁴²⁹ *F.H. v. Sweden*, no. 32621/06, § 89, Jan. 20, 2009 (citing *Üner v. the Netherlands* [GC], no. 46410/99, § 54, ECHR 2006-XII; *Saadi v. Italy* [GC], no. 37201/06, § 125, Feb. 28, 2008 (selected for publication)) (emphasis added).

of the Convention.”⁴³⁰ The Court would only “adopt such an approach,” however, “in the most extreme cases of general violence, where there was a real risk of ill-treatment simply by virtue of an individual being exposed to such violence on return.”⁴³¹ Arguably, the situation for Christians in certain Middle East countries has reached that level, as evidenced by the documentation in this report.

When considering a particular applicant’s situation, the Court also considers “the special situation in which asylum seekers often find themselves,” and has found that “it is frequently necessary to give them the *benefit of the doubt* when it comes to assessing the credibility of their statements and the documents submitted in support thereof.”⁴³² However, applicants must provide “satisfactory explanations” if there are “strong reasons to question the veracity of an asylum seeker’s submissions.”⁴³³ The applicant then has the burden of “adduc[ing] evidence capable of proving that there were substantial grounds for believing that, if the measure complained of were to be implemented, he would be exposed to a real risk of being subjected to treatment contrary to Article 3.”⁴³⁴ After such production, the burden shifts back to the government to “dispel any doubts about it.”⁴³⁵ For the Court, the risk is measured by “foreseeable consequences,” while keeping in mind both the applicant’s personal circumstances and the general situation in the country of return.⁴³⁶

The Court has also acknowledged that the character of the right guaranteed under Article 3 of the Convention is *absolute* and “may apply where the danger emanates from persons or groups of persons who are not public officials,” where “the risk is real and . . . the authorities of the receiving State are *not able* to obviate the risk by providing appropriate protection.”⁴³⁷ Moreover, the Grand Chamber in *Saadi v. Italy* [GC], no. 37201/06, § 125, ECHR 28 Feb. 2008, held that “the prohibition of torture and of inhuman or degrading treatment or punishment is absolute, *irrespective of the victim’s conduct*”⁴³⁸ In this context, the Grand Chamber explained that “the protection afforded by Article 3 is broader than that provided for in Articles 32 and 33 of the 1951 United Nations Convention relating to the Status of Refugees.”⁴³⁹ However, when applying its “rigorous criteria” to assess “the existence of a real risk of ill-treatment,” the Grand Chamber acknowledged that “*assessment of that risk is to some degree speculative*,” even though “the Court has always been very cautious, examining carefully the material placed before it in the light of the requisite standard of proof . . . before . . . finding that the enforcement of removal from the territory would be contrary to Article 3 of the Convention.”⁴⁴⁰ Pertaining to the validity and credibility of evidence, the Grand Chamber also noted that where “reliable sources have reported practices resorted to or tolerated by the authorities [in the receiving country] which are manifestly contrary to the principles of the

⁴³⁰ *Id.* § 90 (citing *H.L.R. v. France*, 29 April 1997, § 41, *Reports of Judgments and Decisions* 1997-III).

⁴³¹ *Id.* § 90 (citing *N.A. v. the United Kingdom*, no. 25904/07, § 115 (July 17, 2008)).

⁴³² *Id.* § 95 (emphasis added).

⁴³³ *Id.*

⁴³⁴ *Id.*

⁴³⁵ *Id.*

⁴³⁶ *Id.* § 96.

⁴³⁷ *Id.* § 102 (citing *H.L.R. v. France*, § 40, ECHR 1997-III) (emphasis added).

⁴³⁸ *Saadi v. Italy* [GC], no. 37201/06, § 127, ECHR 28 Feb. 2008 (selected for publication) (emphasis added).

⁴³⁹ *Id.* § 138 (citations omitted).

⁴⁴⁰ *Id.* § 142 (emphasis added).

Convention,” the mere existence of domestic laws and accession to international human rights treaties alone will not provide a sufficient guarantee of protection under Article 3.⁴⁴¹ Thus, “the weight to be given to assurances from the receiving State depends, in each case, on the circumstances prevailing at the material time.”⁴⁴²

F.H. v. Sweden.⁴⁴³ Under these basic principles, and despite a vigorous dissent, a Chamber of the Court delivered a judgment on the merits in 2009 that permitted a professed Christian to be deported back to Iraq. The Court agreed with Sweden’s decision even though the United Nations and others had advised that refugees should not be forcibly returned to Iraq.⁴⁴⁴ In *F.H. v. Sweden*, the Court decided that Sweden had not violated Articles 2 and 3 of the European Convention on Human Rights (ECHR or Convention) when it determined it could deport an Iraqi National to Iraq. Although Mr. F.H. alleged that he would face a real risk of being killed or subjected to inhuman treatment and torture because of his former military exploits and religious beliefs, the Court agreed with Sweden. The Court found Mr. F.H. failed to show “substantial grounds for believing that the applicant would be exposed to a real risk of being killed or subjected to treatment contrary to Articles 2 or 3 of the Convention if deported to Iraq.”⁴⁴⁵

Facts of Mr. F.H.’s Case: Mr. F.H. first alleged he had entered Sweden illegally in 1993 with the help of a smuggler when fleeing from Iraq, where he had deserted his post in the army (a major in the Republican Guard). He also alleged that he was a Christian, and that he fled because he could not carry out the special military assignments (murders and terrorist acts) against his own people.⁴⁴⁶ In support of his Article 2 and 3 complaints, the applicant appeared to have mainly relied upon his fear of execution due to his military desertion, his position as a major and association with Saddam Hussein’s former regime.⁴⁴⁷ While some of the technical and political association aspects of the applicant’s story changed,⁴⁴⁸ he maintained his Christianity and further alleged association with the Ba’ath Party as an “advanced sympathizer.”⁴⁴⁹ On these facts, the Swedish government recommended that the Immigration Board deny Mr. F.H.’s asylum application, as Mr. F.H. changed his story “once confronted with facts”⁴⁵⁰; the Immigration Board finally rejected the application on this basis on 11 June 1998.⁴⁵¹ In the interim, Mr. F.H. was also convicted for murdering his wife in Sweden, but the court found he acted during a “state of ‘serious mental disturbance’” and sentenced him to psychiatric care.⁴⁵² On all these facts, Sweden’s District Court expelled the applicant from Sweden for life.⁴⁵³ After fruitless attempts to revoke the expulsion order and the interim fall of Saddam Hussein’s regime in April 2003, Mr. F.H. maintained his Christianity, insisting that he would be persecuted as a

⁴⁴¹ *Id.* §147.

⁴⁴² *Id.* § 148.

⁴⁴³ *F.H. v. Sweden*, no. 32621/06, 20 Jan. 2009.

⁴⁴⁴ *Id.* § 91.

⁴⁴⁵ *Id.* § 105.

⁴⁴⁶ *Id.* § 9.

⁴⁴⁷ *Id.* §§ 9–11.

⁴⁴⁸ *Id.* §§ 11–12.

⁴⁴⁹ *Id.*

⁴⁵⁰ *Id.* § 13.

⁴⁵¹ *Id.* § 15.

⁴⁵² *Id.* §16.

⁴⁵³ *Id.* § 18.

Christian and for holding a prominent position in the Ba'ath Party.⁴⁵⁴ The Swedish government disagreed and determined it would *not* revoke the expulsion order in July 2006.

The applicant then filed his request with the European Court of Human Rights in August 2006, maintaining that he would not only face a real risk of being murdered extra-judicially by extremist militias seeking to find those who had fought for Saddam Hussein, but that he would also have no protection because he was a Christian.⁴⁵⁵ The Court observed Sweden's policy on asylum seekers from Iraq, which called for individual assessments of the personal grounds of each asylum seeker because of the then-current security situation. However, as to Christian asylum seekers, the Court also observed that a leading Swedish decision assessing the general situation for Christians in Iraq concluded that the danger was "not so serious that this group could be considered to be in need of protection in Sweden."⁴⁵⁶ As such, here too individual assessments had to be made for each asylum seeker.⁴⁵⁷

After considering several aspects of Mr. F.H.'s political claims and the current dangers in Iraq, the Court interestingly noted a United States Country Report opinion on Iraq's security situation, which explained there were reports of "*widespread and severe human rights abuses, including kidnappings, disappearances, torture and killings.*"⁴⁵⁸ Additionally, "[t]he authorities [in Iraq] frequently *did not maintain effective control over security forces and did not have effective mechanisms to investigate and punish abuse and corruption.*"⁴⁵⁹ Despite a decrease in violence in October 2008, the UN Special Representative of the Secretary General for Iraq stated that "the human rights situation *continued to be serious.*"⁴⁶⁰ Reviewing these findings, the Court instead focused on the reports of a decrease in violence in Iraq generally,⁴⁶¹ although mentioning the recommendations of the UNHCR, UN, and International Organisation for Migration (IOM), that "countries [should] refrain from forcibly returning refugees to Iraq."⁴⁶²

When assessing the danger for Christians in Iraq, the Court first noted that national identity cards display the holder's religion, and that only *450,000 Christians* (approximately) remained in Iraq by October 2007, *from the once relatively high number, 1.4 million* (according to the 1987 official census).⁴⁶³ The Court assigned importance to the Iraqi government's public denouncement of sectarian violence and its encouragement of unity between religious groups, but also noted that "*deficiencies in security force capabilities made it difficult for the Iraqi Security Forces and the justice system to investigate or address alleged violations.*"⁴⁶⁴ Finally, the Court acknowledged recent deaths in Mosul and threats against Christians to drive them out (and *which did drive out 11,000 Christians in October 2008*).⁴⁶⁵ Those who left were encouraged

⁴⁵⁴ *Id.* §§ 22–32.

⁴⁵⁵ *Id.* § 45.

⁴⁵⁶ *Id.* § 54.

⁴⁵⁷ *Id.*

⁴⁵⁸ *Id.* § 63 (emphasis added).

⁴⁵⁹ *Id.* (citing U.S. Country Report) (emphasis added).

⁴⁶⁰ *Id.* § 64 (citing UNAMI Press Releases (Oct. 24, 2008), UNAMI *Commemorates the 63rd United Nations Day*) (emphasis added).

⁴⁶¹ *Id.* §§ 64–65, 91.

⁴⁶² *Id.* § 91 (emphasis added).

⁴⁶³ *Id.* § 66.

⁴⁶⁴ *Id.* (emphasis added).

⁴⁶⁵ *Id.* § 67.

to return on 19 Oct. 2008, as “security had been restored.”⁴⁶⁶ However, the Court also acknowledged Amnesty International’s opinion that “Iraq was still in a situation of internal armed conflict and criticized several European countries, including Sweden, Denmark and the United Kingdom, for forcibly returning failed asylum seekers to all parts of Iraq.”⁴⁶⁷

Finding no violation of Articles 2 and 3, the Court “stress[ed] that it attaches importance to information contained in recent reports from independent international human rights organisations or governmental sources . . . [however, it] further explained that it would make its “*own assessment of the general situation in the country of destination*” in order to “determine whether there would be a violation of Article 3 if the applicant were to be returned to that country.”⁴⁶⁸ Thus, at the time of the Court’s decision, the Court concluded that “the general situation in Iraq, and in Baghdad . . . is not so serious as to cause, by itself, a violation of Article 3 of the Convention if the applicant were to be returned to that country.”⁴⁶⁹

As to Mr. F.H.’s specific claims of risk due to his Christian faith, the Court acknowledged that his faith would become known as his faith would be printed on his national identity card. However, even after acknowledging “several” recent incidents of persecution against Christians in 2008, it found no danger to Mr. F.H.:

Christian congregations are still functioning in Iraq and, from the general information available, it can be seen that the Iraqi Government has condemned all attacks against this group and that they intervened with police and military following the October [2008] attack to ensure their safety. Hence it is clear that there is no State-sanctioned persecution of Christians and, since the attacks were also condemned by Islamic groups and no one has accepted responsibility for them, it appears that the reported attacks were carried out by individuals rather than by organized groups. In these circumstances, the Court finds that the applicant would be able to seek the protection of the Iraqi authorities if he felt threatened and that the authorities would be willing and in a position to help him. Thus, the Court considers that he would not face a real risk of persecution or ill-treatment on the basis of his religious affiliation.⁴⁷⁰

However, Judge Power and Judge Zupančič strongly dissented. The dissenting Judges first quoted from the Grand Chamber’s decision in *Saadi v. Italy*,⁴⁷¹ objecting to the lack of rigorous assessment of risk by the Court:

Since protection against the treatment prohibited by Article 3 is absolute, that provision imposes an obligation not to (...) expel any person who, in the receiving country, would run the real risk of being subjected to such treatment. As the Court

⁴⁶⁶ *Id.*

⁴⁶⁷ *Id.* § 71 (citing Amnesty International, *Iraq—Rhetoric and Reality: The Iraqi Refugee Crisis*, June 2008, available at <http://www.amnesty.org/en/library/asset/MDE14/011/2008/en/43d5f798-3637-11dd-9db5-cb00b5aed8dc/mde140112008eng.html>).

⁴⁶⁸ *Id.* § 92 (emphasis added).

⁴⁶⁹ *Id.* § 93.

⁴⁷⁰ *Id.* § 97.

⁴⁷¹ *Saadi v. Italy* [GC], no. 37201/06, § 138,.

*has repeatedly held, there can be no derogation from that rule. (Saadi v. Italy [GC], no. 37201/06, § 138, ECHR 2008-...)*⁴⁷²

When evaluating the general situation in Iraq, the dissenting Judges observed that “[p]olitical assassinations, abductions and killings of journalists, members of *religious* and ethnic minority groups, persons not considered to be following ‘Islamic’ rules and former Ba’athists remain a reality.”⁴⁷³ These Judges further observed that,

[t]he seriousness of the situation in Iraq, today, is of a different order of magnitude to the “tense atmosphere” obtaining in Columbia in 1997. The Court in *H.L.R.* cannot be regarded as having articulated an unqualified statement of principle in relation to all countries where “a general situation of violence” exists. Careful consideration must be given to the nature, severity and extent of the violence and each case must be assessed, rigorously, on its own merits.⁴⁷⁴

The dissent pointed out several flaws in the Court’s judgment, and specifically objected to the lack due weight the Court afforded to the opinions of the UNHCR and other human rights NGOs:

[T]he objective reports of independent human rights bodies must be given due weight and, when considered with other factors in relation to alleged risk, *may* be decisive in terms of tipping the balance when it comes to the preponderance of evidence. Faced with the divergent claims of opposing parties and having regard to the rigorous assessment that is required, I take the view that *significant* weight should attach to the objective reports of independent human rights organisations regarding the current situation in Iraq, particularly, where those reports address, specifically, the grounds for the alleged real risk of ill treatment that are raised in the case before the Court.⁴⁷⁵

As to assessment of Mr. F.H.’s risk if returned to Iraq based on his Christianity, Judge Power, joined by Judge Zupančič, criticized the Court’s conclusion that the Iraqi government did not sanction the persecution against Christians (and hence protection would be available), because “[t]hat is not the requisite test . . .”⁴⁷⁶ As the dissenting judges pointed out,

[the Court’s] conclusion, in this regard, is difficult to reconcile with such objective evidence as is available. In its decision on admissibility in May of this year, the Court noted the increase in violence and threats against Christians in Iraq.[] The evidence available, *today, indicates a deterioration rather than an improvement in the situation.* In October 2008, twelve Christians were killed in Mosul and others were threatened to leave the city. Consequently, some 11,000

⁴⁷² F.H. v. Sweden, App. No. 32621/06 (Jan. 20, 2009) at 26 (Power, J., dissenting, joined by Zupančič, J.).

⁴⁷³ *Id.* at 26–27 (citing UNHCR, *Addendum to UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum Seekers* 10, UNHCR Geneva, (Dec. 2007)) (emphasis added).

⁴⁷⁴ *Id.* at 27.

⁴⁷⁵ *Id.* at 28 (second emphasis added).

⁴⁷⁶ *Id.* at 31.

Christians have fled notwithstanding directions from the Iraqi Prime Minister ordering the police and the army to protect such minorities.⁴⁷⁷

In support of its assessment, the dissent cited reports of the British Home Office UK Border Agency (UKBA) and the International Minority Rights Group (MRG) with regard to danger and severe threat for Christians in Iraq, and in Baghdad in particular. Considering that Iraq's Christian minorities in 2008 "ma[de] up 4 per cent of the overall population [and the claim that this minority group] constitute[d] 40 per cent of Iraqi refugees," the dissent noted that Sweden failed to "dispel any doubts" about the risk.⁴⁷⁸ Thus, "the requirement set out in *N.A. v. the United Kingdom* ha[d] not been met and the assessment of the risk, [in the dissent's view], lacks the 'rigour' required as a matter of law."⁴⁷⁹

M.B. and Others v. Turkey & Z.N.S. v. Turkey. On other recent occasions, the Court has agreed that, under Article 3 of the Convention, Christians cannot be deported to other Middle Eastern countries, such as Iran. In *M.B. and Others v. Turkey*, the Court found that Turkey would violate the prohibition against torture, inhuman or degrading treatment in Article 3 of the Convention if it were to deport an Iranian (converted) Christian family back to Iran.⁴⁸⁰ Giving "due weight"⁴⁸¹ to the United Nations High Commissioner for Refugee's (UNHCR) decision to grant refugee status to Mr. M.B. and his family, the Court found that the applicants demonstrated the requisite "substantial grounds" that they would risk death or ill-treatment if deported back to Iran.⁴⁸² The UNHCR granted refugee status to Mr. M.B. and his family, finding that Mr. M.B. "had a well-founded fear of persecution" because he had converted to Christianity, and had proselytized Iranian tourists while in Turkey (and Iranian authorities had also become aware of the family's conversion).⁴⁸³ The ECLJ participated in this case, submitting "that apostasy was punishable under the Iranian penal code and that converted Christians were harassed and persecuted by domestic authorities."⁴⁸⁴ The ECLJ also explained to the Court that converted Christians had been arrested, subjected to ill-treatment and imprisoned in Iran, some of whom had fled to other countries to seek asylum.⁴⁸⁵

The decision in *M.B. and Others v. Turkey* shortly followed the landmark unanimous decision in *Z.N.S. v. Turkey* in which the Court granted asylum to an Iranian Christian convert.⁴⁸⁶ The applicant, an Iranian woman who had converted to Christianity while in Turkey,

maintained that, if removed to Iran, she would be exposed to a clear risk of death or ill-treatment, given that she had been involved in anti-regime activities in Iran prior to her arrival in Turkey and that she had become a Christian, a fact known

⁴⁷⁷ *Id.* (footnote omitted) (emphasis added).

⁴⁷⁸ *Id.*

⁴⁷⁹ *Id.*

⁴⁸⁰ *M.B. and Others v. Turkey*, no. 36009/08 § 3, ECHR, 15 June 2010 ("Holds that the applicants' deportation to Iran would be in violation of Article 3 of the Convention").

⁴⁸¹ *Id.* § 33.

⁴⁸² *Id.* § 34.

⁴⁸³ *Id.* § 14.

⁴⁸⁴ *Id.* § 30.

⁴⁸⁵ *Id.*

⁴⁸⁶ *Z.N.S. v. Turkey*, no. 21896/08, ECHR, 19 Jan. 2010 (Final 28 June 2010).

by the Iranian authorities. In this connection, she stressed that she had been recognised as a refugee by the UNHCR⁴⁸⁷ [on religious grounds⁴⁸⁸].

The Court deferred to the UNHCR's finding that, as a Christian, she faced real danger upon deportation:

The Court for its part must give due weight to the UNHCR's conclusion on the applicant's claim regarding the risk which she would face if she were to be removed to Iran. . . . The Court observes in this connection that, when the UNHCR interviewed the applicant, it had the opportunity to test the credibility of her fears and the veracity of her account of the circumstances in her home country. Following this interview, it found that the applicant risked being subjected to persecution in her country of origin.⁴⁸⁹

As such, the Court found "that there are substantial grounds for accepting that the applicant risk[ed] a violation of her right under Article 3, on account of her religion, if returned to Iran."⁴⁹⁰

While the European Court of Human Rights has noted that risk of ill-treatment by those claiming asylum requires a rigorous analysis, it has acknowledged that "assessment of [the risk of ill-treatment for a particular applicant under Article 3] is to some degree speculative."⁴⁹¹ As demonstrated in *F.H. v. Sweden*, there is much room for disagreement as to whether a particular asylum applicant can show the requisite degree of risk. The Court in *F.H. v. Sweden* assessed risk based on violence occurring in Iraq in October 2008, but as the ECLJ's Report bears out, the violence in Iraq (as well as other Middle Eastern and surrounding countries) has continued to escalate, and has been dubbed by some as a genocide of Christians. The Court will likely take all these factors into consideration in its asylum cases moving forward.

⁴⁸⁷ *Id.* § 46.

⁴⁸⁸ *Id.* § 22.

⁴⁸⁹ *Id.* § 48 (internal citations omitted).

⁴⁹⁰ *Id.* §§ 49, 50.

⁴⁹¹ *Saadi v. Italy* [GC], no. 37201/06, § 142 (emphasis added).

VII. CONCLUSION & RECOMMENDATIONS

Considering that the *United Nations Alliance for Civilization*⁴⁹² will be at the PACE in April 2011, this is an appropriate opportunity to seek a Resolution on the severe persecution against Christian minorities in countries which are in and near the Middle East. As the information contained in this Report bears out, Christians have been fleeing their homes from countries in and near the Middle East primarily because Christians do not enjoy fundamental rights. They are discriminated against and persecuted. Not only do these governments oppose religious minorities with state-sponsored Sharia legislation, but they allow severe persecution at the hands of Islamic extremists who will not stop short of a complete cleansing of Christians and other religious minorities from the region. While a few observations indicate that some may have emigrated from the Middle East and surrounding countries due to economic or social reasons, the ECLJ submits that Christians only face those economic or social predicaments as a result of being treated as second-class citizens, solely because of their religious beliefs.

As the PACE has already acknowledged, there is great disparity between the Member States in their asylum decisions, which is deplorable. The Council of Europe cannot sit idly by, allowing Christians and other religious minorities to be arbitrarily deported back to their countries of origin where they will face certain bodily harm, and even death.

Thus, the ECLJ recommends that the PACE prepare and adopt a comprehensive report addressing the persecution of Christians in the world, particularly in the Middle East, as well as adopt and recommend specific measures addressing this issue.

The ECLJ recommends that the Council of Europe and its Member States:

- ✚ express a strong commitment to defend the Christians in the Middle East and other regions where they are persecuted;
- ✚ pay particular attention to the situation of Christian communities around the world, through the promotion of a strategic commitment from the countries concerned on the basis of the international human rights treaties;
- ✚ devote special attention to the situation of Christian communities when drafting and implementing development cooperation and aid programmes with third countries, as well as when drafting human rights reports;
- ✚ develop a comprehensive policy on religion based asylum claims, especially by including an emphasis on religious freedom in country reports and guidelines, and also by recognizing the specific situation of the religious minorities and of the converts;
- ✚ develop a comprehensive policy in order to limit the exodus, in particular by granting material support to the States and communities offering a local refuge to the Christian

⁴⁹² The United Nations Alliance of Civilizations is “[a] High-level Group of experts was formed by former Secretary-General Kofi Annan to explore the roots of polarization between societies and cultures today, and to recommend a practical programme of action to address this issue.” United Nations Alliance of Civilizations, About the Alliance, <http://www.unaoc.org/content/view/62/80/lang,english/> (last visited 17 Jan. 2011).

minorities (such as Syrian Christians, Kurds, Jordanians, etc.), and helping to relocate Christian refugees in their home countries;

- ✚ develop a comprehensive policy to improve the welfare of the Christian communities, in particular by promoting economical and educational cooperation with the Christian minorities;
- ✚ earmark more funds for the activities of the UNHCR and for humanitarian aid managed by organisations which support persecuted Christians; and
- ✚ continue to promote dialogue and mutual respect between communities, especially by developing educational programs and distributing material which address anti-Christian stereotypes and bias.

Again, the ECLJ submits this presentation with the hope of causing a catalytic reaction that spurs the PACE to take action in defence of persecuted Christians. Christian minorities are bearing the majority of brutal attacks and other forms of societal discrimination by Islamic extremists, and under Sharia laws. If Christianity is blotted out of the Middle Eastern region, not only will those societies suffer for lack of diversity and charity, but the current intolerance for any minority religion will become iron-clad. The Middle Eastern region (including closely surrounding countries) is becoming a blood-bath, and the Council of Europe must come to the defence of the Christian minority there.

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APPENDIX OF DOCUMENTS

P6_TA(2007)0542

Christian Communities

European Parliament resolution of 15 November 2007 on serious events which compromise Christian communities' existence and those of other religious communities

The European Parliament,

- having regard to Article 18 of the Universal Declaration of Human Rights (UDHR) of 1948,
 - having regard to Article 9 of the European Convention on Human Rights (ECHR) of 1950,
 - having regard to Article 18 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
 - having regard to the reports of the UN Special Rapporteur on freedom of religion or belief and in particular her reports of 8 March 2007, 20 July 2007 and 20 August 2007,
 - having regard to its annual reports on the situation of human rights in the world and its previous resolutions on religious minorities in the world,
 - having regard to its resolutions of 25 October 2007 on Pakistan¹ and Iran²,
 - having regard to its resolution of 28 April 2005 on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter³,
 - having regard to its resolution of 6 July 2005 on the European Union and Iraq – A framework for engagement⁴,
 - having regard to its resolution of 6 April 2006 on Iraq: the Assyrian community; the situation in Iraqi prisons⁵,
 - having regard to its resolution of 10 May 2007 on reforms in the Arab world: what strategy should the European Union adopt?⁶,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas in its relations with the rest of the world, the European Union affirms and

¹ *Texts Adopted*, P6_TA(2007)0489.

² *Texts Adopted*, P6_TA(2007)0488.

³ OJ C 45 E, 23.2.2006, p. 107.

⁴ OJ C 157 E, 6.7.2006, p. 390.

⁵ OJ C 293 E, 2.12.2006, p. 322.

⁶ *Texts Adopted*, P6_TA(2007)0179.

promotes its values and contributes to peace, mutual respect between peoples and the protection of human rights,

- B. whereas it has on several occasions expressed itself in favour of the rights of religious communities and the protection of their identity all over the world and in favour of the recognition and protection of religious minorities, without any distinction,
- C. extremely concerned, in this connection, about the proliferation of episodes of intolerance and repression directed against Christian communities, particularly in the countries of Africa, Asia and the Middle East,
- D. recalling its commitment to the principles of freedom of thought, conscience and religion and freedom of religious observance everywhere in the world, and to the principle that the State and its public institutions should be secular; stressing that, everywhere in the world, these authorities have a duty to guarantee these freedoms, including the freedom to change religion,
- E. having regard to the importance of dialogue between religions to promote peace and understanding between peoples,
- F. whereas political and religious leaders have a duty at all levels to combat extremism and promote mutual respect,
- G. whereas, according to international human rights law and particularly Article 18 of the International Covenant on Civil and Political Rights, everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, teaching, practice and observance,
- H. whereas the UN Special Rapporteur on freedom of religion or belief highlights worrying situations where the freedom to adopt, change or renounce a religion or belief has been infringed and reports numerous cases of inter-religious discrimination and violence, killings and arbitrary detention for reasons of religion or belief,
- I. whereas other groups of people such as refugees, internally displaced persons, asylum-seekers, migrants, persons deprived of their liberty, ethnic, religious and linguistic minorities and children of believers also face a growing number of violations of their right to freedom of religion or belief; recalling, in this respect, the principle of non-refoulement, according to Article 33 of the Geneva Convention relating to the Status of Refugees,
- J. concerned at the recent violent events in Iraq, including the kidnapping of two Catholic priests, Fathers Pius Afas and Mazen Ishaq, on 14 October 2007 in Mosul, the assassination of two Assyrian Christian members of the organisation National Union of Bet-Nahrin, Zuhair Youssef Astavo Kermles and Luay Solomon Numan, on 28 June 2007 in Mosul, the murder of a Chaldean priest, P. Ragheed Ganni, and of three deacons who were his assistants, on 3 June 2007 in Mosul,
- K. deploring the situation of Assyrian villages in Turkish border areas such as the village of Kani Masi,
- L. concerned at the recent violent events in Pakistan, including the attack on a Christian church on 10 October 2007 in Godwinh on the outskirts of Lahore, the bombing on 15 September 2007 which seriously damaged the Saint John Bosco Model School, a school

run by Mill Hill missionaries in the district of Bannu and the assassination of the Protestant Bishop Arif Khan and his wife on 29 August 2007 in Islamabad,

- M. deploring the murder in Gaza of Rami Khader Ayyad, owner of a Christian library, on 7 October 2007,
- N. saddened by the murder of two young Copts, Wasfi Sadek Ishaq and Karam Klieb Endarawis, on 3 October 2007 in Awlad Toq Garb in Egypt,
- O. horrified by the attacks on the Christian publishing house Zirve on 18 April 2007 in Malatya (Turkey) during which three Christians, Tilmann Geske, Necati Aydin and Ugur Yuksel, were murdered; recalling its resolution of 24 October 2007 on EU-Turkey relations⁷ and its strong condemnation of the murders of Hrant Dink and the Catholic priest Andrea Santoro,
- P. deploring the kidnapping of the Catholic priest Giancarlo Bossi in the Philippines,
- Q. stressing in particular the seriousness of the situation of Christian communities in Sudan, where the Khartoum authorities continue to repress its members,
- R. whereas in recent years hundreds of Assyrian Christian families living in the Dora neighbourhood in the south of Baghdad have left the city as a result of intimidation, threats and violence,
- S. whereas the exodus of Christians from Iraq is cause for serious concern, as is underlined by the fact that, in 2006, of a total of 38 000 Iraqis registered by the United Nations High Commissioner for Refugees (UNHCR) in Syria, about 24% were Christian and whereas more than two million people have been internally displaced within Iraq, the vast majority of them belonging to Christian minorities, and are mainly moving to the Nineveh plains,
- T. having regard to the seriousness of the situation regarding religious freedom in the People's Republic of China, where the authorities continue to repress any religious expression, particularly by the Catholic Church, many of whose members and bishops have been imprisoned for a number of years and some of whom have died in prison,
- U. whereas in Vietnam too, the activities of the Catholic Church and of other religious communities have been severely repressed, as is demonstrated by the serious situation facing the communities of Vietnamese 'montagnards',
- V. whereas in some cases the situation facing Christian communities is such as to endanger their future existence, and if they were to disappear, this would entail the loss of a significant part of the religious heritage of these countries,
 - 1. Strongly condemns all acts of violence against Christian communities, wherever they happen, and urges the governments concerned to bring to justice the perpetrators of these crimes;
 - 2. Strongly condemns all kinds of discrimination and intolerance based on religion and belief and acts of violence against all religious communities; urges the countries concerned to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of religion or belief as well as effective legal remedies for victims

⁷ *Texts Adopted*, P6_TA(2007)0472.

where the right to freedom of religion or belief is violated;

3. Points out that the right to freedom of thought, conscience and religion is a fundamental human right which is guaranteed by various international legal instruments; recalls, at the same time, its commitment to the fundamental concept of the interdependency of human rights;
4. Strongly supports any initiative to promote dialogue and mutual respect between religions; calls on all religious authorities to promote tolerance and to take initiatives against hatred and violent and extremist radicalisation;
5. Urges the governments of the countries concerned to improve the security situation of the Christian communities; stresses therefore that the public authorities have a duty to protect all religious communities, including Christian communities, from discrimination and repression;
6. Calls on the Commission and the Council to raise the subject of the situation of the Christian communities in the framework of the political dialogue with the countries where they are threatened, through the promotion of a strategic commitment from the countries concerned on the basis of the international treaties on human rights;
7. Calls on the Commission, the Council and the Member States to make further contributions to the strengthening of human rights and the rule of law using all the EU's foreign policy instruments;
8. Calls on the Commission and the Council to devote particular attention to the situation of religious communities, including Christian communities, in those countries where they are threatened, when drafting and implementing development cooperation and aid programmes with those same countries;
9. Calls on the European Union and the Member States to earmark more funds for the activities of the UNHCR and for humanitarian aid managed by that organisation;
10. Recommends that its relevant committees consider the situation of Christian communities, notably in the Middle East;
11. Instructs its President to forward this resolution to the Council, the Commission, the UN Secretary-General and the UN Human Rights Council.

P7_TA(2010)0005

Recent attacks on Christian communities

European Parliament resolution of 21 January 2010 on recent attacks on Christian communities

The European Parliament,

- having regard to its previous resolutions, and in particular that of 15 November 2007 on serious events which compromise Christian communities' existence and those of other religious communities,
 - having regard to Article 18 of the 1966 International Covenant on Civil and Political Rights,
 - having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the promotion of democracy and respect for human rights and civil liberties are fundamental principles and aims of the European Union and constitute common ground for its relations with third countries,
- B. whereas, according to international human rights law and Article 18 of the International Covenant on Civil and Political Rights in particular, everyone has the right to freedom of thought, conscience and religion; whereas this right includes freedom to change one's religion or belief, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,
- C. whereas Europe, like other parts of the world, is not exempt from cases of violation of that freedom, and experiences individual crimes committed against members of minorities on the basis of their beliefs,
- D. whereas the European Union has repeatedly expressed its commitment to freedom of thought, freedom of conscience and freedom of religion and has stressed that government has a duty to guarantee these freedoms all over the world,
- E. whereas on 6 January 2010 a drive-by shooting killed seven individuals – six Coptic Christians and a policeman – and injured others when worshipers were leaving a church after midnight mass on Coptic Christmas Eve in the city of Nagaa Hammadi in Upper Egypt; whereas, in recent weeks, further clashes involving Coptic Christians and Muslims have broken out and have been qualified by the Egyptian Government as individual incidents,
- F. whereas on 8 January 2010 the Egyptian authorities announced that they had arrested and

were holding three people in connection with the attack in Nagaa Hammadi on 6 January; whereas the Egyptian Public Prosecutor decided that the three accused should be tried before the Emergency State Security Court for premeditated murder,

- G. whereas Coptic Christians represent around 10% of the Egyptian population; whereas there have been recurrent acts of violence against Coptic Christians in Egypt over recent years,
- H. whereas the Egyptian Constitution guarantees freedom of belief and freedom to practise religious rites,
- I. whereas it attaches great importance to relations with Egypt and underlines the importance of Egypt and EU-Egypt relations for the stability and development of the EU-Mediterranean area,
- J. whereas the Malaysian Catholic Church had filed a lawsuit against the Malaysian Government in 2007 after the Government threatened to prohibit publication of the *Herald* newspaper on grounds of national security if it did not stop using the word 'Allah', commonly used by the Bahasa-Malaysia-speaking community, of Christian faith, as a translation of 'God',
- K. whereas, on 31 December 2009, the Malaysian High Court ruled that Christians in Malaysia have the constitutional right to use the word 'Allah' to refer to God and that the word is not exclusive to Islam,
- L. whereas, following the ruling, there were at least nine attacks on Christian churches in Malaysia,
- M. whereas in 2009 the Government had confiscated more than 15 000 copies of the Bible in the Malay language, in which the word 'Allah' was used to refer to God, and it has not, to date, returned them,
- N. whereas the Malaysian Government accepts the use of the word 'Allah' by the Christian communities in Sahah and Sarawak states, while questioning it in other regions of the country, thus generating additional discrimination among the whole Christian community in Malaysia,
- O. whereas inter-community dialogue is crucial to promoting peace and mutual understanding between peoples,
 - 1. Stresses that the right to freedom of thought, conscience and religion is a fundamental human right guaranteed by international legal instruments, and strongly condemns all kinds of violence, discrimination and intolerance, based on religion and belief, against religious people, apostates and non-believers;
 - 2. Expresses its concern about the recent attacks against Coptic Christians in Egypt and its solidarity with the families of the victims; calls on the Egyptian Government to ensure the personal safety and physical integrity of Coptic Christians and of members of other religious minorities in the country;

3. Welcomes the efforts made by the Egyptian authorities to identify the authors and perpetrators of the 6 January 2010 attack; calls on the Egyptian Government to ensure that all persons responsible for that attack, as well as for other violent acts against Coptic Christians or other religious or other minorities, are brought to justice and tried by due process;
4. Calls on the Egyptian Government to guarantee that Coptic Christians and members of other religious communities and of minorities enjoy the full range of human rights and fundamental freedoms – including the right to choose and change their religion freely – and to prevent any discrimination against them;
5. Deplores incidents of religiously motivated violence on European soil, including the murder of Marwa al-Sherbini, and expresses its solidarity with the families of the victims;
6. Expresses its concern about the recent attacks against churches and places of worship in Malaysia and its solidarity with the victims; calls on the Malaysian authorities to ensure the personal safety and physical integrity of people practising their religion and to take appropriate steps to protect churches and other houses of worship;
7. Calls on the Malaysian authorities to carry out thorough and rapid investigations into reported attacks against places of worship and to bring those responsible to justice;
8. Considers that the action of the Malaysian Ministry of Home Affairs constitutes violation of the freedom of religion; is especially worried that the Malaysian Government has acted outside the law and that its interference has contributed to mounting tensions among religious groups in the country;
9. Welcomes the ruling by Malaysia's High Court and calls on the Malaysian authorities to respect its decision; calls on the Malaysian Government not to seek to reinstate the ban on use of the word 'Allah' but to try to defuse the resulting tensions and to refrain from further actions that might upset the peaceful coexistence between the dominant and minority religions, as stipulated in the Constitution of Malaysia;
10. Calls on the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, in the framework of EU relations and cooperation with the countries concerned, to pay particular attention to the situation of religious minorities, including Christian communities;
11. Supports all initiatives aimed at promoting dialogue and mutual respect between communities; calls on all religious authorities to promote tolerance and to take initiatives against hatred and violent and extremist radicalisation;
12. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Egypt and the Government and Parliament of Malaysia.

**STATEMENT BY THE SPOKESPERSON OF EU HIGH REPRESENTATIVE CATHERINE ASHTON
FOLLOWING THE ATTACK AGAINST WORSHIPERS AT COPTIC CHURCH IN ALEXANDRIA, EGYPT
(01/01/2011),**

EUROPEAN UNION Brussels, 1 January 2011, A 001/11, *available at*
http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/118702.pdf

The spokesperson of Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission, issued the following statement today:

“The High Representative is deeply saddened by the news of the attack against worshipers at the Coptic Church in Alexandria that killed and injured a large number of innocent civilians. Catherine Ashton condemns unreservedly the attack against innocent Copt worshipers and expresses her deepest sympathies to the families and friends of the victims, and to the Egyptian Authorities. There cannot be any justification for this attack. The right of Christian Copts to gather and worship freely must be protected.”



18.1.2011

B7-0039/2011 }
B7-0040/2011 }
B7-0051/2011 }
B7-0054/2011 }
B7-0056/2011 }
B7-0058/2011 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(4) of the Rules of Procedure

replacing the motions by the following groups:

EFD (B7-0039/2011)
S&D (B7-0040/2011)
ALDE (B7-0051/2011)
ECR (B7-0054/2011)
PPE (B7-0056/2011)
Verts/ALE (B7-0058/2011)

on the situation of Christians in the context of freedom of religion

Elmar Brok, José Ignacio Salafranca Sánchez-Neyra, Ioannis Kasoulides, Joseph Daul, Mario Mauro, Jaime Mayor Oreja, Ernst Strasser, Tunne Kelam, Doris Pack, Mário David, Francisco José Millán Mon, Gay Mitchell, Filip Kaczmarek, Marietta Giannakou, Carlo Casini, Ria Oomen-Ruijten, Hans-Gert Pöttering, Anna Záborská, Traian Ungureanu, Cristiana Muscardini, Andrzej Grzyb, Constance Le Grip, Sari Essayah, Othmar Karas

on behalf of the PPE Group

Adrian Severin, Hannes Swoboda, Richard Howitt, Kyriakos Mavronikolas, Guido Milana, Vincent Peillon, Gianni Pittella, David-Maria Sassoli, Patrizia Toia

on behalf of the S&D Group

Marietje Schaake, Vincenzo Iovine, Marielle De Sarnez, Charles Goerens, Frédérique Ries, Kristiina Ojuland, Alexander Graf Lambsdorff, Ramon Tremosa i Balcells

on behalf of the ALDE Group

Heidi Hautala, Nicole Kiil-Nielsen, Margrete Auken, Raül Romeva i Rueda

on behalf of the Verts/ALE Group

Charles Tannock, Ryszard Antoni Legutko, Marek Henryk Migalski, Peter van Dalen, Michał Tomasz Kamiński, Adam Bielan, Konrad Szymański,

Ryszard Czarnecki, Mirosław Piotrowski, Tomasz Piotr Poręba

on behalf of the ECR Group

Fiorello Provera

on behalf of the EFD Group

Cornelis de Jong, Takis Hadjigeorgiou, Kyriacos Triantaphyllides

European Parliament resolution on the situation of Christians in the context of freedom of religion

The European Parliament,

- having regard to its previous resolutions, and in particular that of 15 November 2007 on serious events which compromise Christian communities' existence and those of other religious communities, that of 21 January 2010 on attacks on Christian communities, that of 6 May 2010 on the mass atrocities in Jos, Nigeria, that of 20 May 2010 on religious freedom in Pakistan and that of 25 November 2010 on Iraq: the death penalty (notably the case of Tariq Aziz) and attacks against Christian communities,
 - having regard to its annual reports on the situation of human rights in the world, and in particular to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009,
 - having regard to Article 18 of the Universal Declaration of Human Rights of 1948,
 - having regard to Article 18 of the International Covenant on Civil and Political Rights of 1966,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
 - having regard to the reports of the UN Special Rapporteur on freedom of religion or belief and in particular her reports of 29 December 2009, 16 February 2010 and 29 July 2010,
 - having regard to Article 9 of the European Convention on Human Rights of 1950,
 - having regard to Article 10 of the Charter of Fundamental Rights of the European Union,
 - having regard to Article 3(5) of the Treaty on European Union (TEU),
 - having regard to Article 17 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the statement by the spokesperson of Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission, following the attack against worshippers at a Coptic Church in Alexandria, Egypt, on 1 January 2011,
 - having regard to the statement of the President of the European Parliament Jerzy Buzek on the deadly blast at an Egyptian church on 1 January 2011,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union has repeatedly expressed its commitment to freedom of religion, freedom of conscience and freedom of thought, and has stressed that governments

have a duty to guarantee these freedoms all over the world; whereas the development of human rights, democracy and civil liberties is the common base on which the European Union builds its relations with third countries and has been provided for by the democracy clause in the agreements between the EU and third countries,

- B. whereas Article 18 of the International Covenant on Civil and Political Rights declares that everyone has the right to freedom of thought, conscience and religion; whereas this right includes the freedom to have or to adopt a religion or belief of one's own choice, and the freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching,
- C. whereas freedom of thought, conscience and religion applies to adherents of religions, but also to atheists, agnostics and people without beliefs,
- D. whereas the number of attacks on Christian communities has risen worldwide in 2010 as well as the number of trials and sentences to death for blasphemy, which often affect women; whereas statistics on religious freedom in recent years show that the majority of acts of religious violence are perpetrated against Christians, as indicated in the 2009 Report on Religious Freedom in the World prepared by the organisation 'Aid to the Church in Need'; whereas in some cases the situation facing Christian communities is such as to endanger their future existence, and if they were to disappear, this would entail the loss of a significant part of the religious heritage of the countries concerned,
- E. whereas once again innocent lives were being cut short in atrocious attacks designed to strike the Christian community in Nigeria on 11 January 2011; whereas on 24 December 2010 there were attacks against several churches in Maiduguri and on 25 December there were bomb attacks in the Nigerian city of Jos, which led to the killing of 38 civilians while dozens of others were wounded; whereas on 21 December 2010 men armed with swords and machetes assaulted a group of local Christian villagers, killing three and leaving two wounded, in Turu, Nigeria; whereas on 3 December 2010 seven Christians, including women and children, were found dead, whilst four others were left wounded in a attack in the city of Jos, Nigeria,
- F. whereas the assassination of Salmaan Taseer, Governor of Punjab, on 4 January 2011 as well as the case of Asia Noreen in Pakistan provoked protests by the international community,
- G. whereas a terrorist attack on Coptic Christians killed and injured innocent civilians in Alexandria on 1 January 2011,
- H. whereas on 25 December 2010 a priest and a 9-year-old girl were among the total number of 11 wounded when a bomb was set off inside a chapel on Christmas Day, in Sulu, Philippines,
- I. whereas the celebration of Christmas Mass in the villages of Rizokarpaso and Ayia Triada in the northern part of Cyprus was interrupted by force on 25 December 2010,
- J. whereas on 30 December 2010 jihadi terrorist attacks against Assyrian Christian families left at least two dead and 14 wounded in a series of coordinated bomb attacks on Christian homes in Baghdad, Iraq; whereas on 27 December 2010 a roadside bomb killed an Assyrian Christian woman and wounded her husband in Dujail, Iraq; whereas two Iraqi Christians

were killed in Mosul on 22 November 2010; whereas a series of attacks targeting Christian areas killed innocent civilians in Baghdad on 10 November 2010; whereas 52 people died, amongst them women and children, in the massacre of 1 November 2010 at the Syrian Catholic Church of Our Lady of Deliverance in Baghdad,

- K. whereas the Iranian Government has stepped up its campaign against Christians in the Islamic Republic, with more than 100 arrested in the past month, forcing many to flee the country or face criminal charges and a possible death sentence,
- L. whereas in Vietnam too, the activities of the Catholic Church and of other religious communities have been severely repressed, as is demonstrated by the serious situation facing the communities of Vietnamese ‘montagnards’; whereas, however, the change of heart by the Vietnamese regime concerning the case of Father Nguyen Van Ly, resulting in his release, can be welcomed,
- M. whereas attacks by violent Islamist extremists are also attacks on the current regime of the states concerned, aiming to create unrest and to start civil war between the different religious groups,
- N. whereas Europe, like other parts of the world, is not exempt from cases of violation of freedom of religion, attacks on members of religious minorities on the basis of their beliefs, and religiously motivated discrimination,
- O. whereas inter-community dialogue is crucial to promoting peace and mutual understanding between peoples,
 - 1. Condemns the recent attacks on Christian communities in various countries and expresses its solidarity with the families of the victims; expresses its deep concerns about the proliferation of episodes of intolerance, repression and violent events directed against Christian communities, particularly in the countries of Africa, Asia and the Middle East;
 - 2. Welcomes the efforts made by the authorities of the countries concerned to identify the authors and perpetrators of the attacks on Christian communities; urges the governments to ensure that perpetrators of these crimes and all persons responsible for the attacks, as well as for other violent acts against Christians or other religious or other minorities, are brought to justice and tried by due process;
 - 3. Strongly condemns all acts of violence against Christians and other religious communities as well as all kinds of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right;
 - 4. Is concerned about the exodus of Christians from various countries, especially Middle Eastern countries, in recent years;
 - 5. Expresses its concerns about the fact that the Pakistani blasphemy law, which was publicly opposed by the late Governor Salman Taseer, is still used to persecute religious denominations, including Christians such as Asia Noreen, a Christian mother of five

sentenced to death, and that the murderer of Governor Salman Taseer is treated by large sections of Pakistani society as a hero;

6. Welcomes the Egyptian public opinion reaction which vigorously condemned the terrorist act and rapidly grasped that the attack was plotted to undermine the deep rooted traditional bonds between Christians and Muslims in Egypt; welcomes the joint demonstrations by Coptic Christians and Muslims in Egypt to protest against the attack; welcomes also the public condemnation of the attack by the President of Egypt Hosni Mubarak, the Grand Sheikh of Al-Azhar and the Grand Mufti of Egypt;
7. Condemns the interruption by force of the Christmas Mass celebrated on Christmas Day by the remaining 300 Christians in the northern part of Cyprus by the Turkish authorities;
8. Expresses its grave concerns about the abuse of religion by the perpetrators of terrorist acts in several areas of the world; denounces the instrumentalisation of religion in various political conflicts;
9. Urges the authorities of states with alarmingly high levels of attacks against religious denominations to take responsibility in ensuring normal and public religious practices for all religious denominations, to step up their efforts to provide reliable and efficient protection for the religious denominations in their countries and to ensure the personal safety and physical integrity of members of religious denominations in the country, thereby complying with the obligations to which they have already committed themselves within the international arena;
10. Stresses once again that respect for human rights and civil liberties, including freedom of religion or belief, are fundamental principles and aims of the European Union and constitute a common ground in its relations with third countries;
11. Calls on the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission to pay increased attention to the subject of freedom of religion or belief and to the situation of religious communities, including Christians, in agreements and cooperation with third countries as well as in human rights reports;
12. Invites the forthcoming External Affairs Council on 31 January 2011 to discuss the question of the persecution of Christians and respect for religious freedom or belief, which discussion should give rise to concrete results, especially as regards the instruments that can be used to provide security and protection for Christian communities under threat, wherever in the world they may be;
13. Calls on the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission to develop as a matter of urgency an EU strategy on the enforcement of the human right to freedom of religion, including a list of measures against states who knowingly fail to protect religious denominations;
14. Asks the High Representative, in light of recent events and the increasing necessity for analysing and understanding the evolution of cultural and religious developments in

international relations and contemporary societies, to develop a permanent system within the human rights directorate of the External Action Service to monitor the situation of governmental and societal restrictions on religious freedom and related rights, and to report annually to Parliament;

15. Calls for the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission and Parliament to include a chapter on religious freedom in their Annual Human Rights report;
16. Urges EU institutions to comply with the obligation under Article 17 of the TFEU to maintain an open, transparent and regular dialogue with churches and religious, philosophical and non-confessional organisations, in order to ensure that the issue of the persecution of Christians and other religious communities is a priority issue which is discussed on a systematic basis;
17. Calls on the leadership of all religious communities in Europe to condemn attacks on Christian communities and other faith groups on the basis of equal respect for each denomination;
18. Reiterates its support for all initiatives aimed at promoting dialogue and mutual respect between religious and other communities; calls on all religious authorities to promote tolerance and to take initiatives against hatred and violent and extremist radicalisation;
19. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission, the parliaments and governments of the Member States, the parliament and government of Egypt, the parliament and government of Iran, the parliament and government of Iraq, the parliament and government of Nigeria, the parliament and government of Pakistan, the parliament and government of the Philippines, the parliament and government of Vietnam, and the Organisation of the Islamic Conference.

APPENDIX OF COUNTRY REPORTS

IRAQ

Of Iraq's population of approximately 28.9 million, 97 percent is Muslim, and Christians comprise a fraction of 3 percent.⁵⁰⁰ Since 2000, the Ancient Church of the East, one of Iraq's largest Christian denominations, has decreased by almost four percent per year and Catholics and Coptics have seen their numbers decrease steadily at almost five percent per year.⁵⁰¹ Similarly, the Syriac Orthodox Church in Iraq has lost half its members since 2000, decreasing from 40,000 to 20,000.⁵⁰² Why such sharp decreases? Recently, al-Qaida has strategically targeted Iraqi Christians in order to gain the West's attention; it even issued a public warning to all Christians that they should leave the country.⁵⁰³ The attacks reached a pinnacle on 31 October 2010, when gunmen from the "Islamic State of Iraq" murdered fifty-eight Christians in a Baghdad Cathedral.⁵⁰⁴ According to Charles Sennott, executive editor and vice president of GlobalPost, "al-Qaida [i]s making a very strategic effort here to isolate and terrorize the Christian minority of Iraq knowing full well that that is a chord that will strike very loudly in the West"⁵⁰⁵ The attacks have left Christians feeling unsafe and fleeing for their lives.⁵⁰⁶ Since the October massacre, over 1,000 families have left the Baghdad and Mosul areas and fled to northern Iraq as well as to other countries.⁵⁰⁷ One writer compared the current persecution and flight of Christians in Iraq to Iraq's persecution of Jews in 1941:

Iraq's Jewish population was subjected to systematic persecution for parts of the next decade; by 1951, 100,000 were forced to leave for Israel. Staged trials led to the public hanging of Jews in the aftermath of Israel's Six-Day War. Today, virtually nothing remains of Iraq's once-vibrant Jewish community. Unless the world takes action, this is the fate that awaits Iraq's Christians.⁵⁰⁸

⁵⁰⁰Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Iraq: International Religious Freedom Report* (2010), § I, Religious Demography, available at <http://www.state.gov/g/drl/rls/irf/2010/148821.htm> [hereinafter *Iraq Religious Freedom Report*].

⁵⁰¹ Denominations, WORLD CHRISTIAN DATABASE, <http://www.worldchristiandatabase.org/wcd/19> (requires password to enter) (on file with author) (last visited 12 Jan. 2010).

⁵⁰² *Id.*

⁵⁰³ Larisa Epatko, *Iraqi Christians Flee as al-Qaida Steps up Attacks*, PBS.ORG (23 Nov. 2010), <http://www.pbs.org/newshour/rundown/2010/11/iraqi-christians.html>; Yitzchok Alderstein & Carl Moeller, *Iraq's Christian 'Religicide'*, WASHINGTONTIMES.COM (23 Dec., 2010), <http://www.washingtontimes.com/news/2010/dec/23/iraqs-christian-religicide/>.

⁵⁰⁴ Martin Chulov, *Baghdad Church Siege Survivors Speak of Taunts, Killings and Explosions*, GUARDIAN.CO.UK (1 Nov. 2010), <http://www.guardian.co.uk/world/2010/nov/01/baghdad-church-siege-survivors-speak>; *Iraqis Mourn Victims of Massive Attack on Church*, COMPASS DIRECT NEWS (2 Nov. 2010), <http://www.compassdirect.org/english/country/iraq/27961/>.

⁵⁰⁵ Epatko, *supra* note 107.

⁵⁰⁶ *Id.*

⁵⁰⁷ Martin Chulov, *Iraqi Christians Flee Baghdad After Cathedral Massacre*, GUARDIAN.CO.UK (17 Dec. 2010), <http://www.guardian.co.uk/world/2010/dec/17/iraq-christians-flee-baghdad-cathedral>.

⁵⁰⁸ Alderstein & Moeller, *supra* note 107.

With only approximately 350,000⁵⁰⁹ Christians remaining in the country, reduced from 1.4 million in 2003, and even though Christians have been in Iraq since the second century,⁵¹⁰ this indeed could be “the end of Christianity in Iraq.”⁵¹¹

The Iraqi Constitution explicitly provides for religious freedom for Muslims and non-Muslims alike.⁵¹² While the Constitution stipulates that Islam is the official religion and “no law may be enacted that contradicts the established provisions of Islam,” it also mandates that no law be enacted “that contradicts the principles of democracy” or “the rights and basic freedoms stipulated in this Constitution.”⁵¹³ In the past, the government has attempted to fulfill its obligation to protect the rights and freedoms of religious minorities. For example, in July 2009, after six churches were attacked, the government increased security at Christian places of worship.⁵¹⁴ And in February 2010, after numerous Christians were killed, the government formed an investigative committee.⁵¹⁵ Governmental efforts to protect Christians from religious violence such as these, however, have proven ineffective. As the United States Department of State reported, “[v]ery few of the perpetrators of violence committed against Christians and other religious minorities in the country were punished; arrests following a murder or other crimes were rare.”⁵¹⁶ For example, the investigative committee that was formed after the February 2010 attacks yielded no results.⁵¹⁷ The International Religious Freedom Report recognized the Iraqi government’s failure in that situation: “[G]iven that similar violence had occurred before previous elections, it is notable, if not negligent, that the governing authorities in Nineveh only reacted after that fact and did not provide advance, proactive security precautions for Mosul’s Christian population.”⁵¹⁸

Indeed, not only does the government not arrest the terrorists, but there is generally nothing done to prevent the attacks:

[T]he [Iraqi] government continues to commit and tolerate severe abuses of freedom of religion or belief, particularly against the members of Iraq’s smallest, most vulnerable religious minorities—Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yazidis. Members of these groups continue to suffer

⁵⁰⁹ Alderstein & Moeller, *supra* note 107. The article providing the 350,000 figure was published on 23 December, 2010. *Id.* The recent United States State Department report, published on 17 November, 2010, estimated that there were between 400,000 and 600,000 Christians remaining in Iraq. *Iraq Religious Freedom Report, supra* note 500, § I, Religious Demography.

⁵¹⁰ *Guide: Christians in the Middle East*, BBC (15 Dec. 2005), http://news.bbc.co.uk/2/hi/middle_east/4499668.stm#egypt.

⁵¹¹ United States Commission on Int’l Religious Freedom, *Annual Report* 68 (2010),

<http://www.uscirf.gov/images/annual%20report%202010.pdf> [hereinafter *Annual Report*].

⁵¹² *Iraq Religious Freedom Report*, § II, Legal/Policy Framework, *supra* note 500; *see also e.g.*, Articles 41-43, Doustour Jounhouriat al-Iraq [THE CONSTITUTION OF THE REPUBLIC OF IRAQ] of 2005, *available at* http://www.uniraq.org/documents/iraqi_constitution.pdf [hereinafter IRAQ CONST.].

⁵¹³ IRAQ CONST. art. 2.

⁵¹⁴ *Iraq Religious Freedom Report, supra* note 114.

⁵¹⁵ *Id.*

⁵¹⁶ *Id.*

⁵¹⁷ *Annual Report, supra* note 113, at 69.

⁵¹⁸ *Id.*

from targeted violence, threats, and intimidation, against which they receive insufficient government protection.⁵¹⁹

After a 30 December 2010 attack in which bombs were placed near fourteen Christian homes, Noor Isam, a thirty year-old Iraqi Christian explained his personal heartbreak: ““We will love Iraq forever, but we have to leave it immediately to survive. . . .’ I would ask the government, ‘Where is the promised security for Christians?’”⁵²⁰ It is not as if the Iraqi government did not foresee the potential for religious violence. Article Seven of the Iraq Constitution makes explicit reference to religious terrorism and the obligation the government has to prevent it:

First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba’ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.⁵²¹

Indeed, the Iraqi government has a constitutional obligation to protect religious minorities’ ability to practice their religion by protecting them from religiously motivated attacks. The Iraqi government has failed to carry out this mandate. Thus, even though al-Qaida is actually carrying out the attacks against Christians, the Iraqi government has done virtually nothing to protect them—presenting a huge problem for the dwindling Christian minority. The recent wave of violence against Christians and the lack of governmental response have sparked strong reactions from Christian leaders. On 1 December 2010, for example, Christian leaders withdrew from a conference on “Social Coexistence and Tolerance” that was organized by the Iraqi Ministry of Human Rights.⁵²² “The gesture was intended as a protest against” the attacks.⁵²³ While the Christians eventually agreed to attend the conference, they did so only after the government assured them that “their demands [would] be contained in the ‘Manifesto’ to be published at the end of the conference.”⁵²⁴ This protest is representative of the dissatisfaction that many minority groups, particularly Christians, have with the government’s lack of response in its obligation to protect them from religiously motivated violence.

The targeted attacks against Christians and lack of governmental protection have made survival almost impossible for Christians in a country where, even prior to the recent, violent

⁵¹⁹ *Id.* at 10.

⁵²⁰ John Leland, *Christians Are Casualties of 10 Baghdad Attacks*, N.Y. TIMES (30 Dec. 2010), <http://www.nytimes.com/2010/12/31/world/middleeast/31iraq.html>.

⁵²¹ IRAQ CONST. art. 7.

⁵²² *Christian Murdered in Mosul: Bishops Protest to Government*, ASIANEWS.IT (2 Dec. 2010), <http://www.asianews.it/news-en/Christian-murdered-in-Mosul:-bishops-protest-to-Government-20150.html>.

⁵²³ *Id.*; see also Barnabas Fund, Prayer Focus 01/11, *Iraq: Unfolding Tragedy for Christians* (23 Dec. 2010), <http://barnabasfund.org/NZ/News/Prayer-Focus-Update/Prayer-Focus-0111.html#Iraq>.

⁵²⁴ *Christian Murdered in Mosul*, *supra* note 522.

outbreak, governmental discrimination made life very difficult.⁵²⁵ The International Religious Freedom Report noted that religious minorities “experience a *pattern of official discrimination, marginalization, and neglect.*”⁵²⁶ Thus, even though Iraq’s Constitution requires equal protection before the law for all citizens without discrimination based on religion,⁵²⁷ minorities, especially Christians, are often discriminated against because of their religion.⁵²⁸ Employment discrimination is common, with governmental ministers often hiring only those who share the same religious beliefs.⁵²⁹ With little representation in the government, Christians find government work difficult to acquire.⁵³⁰ Additionally, citizens are required to carry national identity cards that denote the citizen’s religion, which is used as a basis for discrimination.⁵³¹

Another potential source of discrimination is the requirement that religious groups register with the government.⁵³² “In order to register, a group must have a minimum of 500 adherents in the country and receive approval from the Council of Iraqi Christian Church Leaders, a quasi-governmental group consisting of representatives from each of the 14 officially recognized churches.”⁵³³ Evangelicals have called for less burdensome requirements and have found it difficult to obtain registration.⁵³⁴

Specific Incidents of Persecution:

- ✚ On 1 January 2011, “Rafah Butros Toma, a 44-year-old unmarried Christian woman, was murdered in her home. She was one of the worshippers who survived the al-Qaeda massacre at Our Lady of Perpetual Help Cathedral on 31 October.”⁵³⁵
- ✚ On 30 December 2010, Islamic militants “left a bomb on the doorstep of the home of an elderly Christian couple and rang the doorbell.”⁵³⁶ When Fawzi Rahim, 76, and his 78 year-old wife Janet Mekha, opened the door, the bomb exploded.⁵³⁷ “The bombing was among a string of seemingly coordinated attacks Thursday evening that targeted at least seven Christian homes in various parts of Baghdad that wounded at least 13 other people, a week after al-Qaida-linked militants renewed their threats to attack Iraq’s Christians.”⁵³⁸

⁵²⁵ Epatko, *supra* note 107.

⁵²⁶ *Annual Report*, *supra* note 113, at 10.

⁵²⁷ IRAQ CONST. art. 14.

⁵²⁸ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iraq: Human Rights Report* (2009), available at <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>.

⁵²⁹ *Iraq Religious Freedom Report*, *supra* note 500.

⁵³⁰ *See id.*

⁵³¹ *Id.*

⁵³² *Id.*

⁵³³ *Id.*

⁵³⁴ *Annual Report*, *supra* note 113, at 71; *Iraq Religious Freedom Report*, *supra* note 500.

⁵³⁵ Layla Yousif Rahema, *Muslim Solidarity Towards Iraqi Christians*, ASIANEWS.IT (4 Jan. 2011), <http://www.asianews.it/news-en/Muslim-solidarity-towards-Iraqi-Christians-20419.html>.

⁵³⁶ *A Doorbell Rings, a New Attack on Iraqi Christians*, ASSOCIATED PRESS (1 Jan. 2010), <http://www.google.com/hostednews/ap/article/ALeqM5gJ5Y0MR9Yxe8hj1nC4MG9NHZ-EQQ?docId=195a4dafadc64de98403c34df57a322b>.

⁵³⁷ *Id.*

⁵³⁸ *Id.*

- ✚ “On 5 December, four men raided the Baghdad home of an elderly Christian couple, Hikmat and Samira Sammak, and their daughter and shot them all with silenced pistols.”⁵³⁹
- ✚ On 30 November 2010, three gunmen kidnapped a Christian engineer, Fadi Walid, from his shop in Mosul and took him to another shop where they “murdered him in cold blood.”⁵⁴⁰
- ✚ On 31 October 2010, “al-Qaida-aligned gunmen” from the organization the “Islamic State of Iraq” murdered fifty-eight Christians in a Baghdad Cathedral. The gunmen entered the doors and then allegedly screamed, “All of you are infidels.” “We are here to avenge the burning of the Qurans and the jailing of Muslim women in Egypt.” “We will go to paradise if we kill you and you will go to hell.” After the Iraqi army entered the church, some of the gunmen detonated the suicide vests they were wearing, causing large explosions.⁵⁴¹
- ✚ On 10-11 November 2010, in continuation of the Cathedral Massacre, Islamic extremists bombed the homes of Christians who lost family members in the Cathedral massacre, leaving at least four dead and dozens injured.⁵⁴²
- ✚ 10 June 10, 2010: “Christian businessman Hani Salim Wadi was shot and killed in front of his house in Kirkuk. According to *Asia News*, eyewitnesses to the event described it as a ‘targeted killing.’”⁵⁴³
- ✚ On 2 May 2010, just outside Mosul, Islamic extremists targeted a bus convoy of Christian students by detonating explosives. At least one person was killed, at least fifty were in the hospital, and approximately 160 were injured.⁵⁴⁴
- ✚ 27 March 2010: “[A] bomb planted near the home of a Christian family in Mosul exploded, killing a three-year-old child and injuring three other family members at the house.”⁵⁴⁵
- ✚ March 17, 2010: “[A]n armed man shot and killed a Christian man, Sabah Yacoub Adam, near the Church of the Dominican Fathers in the neighborhood of al-Saa in Mosul. Adam had returned to Mosul after fleeing the city the month prior to his killing.”⁵⁴⁶
- ✚ “During a two-week period beginning on February 14, 2010, less than one month before the March 7 national elections, 10 Christians were targeted and killed in Mosul, prompting some 4,300 Christians to flee the city, most to Christian villages in the Nineveh Plains area and some to the KRG region and Syria. This exodus was reminiscent of October 2008 when, over a 10-day period in the lead-up to the January 2009 provincial elections, 14 Christians were targeted and killed in Mosul and more than 12,000 fled the city.”⁵⁴⁷

⁵³⁹ Barnabas Fund, *supra* note 523.

⁵⁴⁰ *Christian Murdered in Mosul*, *supra* note 522.

⁵⁴¹ Chulov, *supra* note 108; *Iraqis Mourn Victims*, *supra* note 108.

⁵⁴² Martin Chulov, *Bombings Target Christian Neighbourhoods in Baghdad*, GUARDIAN.CO.UK (10 Nov. 2010), <http://www.guardian.co.uk/world/2010/nov/10/bombings-target-christians-in-baghdad?intcmp=239>.

⁵⁴³ *Iraq Religious Freedom Report*, *supra* note 500.

⁵⁴⁴ *Bomb Attack in Iraq Seriously Injures Christian Students*, OPENDOORSUSA.ORG (5 May 2010), <http://www.opendoorsusa.org/persecuted-christians/persecuted-christians-news/2010/may/bomb-attack-in-iraq-seriously-injures-christian-students/>.

⁵⁴⁵ *Iraq Religious Freedom Report*, *supra* note 500.

⁵⁴⁶ *Id.*

⁵⁴⁷ *Annual Report*, *supra* note 113, at 69.

- ✚ 18 January 2010: “[G]unmen entered a food store in the al-Sadeq neighborhood of northern Mosul and shot and killed the owner, who was a Christian man.”⁵⁴⁸
- ✚ 17 January 2010: “[A] Christian was killed by gunmen in the al-Majmoua al-Thaqafiya neighborhood of northern Mosul.”⁵⁴⁹
- ✚ “[I]n November-December 2009, there was [a] series of church attacks. On 26 November, a church and a convent in Mosul were bombed, causing damage but no casualties. On 15 December, two churches in Mosul were bombed, killing four and injuring 40, and on 23 December, two more churches in Mosul were bombed, killing three.”⁵⁵⁰
- ✚ 12 July 2009: “[S]even churches in Baghdad were bombed, killing four and injuring 18.”⁵⁵¹

⁵⁴⁸ *Iraq Religious Freedom Report*, *supra* note 500.

⁵⁴⁹ *Id.*

⁵⁵⁰ *Annual Report*, *supra* note 113, at 70.

⁵⁵¹ *Id.*

EGYPT

A December 2009 study (the Pew Forum on Religion & Public Life, entitled, “Global Restrictions on Religion”), noted that Egypt imposes a “Very High” level of governmental restriction on religion, ranking fifth in the world in that regard, exceeded only by Saudi Arabia, Iran, Uzbekistan, and China.⁵⁵² According to the U.S. Department of State’s most recent religious freedom report, ninety percent of Egypt’s population of 86 million are Sunni Muslims, with estimates of the Christian population ranging from 8-12 percent (or 6-10 million). The majority of Christians are Coptic Orthodox Christians.⁵⁵³

Egypt Constitution, Art. 2. Although Article 46 of the Egyptian Constitution guarantees freedom of religious belief and religious exercise,⁵⁵⁴ and Article 47 guarantees freedom of opinion and expression,⁵⁵⁵ Article 2 states that the principle source of legislation is Islamic jurisprudence.⁵⁵⁶ The Egyptian Supreme Constitutional Court⁵⁵⁷ (“SCC”) has interpreted Article 2 to mean that no legislation can violate rules of the Sharia, the meaning and immutability of which has been definitively established.⁵⁵⁸ For the purposes of Article 2, the SCC has defined Sharia as all laws which conform to broad Quranic legal principles which have historically been accepted by all Muslim jurists.⁵⁵⁹ As a result of Article 2, Egypt’s legal system is ostensibly a “constitutional theocracy” in which all laws are subject to the principles of Sharia.⁵⁶⁰

The Egyptian Government has actively restricted the freedom to adopt the religion of one’s own choice by refusing to allow Muslims who convert to another religion to change their religious affiliation on their national identity cards. Conversion from Islam to other religions is not permitted.⁵⁶¹ Conversion is a legal matter which must be accomplished by changing a

⁵⁵² PEW FORUM ON RELIGION & PUBLIC LIFE, GLOBAL RESTRICTIONS ON RELIGION 12 (2009), <http://pewforum.org/newassets/images/reports/restrictions/restrictionsfullreport.pdf>.

⁵⁵³ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Egypt: International Religious Freedom Report* (2010), § I, Religious Demography, available at <http://www.state.gov/g/drl/rls/irf/2010/148817.htm> [hereinafter *Egypt Religious Freedom Report* (2010)].

⁵⁵⁴ CONST. OF THE ARAB REPUBLIC OF EGYPT art. 46 (“The State shall guarantee the freedom of belief and the freedom of practising religious rites.”).

⁵⁵⁵ *Id.* at art. 47 (“Freedom of opinion is guaranteed. Every individual has the right to express his opinion and to disseminate it verbally, in writing, illustration or by other means within the limits of the law”).

⁵⁵⁶ *Id.* at art. 2.

⁵⁵⁷ The Egyptian Supreme Constitutional Court exercises the role of constitutional arbiter. *Id.* at art. 175 (“The Supreme Constitutional Court alone shall undertake the judicial control in respect of the constitutionality of the laws and regulations.”).

⁵⁵⁸ Clark B. Lombardi, *Islamic Law as a Source of Constitutional Law in Egypt: The Constitutionalization of the Shari’ah in a Modern Arab State*, 37 COLUM. J. TRANSNAT’L L. 81, 98 (1998).

⁵⁵⁹ *Id.* at 91.

⁵⁶⁰ Ran Hirschl, *Constitutional Courts vs. Religious Fundamentalism: Three Middle Eastern Tales*, 82 TEX. L. REV. 1819, 1823 (2004).

⁵⁶¹ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t. of State, *Egypt: International Religious Freedom Report* (2006), § II, available at <http://www.state.gov/g/drl/rls/irf/2006/71420.htm> [hereinafter *Egypt Religious Freedom Report* (2006)]; “Although there is no penalty in Egyptian law for apostasy, government lawyers have argued in conversion cases, and courts have agreed, that apostasy ‘is synonymous with death’; that is, it deprives the

person's religious status as legally documented on his or her national identification card ("ID card").⁵⁶² In Egypt, ID cards are required for numerous important activities,⁵⁶³ including designating court jurisdiction in personal status matters for religious law purposes.⁵⁶⁴ Failure to present an ID card upon request by authorities is punishable by fine of up to LE 200 (US\$35).⁵⁶⁵

Although change of religious affiliation is permitted by law,⁵⁶⁶ the Civil Status Department, which issues the ID cards, "obstruct[s] and discriminate[s] against persons who have converted from Islam to Christianity by refusing to make the change in official records or to provide vital documents reflecting the requested change."⁵⁶⁷ A Coptic lawyer, Naguib Gabriel, states that "[t]hose who convert to Islam only have to produce a formal certificate of conversion from Al-Azhar [Egypt's official Islamic establishment] . . . [b]ut for those coming back to Christianity, a certificate from the Coptic Patriarchate is not enough. They are also required to request a court verdict."⁵⁶⁸

In January 29, 2008, Egypt's Supreme Administrative Court denied the right of applicants to convert from Islam to Christianity, holding that "monotheistic religions were sent by God in Chronological order" and that therefore one cannot convert to "an older religion."⁵⁶⁹ This ruling makes a mockery of the human rights Egypt has agreed to protect, and flagrantly derogates from the Egyptian Constitution and international law.

Specific Incidents of Persecution:⁵⁷⁰

1 January 2011:

Arab Muslims set off an explosion in front of the Coptic Christian Church of Saints in Sedi Beshar in Alexandria, Egypt.⁵⁷¹ The explosion hit the Coptic Church during a traditional prayer

'apostate' of the ability to perform many civil acts." Human Rights Watch, *Prohibited Identities: III. Religious and National Identity in Egypt* (11 Nov. 2007), <http://www.hrw.org/en/node/10604/section/4> (citing Cessation Court rulings in Case no. 20/34 on 30 March 1966 and Case no. 162/62 on 16 May 1995.).

⁵⁶² Human Rights Watch, *Prohibited Identities: V. Conversion and Freedom of Religion* (11 Nov. 2007), <http://www.hrw.org/en/node/10604/section/6>.

⁵⁶³ *Egypt Religious Freedom Report* (2006), *supra* note 137, § II.

⁵⁶⁴ *Prohibited Identities: III. Religious and National Identity in Egypt*, *supra* note 137.

⁵⁶⁵ *Id.*

⁵⁶⁶ *Id.*

⁵⁶⁷ *Id.*

⁵⁶⁸ Barbara G. Baker, *Egyptian Copts Appeal Religious Identity Ruling Interior Minister Demands Execution of Christian 'Apostates'*, COMPASS DIRECT NEWS (25 June 2007), <http://jmm.aaa.net.au/articles/19847.htm>.

⁵⁶⁹ See Kathryn Lopez, *No President Is a Pyramid*, NATIONAL REVIEW (5 June 2009), <http://article.nationalreview.com/print/?q=OThkN2IwM2IxODI3NzY1OWNmYWZmODQ4Y2U2NDUyYjk=>; Ethan Cole, *Egypt Rules Christian Convert Must Remain Legally Muslim*, CHRISTIAN POST (3 Feb. 2008), <http://www.christianpost.com/article/20080203/egypt-rules-christian-convert-must-remain-legally-muslim/index.html>.

⁵⁷⁰ For more instances of persecution against Christians in Egypt, see <http://www.compassdirect.org/english/country/egypt/>.

⁵⁷¹ Dottore Architetto & Ashraf Ramelah, *Voice of the Copts Condemning the Uncivil, Barbaric and Fascist Attack Against a Coptic Church in Alexandria*, VOICE OF THE COPTS (1 Jan. 2011), http://voiceofthecopts.org/en/press_release/voice_of_the_copts_condemning_the_uncivil_barbaric_and_fascist_a.html.

meeting in celebration of the New Year.⁵⁷² There have been conflicting reports on the number of deaths. One source states that at least forty-five people were killed,⁵⁷³ while others reported that at least 21 people died and scores more were wounded.⁵⁷⁴ At least 90 other people were injured, and 10 seriously injured.⁵⁷⁵ Witnesses reportedly said a driver parked a car at the entrance of the church and then ran away seconds before the bomb exploded. Government officials suspect an unidentified suicide bomber, rather than a car bombing.⁵⁷⁶ No one has claimed responsibility for the bombing, but the attack comes two months after an Islamic group known as the Islamic State of Iraq (ISI) threatened that “[a]ll Christian centers, organizations and institutions, leaders and followers are legitimate targets for the *mujahdeen* [Muslim fighters] wherever they can reach them.”⁵⁷⁷ As of right now, the Egyptian regime and its Islamic courts have not issued any verdict in the matter.⁵⁷⁸

 **16 December 2010:**

“Ashraf Thabet, 45, [was] charged with defaming a revealed religion, Article 98f of the Egyptian Penal Code. The charges stem from Thabet’s six-year search for spiritual meaning that eventually led him to become a Christian. During his search, he shared his doubts about Islam and told others what he was learning about Jesus Christ. Local religious authorities, incensed at Thabet’s ideas, notified Egypt’s State Security Intelligence service (SSI), which arrested and charged him with defamation. If found guilty, Thabet would face up to five years in jail. But because prosecutors have made no move to try the case, Thabet lives in limbo and is subject to a regular barrage of death threats from people in his community in Port Said in northeast Egypt.”⁵⁷⁹

 **November 2010:**

Muslims set off firebombs in the village of Al-Nawahid in Qena Governate, damaging and destroying over 23 Christian homes and businesses. Five people were injured, two seriously.⁵⁸⁰ The bombings took place “over rumors of a romantic relationship between a Christian and a Muslim.”⁵⁸¹

 **July 2010:**

After being held in prison for almost two years on false charges of insulting Islam under Egypt’s Emergency law, Hani Nazeer, a Coptic Christian blogger, was released from prison on July 22, 2010. While in prison, “Nazeer said he was beaten, exposed to constant deprivation, and was pressured to convert to Islam. ‘One prisoner told me, if you convert, you will be out in two days . . .’” Nazeer first brought attention to himself “by criticizing the ever-increasing Islamization of Egyptian civil society.”⁵⁸²

⁵⁷² *Id.*

⁵⁷³ Architetto & Ramelah, *supra* note 145.

⁵⁷⁴ *Blast kills 21 outside Church in Alexandria, Egypt*, COMPASSDIRECT.ORG (3 Jan. 2011), <http://www.compassdirect.org/english/country/egypt/30562/>.

⁵⁷⁵ *Id.*

⁵⁷⁶ *Id.*

⁵⁷⁷ *Id.*

⁵⁷⁸ Architetto & Ramelah, *supra* note 145.

⁵⁷⁹ *Life on Hold for Egyptian Christian Arrested for His Faith*, COMPASSDIRECT.ORG (16 Dec. 2011), <http://www.compassdirect.org/english/country/egypt/29755/>.

⁵⁸⁰ *Muslim Mob in Egypt Firebombs Christian Homes, Businesses*, COMPASSDIRECT.ORG (29 Nov. 2011), <http://www.compassdirect.org/english/country/egypt/29013/>.

⁵⁸¹ *Id.*

⁵⁸² *Coptic Blogger Released from Prison*, COMPASSDIRECT.ORG (17 Aug. 2010), <http://www.compassdirect.org/english/country/egypt/24465/>.

March 2010:

“A mob of enraged Muslims attacked a Coptic Christian community in a coastal town in northern Egypt [in March 2010], wreaking havoc for hours and injuring 24 Copts before security forces contained them. The violence erupted on Friday (March 12) afternoon after the sheikh of a neighborhood mosque incited Muslims over a loudspeaker, proclaiming jihad against Christians in Marsa Matrouh, in Reefiya district, 320 kilometers (200 miles) west of Alexandria, according to reports. The angry crowd hurled rocks at the district church, Christians and their properties, looted homes and set fires that evening. The mob was reportedly infuriated over the building of a wall around newly-bought land adjacent to the Reefiya Church building. The building, called al Malak al Khairy, translated Angel’s Charity, also houses a clinic and community center.”⁵⁸³

February 2010:

On 27 February 2010, lay pastor Shehata and his wife Samir were ambushed on a desolate street by a group of Islamic gunmen outside the village of Teleda in Upper Egypt. The attack was meant to ‘break the hearts of the Christians’ in the area, Samir said. The attackers shot Shehata twice, once in the stomach through the back, and once in the neck. They shot Samir in the arm. Both survived the attack, but Shehata is still in the midst of a difficult recovery. The shooters have since been arrested and are in jail awaiting trial. A trial cannot begin until Shehata has recovered enough to attend court proceedings. Despite this trauma, being left with debilitating injuries, more than 85,000 Egyptian pounds (US\$14,855) in medical bills and possible long-term unemployment, Shehata is willing to drop all criminal charges against his attackers—and avoid what could be a very embarrassing trial for the nation—if the government will stop blocking Shehata from constructing a church building. Before Shehata was shot, one of the attackers pushed him off his motorcycle and told him he was going to teach him a lesson about ‘running around’ or being an active Christian.”⁵⁸⁴

January 2010:

Three Muslim men shot six Christians to death after a Christmas Eve service on 6 January 2010. Despite “threats of violence from Muslims, police declined to increase security” for the service.⁵⁸⁵

Hegazy

The ECLJ presently represents Mohammad Hegazy, an Egyptian Christian convert from Islam. In January 2009, the ECLJ filed a complaint with the Office of the High Commissioner for Human Rights alleging violations of Mr. Hegazy’s rights because the Egyptian Government has continuously denied Mr. Hegazy’s requests to legally change his religion. Mr. Hegazy’s and his family’s lives are also threatened by Muslim extremists. We are currently awaiting UN action.

The U.S. State Department Report 2010.

The U.S. State Department again noted, for the reporting period ending 17 November 2010, numerous cases of discrimination and persecution against Christians—refusals to grant identity documents, arrests and severe abuse of those detained for converting to Christianity, attacks on Christian facilities (some instigated by police) (some resulting in severe injury and death), pressure to revert to Islam after conversion, and there were “occasional claims of Muslim men

⁵⁸³ *Sheikh Incites Muslims to Attack Christians in Egypt*, COMPASSDIRECT.ORG (17 Mar. 2010), <http://www.compassdirect.org/english/country/egypt/nothernegypt/>.

⁵⁸⁴ *Couple Shot by Muslim Extremists Undaunted in Ministry*, COMPASSDIRECT.ORG (9 June 2010), <http://www.compassdirect.org/english/country/egypt/21405/>.

⁵⁸⁵ *Coptic Christians Gunned Down after Christmas Service*, COMPASSDIRECT.ORG (7 Jan. 2010), <http://www.compassdirect.org/english/country/egypt/13834/>.

forcing Coptic women girls to convert to Islam.”⁵⁸⁶ The government also routinely failed to prosecute those responsible for violence against Coptic Christians.⁵⁸⁷

⁵⁸⁶ *Egypt Religious Freedom Report* (2010), *supra* note 553, § II.

⁵⁸⁷ *Id.*

PAKISTAN

Pakistan, located near the Middle East, bordering with Iran (see WorldAtlas map above), has been included as a primary example of severe persecution against a Christian minority.

Under the United Nations' International Covenant on Civil and Political Rights, which Pakistan has recently ratified,⁵⁸⁸ article 20 expressly prohibits any "advocacy of . . . religious hatred that constitutes incitement to discrimination, hostility or violence."⁵⁸⁹ This provision directly affects Article 19's guarantee of freedom of expression and freedom to discuss and hold ideas.⁵⁹⁰ Although Pakistan has entered a reservation in which it promises to enforce article 19 only in conformance with Pakistan's Constitution and Sharia law,⁵⁹¹ it remains bound by its alleged commitment under Article 20 to prevent "religious hatred that constitutes incitement."⁵⁹²

Since the implementation of blasphemy laws during the 1980s and due almost entirely to their discriminatory and over-inclusive nature, Pakistan has failed to achieve the proper balance between "free expression" and "public order," the stated purpose for blasphemy laws.⁵⁹³ The country's blasphemy laws have redefined "religious hatred that constitutes incitement" as anything that may "incite" a Muslim to be offended on behalf of Islam. Contrary to the purpose of maintaining public order, these broad and discriminatory laws have actually created greater public disorder by fostering violent outbursts against even the most innocent and ambiguous comments. In effect, these laws—by being discriminatory and too broad—have defined "blasphemy" to include nearly every non-Muslim idea, word, or action, whether objectively blasphemous or not. Since General Zia's Amendments to the Pakistani Penal Code, Muslims have been using the country's blasphemy laws to settle personal scores by making false accusations that are difficult to defend.⁵⁹⁴ The most recent blasphemy provisions have obliterated the lines established by the courts that protected religious discussion from censorship by those with unreasonable "susceptibilities." They no longer separate malicious blasphemy from vigorous discussion but now categorize as blasphemy all non-Muslim sentiments that are perceived to be offensive by Muslims.

There is a clear bias for Islam which has prompted Muslim citizens to report more

⁵⁸⁸ Pakistan ratified the ICCPR as of 23 June 2010., United Nations, *Status of Treaties: International Covenant on Civil and Political Rights*, TREATY COLLECTION [*hereinafter* U.N. Status of Treaties], http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en (last visited Sept. 23, 2010).

⁵⁸⁹ International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), art. 20, U.N. Doc. A/RES/2200A(XXI), (Dec. 16, 1966) [*hereinafter* ICCPR], *available at* <http://www2.ohchr.org/english/law/ccpr.htm>.

⁵⁹⁰ *Id.*, art. 19.

⁵⁹¹ U.N. Status of Treaties, *supra* note 156.

⁵⁹² ICCPR, *supra* note 157.

⁵⁹³ *See id.* art. 19(3) ("The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (order public), or of public health or morals.").

⁵⁹⁴ *See* Ali Waqar, *infra* note 606 and accompanying text.

blasphemy cases, which has in turn resulted in increased convictions and sentencing for blasphemy. In the decade following Zia's amendments to the Penal Code, the number of blasphemy cases tripled.⁵⁹⁵ Between 1986 and 2006, more than 800 people were charged in 375 cases of blasphemy,⁵⁹⁶ and in 2000 alone, over 50 Christians were arrested and charged with blasphemy.⁵⁹⁷ As the Lahore High Court noted,

ever since the law became more stringent, there has been an increase in the number of *registration* of blasphemy cases . . . between 1948 and 1979, 11 cases of blasphemy were registered. Three cases were reported between the period 1979 and 1986. Forty four cases were registered between 1987 and 1999. In 2000, fifty two cases were registered . . . this shows that the *law was being abused* . . . to settle . . . scores.⁵⁹⁸

Specific Incidents of Persecution:

✚ 4 January 2011:

Salman Taseer, Governor of the Punjab Province, was murdered by one of his police bodyguards after the Governor publicly supported Asia Noreen, the first Christian woman to be sentenced to death for blasphemy in Pakistan.⁵⁹⁹ Taseer visited the woman in jail, criticized the blasphemy statutes, and promised that he would try to get her pardoned.⁶⁰⁰ Radical Islamic clerics feared the President would pardon Noreen based on Taseer's recommendation, an unacceptable outcome for them. They had him killed: "Taseer and Noreen were declared 'Wajibul Qatil' (liable to be killed) by radical Islamic clerics. A cleric in Peshawar and a local politician in Multan offered a combined sum of 50 million rupees (US\$579,300) for anyone who killed Taseer and Noreen."⁶⁰¹

✚ 22 November 2010:

Six Muslim men beat Reverend Wilson with clubs and belts and set him on fire after they saw him distributing gospel pamphlets and preaching door-to-door.⁶⁰²

✚ 8 October 2010:

"An 80-year-old Christian in southern Punjab Province said Muslims beat him and his 75-year-old wife, breaking his arms and legs and her skull, because he refused a prostitute they had offered him."⁶⁰³

⁵⁹⁵ Osama Siddique & Zahra Hayat, *Unholy Speech and Holy Laws: Blasphemy Laws in Pakistan—Controversial Origins, Design Defects, and Free Speech Implications*, 17 MINN. J. INT'L L. 324 (2008).

⁵⁹⁶ NATIONAL COMMISSION FOR JUSTICE AND PEACE, HUMAN RIGHTS MONITOR 2007: A REPORT ON RELIGIOUS MINORITIES IN PAKISTAN (2007), available at <http://asiarecipe.com/pakhumanrights.html>.

⁵⁹⁷ Akbar S. Ahmed, *Pakistan's Blasphemy Law: Words Fail Me*, WASH. POST (19 May 2002), at B1, available at <http://www.washingtonpost.com/ac2/wp-dyn/A36108-2002May17>.

⁵⁹⁸ *Muhammad Mahboob v. State*, (2002) 54 PLD (SC) 587, ¶ 16 (Pak.) (emphasis added).

⁵⁹⁹ *Murder of Governor in Pakistan Darkens 'Blasphemy' Case*, OPENDOORSUSA.ORG (6 Jan. 2011), <http://www.opendoorsusa.org/persecuted-christians/persecuted-christians-news/2011/january/Murder-of-Governor-in-Pakistan-Darkens-Blasphemy-Case>.

⁶⁰⁰ *Id.*

⁶⁰¹ *Id.*

⁶⁰² *Muslims in Pakistan Burn, Beat Evangelist Unconscious*, COMPASSDIRECT.ORG (13 Dec. 2010), <http://www.compassdirect.org/english/country/pakistan/30154/>.

⁶⁰³ *Pakistani Muslims Beat Elderly Christian Couple Unconscious*, PERSECUTION.ORG (21 Oct. 2010), <http://www.persecution.org/2010/10/22/pakistani-muslims-beat-elderly-christian-couple-unconscious/>.

✚ 28 September 2010:

“Islamic extremists killed a Christian lawyer, his wife and their five children in northwestern Pakistan [in September 2010] for mounting a legal challenge against a Muslim who was charging a Christian exorbitant interest”⁶⁰⁴

✚ 23 September 2010:

“A mob of Muslim extremists . . . shot at and beat dozens of Christians, including one cleared of “blasphemy” charges, in Punjab Province’s Gujrat district The attack on Tariq Gill, exonerated of charges of blaspheming the Quran on Sept. 3, 2009, and on his father Murad Gill, his mother and the other Christian residents was the latest of more than 10 such assaults on the Christian colony of Mohalla Kalupura, Gujrat city, since Sept. 8 [2010]”⁶⁰⁵

✚ July-August 2009:

The ECLJ filed a communication with three Special Rapporteurs, including the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Religion and Expression, following a deadly tirade in July and August of 2009 by an Islamic mob that attacked and set ablaze more than one-hundred Christian homes throughout two villages in Pakistan in response to an allegation that a Christian had “desecrated” the Quran (Islam’s holy book). The ECLJ’s communications highlight a consistent pattern of gross and systematic violation of human rights and fundamental freedoms by Pakistani authorities against Pakistan’s Christian minority. In this specific instance, seven people were burned to death by the Muslim mob, and hundreds of Christians were affected by the resulting loss of life and damage to their property. The ECLJ’s affiliate office in Pakistan is representing the specific interests of the aggrieved Christians in Pakistan.

✚ May 2007:

A Muslim brought accusations of blasphemy and Quran-burning against Walter Khan, a seventy-nine-year-old Christian, simply because Walter refused to sell his house for a lower price.⁶⁰⁶ Because of the presumption in favor of Islam, the police responded to the baseless accusation and arrested Walter.⁶⁰⁷

✚ August 2009:

In a shockingly violent response to baseless rumors that Christians had desecrated the Quran, Muslim rioters burned and looted over 100 Christian homes in Gojra, killed six Christians, and wounded twenty more.⁶⁰⁸ Officials later confirmed that the rumors that Christians had desecrated the Quran were false, but the angry Muslim mob had already made its point and dispersed.⁶⁰⁹

✚ February 2009:

In some instances, the police themselves have used terrorizing tactics against blasphemers. In 2009, when Hector Aleem was accused of sending a blasphemous text message, the police raided his home, assaulted his wife and family, stole over 600 hundred dollars of Aleem’s property, and

⁶⁰⁴ *Muslim Extremists Murder Christian Family*, COMPASSDIRECT.ORG (30 Sept. 2010), <http://www.compassdirect.org/english/country/pakistan/26168/>.

⁶⁰⁵ *Muslim Mob Attacks Christians in Gujrat, Pakistan*, COMPASSDIRECT.ORG (27 Sept. 2010), <http://www.compassdirect.org/english/country/pakistan/26071/>.

⁶⁰⁶ Ali Waqar, *Walter Fazal Khan Jailed for Allegedly Burning Quran*, DAILY TIMES, 14 May 2007, at 13, available at http://www.dailytimes.com.pk/default.asp?page=2007%5C05%5C14%5Cstory_14-5-2007_pg13_1.

⁶⁰⁷ *Id.*

⁶⁰⁸ Ani, *Gojra Riots Highlights Insecurity of Pak Christian Minority*, THAINDIAN NEWS (3 Aug. 2009), http://www.thaindian.com/newsportal/world-news/gojra-riots-highlights-insecurity-of-pak-christian-minority_100226724.html.

⁶⁰⁹ *Id.*

deprived Aleem of food and medication during his incarceration.⁶¹⁰ Although Aleem was eventually acquitted, numerous protestors gathered at his acquittal hearing to call for his death, and his family remains in hiding out of fear for their safety.⁶¹¹

✚ **November 2008:**

Blasphemy allegations had a similar effect in 2008 when a local mosque broadcasted the false charge that Gulsher Masih had encouraged his daughter to rip pages out of the Quran.⁶¹² In response, an angry mob stormed his house with sticks, bottles of kerosene, and rocks, forcing the police to take Gulsher and his family into custody.⁶¹³ When the mob continued to demand that Gulsher and his daughter be hanged, the police charged Gulsher with blasphemy.⁶¹⁴

✚ **April 2008:**

In more serious cases, mobs have simply murdered non-Muslims because of unfounded allegations of blasphemy. For example, Jagdeesh Kumar, a Hindu, was beaten to death by his Muslim co-workers after they heard that he allegedly made blasphemous remarks about Muhammad.⁶¹⁵

✚ **April 2007:**

Threats of mob violence often drive accused blasphemers into hiding, sometimes requiring police intervention. In 2007, when a Christian was accused of blasphemy, his family was also forced into hiding, fearing that the blasphemy charges would be imputed to them and put them in danger.⁶¹⁶

✚ **May 2004:**

Even more appalling, a police officer who was appointed to protect Samuel Masih, a young Christian, claimed he was fulfilling his religious duty when he used a hammer to beat Masih to death while Masih was in the hospital.⁶¹⁷ The officer proclaimed that he was “spiritually satisfied” with killing Masih, who he considered an infidel worthy of death.⁶¹⁸ Many defendants have voluntarily remained in prison instead of posting bail due to the extreme danger they would face both from the authorities and society.⁶¹⁹

In sum, these deplorable cases of community and police violence against putative blasphemers underscore the failure of Pakistan’s blasphemy laws to preserve even a semblance of proper public order. Instead, the laws punishing incitement to religious hatred have *created*

⁶¹⁰ *Pakistan: Christian Charged with ‘Blasphemy’ for Text Message*, COMPASS DIRECT NEWS (5 Feb. 2009), <http://www.compassdirect.org/english/country/pakistan/1993/>.

⁶¹¹ *Id.*

⁶¹² *Pakistan: ‘Blasphemy’ Cases Send Christians into Hiding*, COMPASS DIRECT NEWS (13 Nov. 2008), <http://www.onenewsnow.com/Persecution/Default.aspx?id=319020>. “[Out of] jealousy [Muslims] want to throw [blasphemers] out of the villages.” *Id.* (internal quotations omitted).

⁶¹³ *Id.*

⁶¹⁴ *Id.*

⁶¹⁵ Sheraz Khurram Khan, *Pakistani Hindu Killed over Blasphemy Accusation*, ASSIST NEWS SERV. (9 Apr. 2008), <http://www.assistnews.net/Stories/2008/s08040060.htm>.

⁶¹⁶ Qaiser Felix, *Accused of Blasphemy, an 11-year-old Boy Risks the Death Penalty*, ASIA NEWS (4 Apr. 2007), <http://www.asianews.it/index.php?l=en&art=8916&size=A#>.

⁶¹⁷ *Christian Beaten to Death in Hospital by Muslim Cop*, WORLD NET DAILY (30 May 2004), http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=38716.

⁶¹⁸ *Id.*

⁶¹⁹ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Pakistan: International Religious Freedom Report 2008*, available at <http://www.state.gov/g/drl/rls/irf/2008/108505.htm> [hereinafter *Pakistan Religious Freedom Report* (2008)].

such incitement. The prevalence of mob violence, the repetitive murders during trial, and the threats against life and property establish that Pakistan's blasphemy laws have only succeeded in creating and strengthening a violent, radical, and uncontrollable society that already had deep-seated convictions against blasphemers.

IRAN

In Iran, of its population of 67 million, 98 percent are Muslim. Unofficial estimates from religious organizations claimed that other minority religious groups together, including Christians, constitute the remaining 2 percent.⁶²⁰ The UN estimates that there are 300,000 Christians in Iran, the majority of which are ethnic Armenians.⁶²¹ However, over the past ten years, the number of Catholics in Iran has decreased by almost five percent per year.⁶²² Non-Muslims in Iran may not engage in public religious expression, persuasion, and conversion among Muslims; published religious material is restricted.⁶²³ In the U.S. Department of State's 2010 reporting period, "Christians, particularly evangelicals, continued to be subject to harassment and close surveillance."⁶²⁴ Christians have been repeatedly arrested in their homes and in religious meetings, and their property is confiscated; some are released, some are tortured and remain in prison, and others' whereabouts are still not known. They have been charged with promoting Christian doctrine, converting Muslims, and contacting foreign Christian television networks. Some are arrested for their conversion. Most troublesome is the fact that the Iranian government is specifically targeting evangelical Christians who are part of the larger "house-church movement," because they are viewed as a threat to the state due to the potential for large numbers of conversions.⁶²⁵ "Tehran Governor Morteza Tamadon described the[se] Christians as 'hard-line' missionaries who have 'inserted themselves into Islam like a parasite . . .'"⁶²⁶ These crimes are of particular concern because of the draft apostasy law that has been looming since September 2008, but thus far, according to the U.S. Department of State "there were no reported cases of the death penalty being applied for apostasy during the [2010] reporting period."⁶²⁷

Draft Apostasy Law. On September 9, 2008 the Iranian Parliament (Islamic Consultative Assembly)⁶²⁸ approved a new Penal Code by a vote of 196 to 7.⁶²⁹ Article 225 of the new Penal Code sets a death sentence as the mandatory penalty for apostasy (conversion from Islam to any other religion).⁶³⁰ According to one report, the Guardian Council is currently

⁶²⁰ Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Iran: International Religious Freedom Report* (2010), § I., Religious Demography, available at <http://www.state.gov/g/drl/rls/irf/2010/148819.htm> [hereinafter *Iran Religious Freedom Report* (2010)].

⁶²¹ *Id.*

⁶²² WORLD CHRISTIAN DATABASE, <http://www.worldchristiandatabase.org/wcd/esweb.asp?WCI=Results&Query=-211&PageSize=200&Page=19>.

⁶²³ *Iran Religious Freedom Report* (2010), *supra* note 175, § II, Legal Policy/Framework.

⁶²⁴ *Id.*

⁶²⁵ Brian Murphy, *Iran Rounds up Christians in Crackdown*, YAHOO NEWS (11 Jan. 2011), http://news.yahoo.com/s/ap/20110111/ap_on_re_mi_ea/ml_iran_christian_crackdown.

⁶²⁶ *Id.*

⁶²⁷ *Iran Religious Freedom Report* (2010), *supra* note 175, § II, Legal Policy/Framework.

⁶²⁸ Quanuni Assasi Jumhurii Islami Iran [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980] ch. V, art. 58, available at <http://www.iranchamber.com/government/laws/constitution.php> [hereinafter CONST. OF THE ISLAMIC REPUBLIC OF IRAN].

⁶²⁹ *Iran: 'Apostasy' Bill Appeals Likely to Become Law*, COMPASS DIRECT NEWS (23 Sept. 2008), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5599&backpage=archives&critere=iran&countryname=Iran&rowcur=0>.

⁶³⁰ Barnabas Quotidianus, *EU Condemns Iran's Draft Penal Code* (26 Feb. 2008), <http://www.leithjtb.net/blog/2008/02/26/eu-condemns-irans-draft-penal-code/>.

reviewing the draft.⁶³¹ If the Council finds the legislation compatible with Islam, it will be deemed enforceable.⁶³² However, it is important to note that even if the apostasy law does not pass, Iran still punishes apostasy and blasphemy. The current Penal Code already mandates execution for anyone whose “insult [to] the Islamic sanctities” rises to the level of “speaking disparagingly of Prophet Muhammad.”⁶³³ Even if the individual only insults the sanctities or an *imam*, the Code requires that he be “imprisoned from one to five years.”⁶³⁴ The Press Code also requires that an individual whose “insults [to] Islam and its sanctities through the press” amount to apostasy must be “sentenced as an apostate.”⁶³⁵ Under this law any insult to Islam or its prophets amounts to apostasy. These laws create an atmosphere of active government hostility towards apostates, whose conversion is inherently insulting to Mohammad under Sharia law.⁶³⁶ Even in the absence of definitive law in the Iranian Penal Code, all “laws and regulations must be consistent with the official interpretation of Shari’a [law].”⁶³⁷ Judges in particular are bound to follow Sharia Law, which has “supremacy to any other laws”⁶³⁸ and requires the death penalty for apostasy.⁶³⁹

The proposed legislation is extra-territorial. The proposed legislation gives Iranian secular courts authority to convict Iranian citizens living outside Iran of crimes relating to Iranian

⁶³¹ Bill Sherman, *Pastor Fighting Faith Killings* (2 Jan. 2009), http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20090102_18_A9_TheRev230515&allcom=1.

⁶³² There is no provision in the Quran (the holy book of Islam) prescribing death for apostasy. See Abdullah Yusuf Ali, *THE MEANING OF THE HOLY QUR’AN 31:23* (Amana Publications 1999) (1938). However, the *hadith* (tradition) commands death for apostates. See, e.g., Sahih Al-Bukhari, vol 9:57, available at <http://www.scribd.com/doc/2463539/Sahih-Bukhari-Vol-9>. It is also to be noted that different schools of Islamic jurisprudence follow different levels and interpretations of the hadith. Therefore, the apostasy provisions are subject to two possible interpretations. Conservative Muslim scholars, following the hadith, regard apostasy as such a serious offense as to warrant the death penalty. Others believe, it is up to God to decide that on the Day of Judgment. Also, Shiite Islam (which is predominant in Iran) does not completely follow the Sunni hadith. Therefore, it is unclear whether the Guardian Council would find the apostasy law compatible or incompatible with the teachings of the Quran and hadith. However, the easy passage of the bill in the Iranian Parliament, the treatment of the apostates in Iran, and the drastic increase in prosecution of apostates under the Sharia law by the Iranian authorities strongly indicate that the Guardian Council may find the new law fully compatible with Islam.

⁶³³ PENAL CODE [C. PEN.] art. 513 (Iran), available at www.iranhrdc.org/httpdocs/english/pdfs/Codes/ThePenalCode.pdf.

⁶³⁴ *Id.*

⁶³⁵ PRESS CODE [C. PR.] art. 26 (Iran), available at http://www.parstimes.com/law/press_law.html.

⁶³⁶ Sharia law requires the death penalty for apostates. AHMAD IBN NAQIB AL-MISRI, *RELIANCE OF THE TRAVELLER [UMDAT AL-SALIK]: A CLASSIC MANUAL OF ISLAMIC SACRED LAW 595* (Nuh Ha Mim Keller trans., Amana Publications 1994) (1991).

⁶³⁷ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iran: International Religious Freedom Report*, (2009) [hereinafter *Iran Religious Freedom Report* (2009)], available at <http://www.state.gov/g/drl/rls/irf/2009/127347.htm>.

⁶³⁸ DANISH IMMIGRATION SERVICE, DANISH REFUGEE COUNCIL, HUMAN RIGHTS SITUATION FOR MINORITIES, WOMEN AND CONVERTS, AND ENTRY AND EXIT PROCEDURES, ID CARDS, SUMMONS AND REPORTING, ETC.: FACT FINDING MISSION TO IRAN 29 (2009) [hereinafter DANISH IMMIGRATION SERVICE], available at http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf. “The judge is bound to endeavor to judge each case on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa.” CONST. OF THE ISLAMIC REPUBLIC OF IRAN art. 167.

⁶³⁹ AL-MISRI, *supra* note 182.

national security.⁶⁴⁰ The new law “could [also] be used against the many Iranian Christians who live outside Iran but are involved in evangelism within it.”⁶⁴¹ There seems to be an interest in the Islamic countries to apply their religious laws extraterritorially.⁶⁴² This interest has been seen after the draft “Defamation of Religions” law was submitted to and passed by the United Nations Generally Assembly.⁶⁴³

Death Penalty. The draft bill also imposes the death penalty on those convicted of “establishing weblogs and sites promoting corruption, prostitution and apostasy.”⁶⁴⁴ According to Khaleej Times Online, the text of the draft says that “those convicted of these crimes should be punished as *mohareb* (enemies of God) and *corruption on the earth*.”⁶⁴⁵

The **Constitution of the Islamic Republic of Iran** recognizes **Islam as the official religion**⁶⁴⁶ and requires that all laws and regulations conform to Islamic principles.⁶⁴⁷ But, the new Penal Code conflicts with Article 23 of the Constitution, which states that “[t]he investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”⁶⁴⁸ Furthermore, under Article 14, “the government . . . and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the *principles of Islamic justice and equity*, and to respect their human rights.”⁶⁴⁹ However, “[t]his

⁶⁴⁰ Barnabas Fund, *Iranian Parliament Provisionally Approves Death Penalty for Leaving Islam* (2 Oct. 2008), <http://www.barnabasfund.org/?m=7%23227&a=608>.

⁶⁴¹ *Id.*

⁶⁴² In June 2008, a Jordanian coalition of media outlets and some members of Jordanian Parliament initiated a campaign, called “The Prophet Unites Us,” against Kurt Westergaard, the Danish cartoonist who reprinted cartoons depicting Muhammad. The Cartoons were first published in September 2005. Jordanian prosecutor summoned Westergaard and the editors of ten newspapers that reprinted the cartoons to appear before a Jordanian court. *Jordan Summons Danish Cartoonist on Blasphemy Charges*, FOX NEWS (4 June 2008), <http://www.foxnews.com/story/0,2933,363182,00.html>. In July 2008, Jordanian prosecutor charged a Dutch politician Geert Wilders with blasphemy for making *Fitna* – an anti-Islamic documentary. The prosecutor issued summons through the Dutch Embassy in Jordan for Wilders to face trial in Jordan. *Report: Jordan Charges Dutch Politician With Blasphemy*, FOX NEWS (1 July 2008), <http://www.foxnews.com/story/0,2933,374721,00.html>. In January 2009, a Dutch Court indicted Mr. Wilders and ordered his prosecution for inciting hatred and discrimination. *Islam Film Dutch MP to be Charged*, BBC NEWS (21 Jan. 2009), <http://news.bbc.co.uk/2/hi/europe/7842344.stm>. Recently, members of the United Kingdom House of Lords invited Mr. Wilders to show and discuss the documentary, but he was banned from entering the UK. *Dutch MP Banned From Entering UK*, BBC NEWS (12 Feb. 2009), http://news.bbc.co.uk/2/hi/uk_news/politics/7882953.stm.

⁶⁴³ The Defamation of Religions law was proposed by the Organization of Islamic Conference (“OIC”) to the United Nations to provide international cover for domestic anti-blasphemy laws. The UN General Assembly passed the resolution by 83 to 53 votes on December 18, 2008. Nat Hentoff, *Hentoff: A Free Speech Killer*, THE WASHINGTON TIMES (2 Feb. 2009), <http://www.washingtontimes.com/news/2009/feb/02/a-free-speech-killer/>.

⁶⁴⁴ *Iran Mulls Death Penalty for Internet Crimes*, KHALEEJ TIMES ONLINE (2 July 2008), http://www.khaleejtimes.com/darticlen.asp?xfile=data/middleeast/2008/July/middleeast_July44.xml§ion=middleeast&col.

⁶⁴⁵ *Id.* (internal quotation marks omitted and emphasis added).

⁶⁴⁶ CONST. OF THE ISLAMIC REPUBLIC OF IRAN, ch. I, art. 12.

⁶⁴⁷ *Id.* at ch. I, art. 4.

⁶⁴⁸ *Id.* at ch. III, art. 23.

⁶⁴⁹ *Id.* at ch. I, art. 14 (emphasis added). Notably, the article only provides for treatment of non-Muslims in conformity with principles of Islamic justice and equity. However, under Islamic law, apostasy is punishable by death. See U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2007 Iran* (Sept. 14, 2007) [hereinafter *Iran Religious Freedom Report(2007)*], available at <http://www.state.gov/g/drl/rls/irf/2007/90210.htm>; Barnabas Fund, *supra* note 640.

principle only applies to all who refrain from engaging in conspiracy or *activity against Islam* and the Islamic Republic of Iran.”⁶⁵⁰

Specific Incidents of Persecution:

Note: While the statuses of these cases vary, charges are still pending against most of these Iranians, notwithstanding their release from prison. Such charges could carry the death penalty should this draft apostasy bill be enacted.

✚ 26 December 2010:

The Iranian government allegedly arrested up to seventy Christians, most of which are believed to be evangelical (twenty-five were confirmed and fifty others were believed to be arrested). BBC Persian reported that Tehran “has vowed to arrest more evangelical Christians.” Armed security officers invaded Christian’s homes “while they were asleep, and verbally and physically abused them.” The authorities handcuffed them and took them for interrogation. Apparently, the government planned to arrest sixteen other Christians but they were not home. “The security forces broke into at least five such homes, ransacking them, taking personal possessions, changing the locks and placing a government seal on the door.”⁶⁵¹

✚ 2 February 2010:

Iranian security agents “arrested Reverend Wilson Issavi, the pastor of the Evangelical Church of Kermanshah in Isfahan, on charges of ‘converting Muslims.’”⁶⁵² The police raided Issavi’s home, detained everyone in the house, and then arrested Issavi.⁶⁵³ Issavi’s wife went to visit him and observed “obvious signs of torture; officials told her that her husband could be executed for his activities.”⁶⁵⁴

✚ 11 January 2010:

“In the southwestern city of Shiraz, seven Christians were being detained as of Jan. 11 . . . and most of them may face charges of apostasy, or leaving Islam. Family members who have spoken with the arrested Christians said authorities have told the detainees—with the exception of one who was not born a Muslim—that they are guilty of apostasy”⁶⁵⁵

✚ [Late] March 2009:

“[A]ccording to domestic human rights groups, a revolutionary court closed the Pentecostal church of Shahr Ara in Tehran, which belonged to Assyrian Christians. According to reports, the stated reason for the closure was the ‘illegal activities’ of converting Muslims to Christianity and ‘accepting converts’ to worship as members of the congregation.”⁶⁵⁶

⁶⁵⁰ CONST. OF THE ISLAMIC REPUBLIC OF IRAN, ch I, art. 14 (emphasis added); Barnabas Fund, *supra* note 640 (“Apostasy from Islam is viewed by most Muslims as equivalent to treason”). This article of the Constitution will not be very helpful to apostates because apostasy is an activity against Islam or even potentially against the Republic of Iran under this article.

⁶⁵¹ *Over 70 Christians Arrested in Iran During Christmas*, ELAM.COM, <http://www.elam.com/articles/70-Christians-Arrested/>.

⁶⁵² Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Iran: Religious Freedom Report* (2010), § II, Abuses of Religion of Freedom, available at <http://www.state.gov/g/drl/rls/irf/2010/148819.htm> [hereinafter *Iran Religious Freedom Report* (2010)].

⁶⁵³ *Iranian Pastor Tortured, Threatened for ‘Converting Muslims,’* COMPASSDIRECT.ORG (8 Mar. 2010), <http://www.compassdirect.org/english/country/iran/16025/>.

⁶⁵⁴ *Id.*

⁶⁵⁵ *Id.*

⁶⁵⁶ *Iran Religious Freedom Report* (2010), *supra* note 187.

✚ **June and September 2009:**

The ECLJ filed two separate communications with the UN Special Rapporteurs drawing attention to the Islamic Republic of Iran's violations of its citizens' freedoms of speech and assembly and the arbitrary detention and extrajudicial killings of innocent Iranian citizens.

✚ **January 2009, *Jamal Ghalishorani and Hamik Khachikian***⁶⁵⁷

On 21 January 2009, Iranian authorities arrested three Christian converts from Islam, who converted to Christianity many years ago. The authorities did not tell the captives' families their whereabouts or the charges against them. Police also confiscated books and computers from their homes. On the same day, the Iranian authorities arrested at least ten people in Tehran.

✚ **15 May 2008, *Matin-Azad and Basirat***⁶⁵⁸

15 May 2008, two Iranian Christian pastors were arrested on suspicion of apostasy. They were kept in solitary confinement at a secret police detention center, and it is questionable whether one of them received any legal counsel. The apostasy bill, if passed, would mean a mandatory death sentence for both pastors. In late August, the court reluctantly released them, setting a high bail. While the original charge against the two men was "propaganda against the Islamic Republic of Iran," that charge was dropped and then replaced with the more serious charge of apostasy. Although both men were acquitted on 25 September 2008, Amnesty International obtained a court document that stated, "Both had denied that they had converted to Christianity and said that they remain Muslim, and accordingly the court found no further evidence to the contrary." Both men denied this statement, claiming that they never said they were Muslim and that the judge acquitted them to avoid handing down a death sentence. In addition, many feel that Iranian president Ahmadinejad put pressure on the judge to release the men to help his own approval ratings. Given Mehdi Dibaj's fate in 1994—he was released but later brutally murdered—there is substantial grounds for concern for Matin-Azad's and Basirat's safety.

✚ **17 July 2008, *Sixteen Iranian Christians***⁶⁵⁹

On 17 July 2008, secret police raided a house church service in Isfahan and arrested sixteen Christians, including six women and two children under the age of eighteen. "Police beat the elderly couple hosting the meeting so severely that they were taken to the Sharieti Hospital" for their injuries. At the time of this report, the Christians who were arrested were being held in an "undisclosed location."

⁶⁵⁷ *Iran: Three Christians Arrested from Homes in Tehran*, COMPASS DIRECT NEWS (23 Jan. 2009), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5776&backpage=archives&critere=iran&countryname=Iran&rowcur=0>.

⁶⁵⁸ This story has been taken from the following sources:

Iran: Court Finds Way to Acquit Christians of "Apostasy," COMPASS DIRECT NEWS (30 Oct. 2008), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5664>; *Iran: Christians Charged With "Apostasy,"* COMPASS DIRECT NEWS (10 Sept. 2008), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5574&backpage=archives&critere=iran&countryname=Iran&rowcur=0>; *Iran: Jailed Christian in Critical Condition*, COMPASS DIRECT NEWS (30 July 2008),

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5494&backpage=archives&critere=iran&countryname=Iran&rowcur=0>; *Iran: Ex-Muslims Detained for "Apostasy,"* COMPASS DIRECT NEWS (9 July 2008),

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5470&backpage=archives&critere=iran&countryname=Iran&rowcur=0>.

⁶⁵⁹ *Iran: Jailed Christian in Critical Condition*, COMPASS DIRECT NEWS (30 July 2008), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5494&backpage=archives&critere=iran&countryname=Iran&rowcur=0>.

✚ **September 2004, Hamid Pourmand**⁶⁶⁰

The Iranian secret police raided an Assemblies of God church conference in Bandar-i-Bushehr on September 9, 2004. The pastor and 85 other church leaders were arrested. Although the others were released within a few days, the pastor was kept in solitary confinement for five months and then tried before both military and Islamic courts. He was found guilty of “deceiving the Iranian army by concealing his conversion from Islam to Christianity.” He was sentenced to three years in jail, dishonorably discharged from the army, stripped of his military pension, and then transferred to a criminal prison in Bandar-i-Bushehr where he was tried for both proselytizing and apostasy. Although acquitted on those charges in May 2005, the Pastor remained incarcerated in Tehran’s Evin Prison on the previous 3 year sentence, before his early release in late July 2006.

✚ **June 2008, Tina Rad and Makan Rya**⁶⁶¹

In June 2008, a newly converted Christian couple was tortured by security police officials in Tehran. Tina Rad was charged with “activities against the holy religions of Islam,” for “reading the Bible with Muslims in her home,” and her husband, Makan Rya, was charged with “activities against national security.” The couple were beaten and then forced to sign statements that they had not changed their religion and would no longer attend a house church. Their daughter’s life was threatened, and they were told that trumped-up charges would result in life imprisonment if they did not stop attending church and maintaining contact with Christians. They were released on bail after four days in jail.

✚ **2001-2009, Mohsen Namvar**⁶⁶²

An Iranian Christian (Namvar, age 44) has been arrested three times since 2001 for distributing Christian literature and baptizing Muslims who became Christians. After his arrest in 2008, he was denied all contact with his family. The police demanded an exceedingly high bail, but officers refused to issue a receipt once the family made payment. While imprisoned, Namvar was beaten and denied medical treatment for fever, back pain, high blood pressure, and short-term memory loss because of his refusal to give the police information about other Iranian converts to Christianity and house churches. Days after his release last June, Namvar, along with his family, fled across the border to Turkey. In July 2008, Namvar appealed to the United Nations High Commissioner for Refugees in Ankara, Turkey to apply for status as an asylum-seeker. Namvar’s case was scheduled to be heard in June 2009.

✚ **September 2006, Issa Motamedi Mojdehi**⁶⁶³

When Iranian Christian convert (Issa Motamedi Mojdehi) was arrested, he was told he must renounce Christianity or face possible execution for his apostasy. While in jail, local officials tried for days to force a confession of illegal drug trafficking by threatening Mojdehi’s life, his family’s lives, and the lives of other Christian believers. After meeting with a lawyer, he was released and has since relocated his family to an undisclosed location.

⁶⁶⁰ *Iran: Authorities Quietly Release Convert Christian Prisoner*, COMPASS DIRECT NEWS (12 Sept. 2006), <http://www.compassdirect.org/en/display.php?page=lead&lang=en&length=long&idelement=4533&backpage=>

⁶⁶¹ *Iran: Convert Couple Arrested, Tortured, Threatened*, COMPASS DIRECT NEWS (25 June 2008), <http://www.compassdirect.org/en/display.php?page=news&length=long&lang=en&idelement=5448>.

⁶⁶² *Iran: Tortured Christian Flees*, COMPASS DIRECT NEWS (21 July 2008), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5478&backpage=arcs&critere=&countryname=&rowcur=100>.

⁶⁶³ *Iran: Jailed Convert to Christianity Released*, COMPASS DIRECT NEWS (4 Sept. 2006), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4515&backpage=arcs> hives.

ISRAEL/PALESTINIAN TERRITORIES

The Christian minority in the Holy Land comprises just 2 percent of the population. The ECLJ has worked in the past in organized joint meetings with the UN in two of the most historically Christian towns in the Holy Land: Bethlehem and Nazareth. Both towns have experienced a dramatic exodus of Christians in recent years.

The Christian minority living in the “Holy Land” experience significant difficulties and its presence in the Palestinian Territories is seriously compromised. This Christian minority suffers intolerable pressure from within that population. As a minority within a minority, these Christians are under threat from both sides. As one priest told the ECLJ, Christians have “liberty of cult, but not religious freedom” in Israel and the Palestinian Territories. By this he meant that Christians can practice their faith privately, but they have no freedom to evangelize in the Holy Land, especially in the West Bank and Gaza. He further noted that the restrictions on religious freedom against Christians are carried out differently—“Israeli ways are subtle; Arab ways are blunt and often violent.”

The Christian communities are subjected to an environment of intolerable pressure that has adverse moral, material, and physical consequences. A number of reports refer to cases of forced conversion. This pressure is a key reason for the wholesale exodus of the Christian populations out of the Palestinian Territories, where according to the best estimates only 40,000 to 90,000 Christians remain. **Bethlehem was 85 percent Christian in 1948, but the current figure is less than 12 percent.** Clearly, the Christian community is entitled to live on this land in peace with other religious communities. Unfortunately, its fate has been neglected not only by the local political authorities but also by the international community.

ISRAEL

Israel has a population of 7.3 million and approximately 76 percent of the population is Jewish.⁶⁶⁴ Of the approximately 20 percent non-Jewish population, 2.1 percent are Christians, and 0.5 percent are small religious groups including Messianic Jews, Jehovah’s Witnesses, and Baha’is.⁶⁶⁵

Israel recognizes the religious communities that carried over from the British Mandate period, including several Christian religions: “Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Jewish.”⁶⁶⁶ However, there may be as many as 250,000 Russian Christians living in Israel that are not permitted to register as Christian and are thus not counted in official statistics as Christians. Accordingly, they have to follow the personal status

⁶⁶⁴ Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Israel and the Occupied Territories: International Religious Freedom Report* (2008), § I, available at <http://2001-2009.state.gov/g/drl/rls/irf/2008/108484.htm> [hereinafter *Israel Religious Freedom Report* (2008)] (attached hereto in Appendix II-A).

⁶⁶⁵ *Id.*

⁶⁶⁶ *Israel Religious Freedom Report* (2008), *supra* note 192, § II.

rules of the Jewish community, including those governing marriage, which means they must leave the country if they desire to get married as Christians.⁶⁶⁷

A major flashpoint for the issues of Jewish identity in Israel concerns the treatment of the Messianic Jews in the country. Messianic Jews, who number about 15,000 in Israel, consider themselves strictly Jewish, but neither the Chief Rabbinate nor the High Court of Justice consider Messianics to be Jews. A former Justice of the Supreme Court of Israel reportedly stated that “Judaism repelled [Messianic Jews] and they cannot be considered part of the Jewish community.”⁶⁶⁸ This categorical denial of Messianic Jews as part of the Jewish community has led to frequent denial of immigration and nationalization rights. The U.S. Department of State reported “numerous cases dealing with attempts by the Interior Ministry to revoke the citizenship of persons discovered holding Messianic or Christian beliefs, or to deny certain national services—such as welfare benefits or passports—to such persons.”⁶⁶⁹

Specific Incidents of Persecution:

✚ 29 October 2010:

“An unidentified arsonist in Israel set fire to a Jerusalem church building that has long been a focal point for anti-Christian sentiment in a Jewish ultra-Orthodox-leaning neighborhood” Ten volunteer workers from the United States and Denmark were sleeping in the church when it was lit on fire. The volunteers escaped and were treated at a nearby hospital for smoke inhalation.⁶⁷⁰

✚ 2 December 2009:

“Beit She’an police arrested two ultra-Orthodox suspects for burning the car of Eliav Levine, a Messianic Jewish leader; on December 1, Levine had changed his residence to avoid repeated harassment by ultra-Orthodox men.”⁶⁷¹

✚ 15 May 2009:

“Ultra-Orthodox residents of the Tel Aviv suburb of Rehovot attacked and beat a group of Messianic Jews who were handing out New Testament pamphlets on the street. According to press reports, secular residents joined in the beating before police intervened to stop them.”⁶⁷²

✚ 15 May 2008:

At the instigation of the deputy mayor Uzi Aharon of Or Yehuda, a Tel Aviv suburb, students collected all the New Testaments distributed in the community by missionaries and ignited a

⁶⁶⁷ *Israel Religious Freedom Report* (2008), *supra* note 192, § II. “Approximately 310,000 citizens . . . were ineligible to marry in the country during the reporting period because they were not recognized as Jewish by Orthodox religious authorities.” *Id.*

⁶⁶⁸ Justice Zvi Berenson, *Just Like Chabad*, JERUSALEM POST, 29 Apr. 2005, at 9, available at <http://pqasb.pqarchiver.com/jpost/access/840089371.html?dids=840089371:840089371&FMT=ABS&FMTS=ABS:FT&date=Apr+29%2C+2005&author=KSENIA+SVETLOVA&pub=Jerusalem+Post&edition=&startpage=09&desc=Just+like+Chabad>.

⁶⁶⁹ *Israel Religious Freedom Report* (2008), *supra* note 192, § II; see also Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Israel and the Occupied Territories: International Religious Freedom Report* (2010), § II, available at <http://www.state.gov/g/drl/rls/irf/2010/148825.htm> [hereinafter *Israel Religious Freedom Report* (2010)].

⁶⁷⁰ *Church Building in Israel Set Ablaze*, COMPASSDIRECT.ORG (4 Nov. 2010), <http://www.compassdirect.org/english/country/israel/28054/>.

⁶⁷¹ *Israel Religious Freedom Report* (2010), *supra* note 669.

⁶⁷² *Id.*

public burning of hundreds of Christian Bibles outside the synagogue.⁶⁷³ Uzi Aharon, told the daily newspaper *Ma'ariv* that the “municipality operated a team of activists devoted entirely to uprooting missionary activity and that the book burning was a fulfillment of the commandment to ‘burn the evil from your midst.’”⁶⁷⁴ Although after the burning, Aharon attempted to “downplay his comments by expressing regret for any damage done to Jewish-Christian relations, he continued to defend the burning, stating on the country’s Army Radio that it was necessary in order to ‘purge the evil among us.’”⁶⁷⁵ Before burning the Bibles, Aharon’s anti-missionary team distributed a flyer among the community encouraging community members to: “Chase [the missionaries] away from the place you live!”⁶⁷⁶ The flyer included a leaflet listing the names, photographs, and addresses of local residents accused of harboring Messianic beliefs.⁶⁷⁷

The Israeli “Chief Rabbinate, joined by Christian and Muslim leaders from the country and the West Bank, issued a statement on May 27 condemning the Or Yehuda New Testament burning while also condemning all attempts to convert a person from one faith to another.”⁶⁷⁸ Additionally, the Foreign Ministry condemned the book burning as “contrary to the values of the State of Israel as a democratic Jewish state that grants freedom of religion and freedom of worship to all its citizens.”⁶⁷⁹

March 2008:

A Christian pastor, David Ortiz, who leads a small Messianic Jewish congregation in Ariel,⁶⁸⁰ has been the subject of attacks and threats in the past, including the receipt of a gift basket loaded with a bomb. The package was opened by David’s son, age 16, who suffered third degree burns, a collapsed lung, two broken arms and eye injuries.⁶⁸¹ Some have speculated that ultra-Orthodox Jews who object to the Messianic Jews’ presence and proselytism activity in the area sent the bomb.⁶⁸²

PALESTINIAN TERRITORIES

According to a U.S. Department of State report, in 2007 there were approximately 150,000 Christians between Israel and the Palestinian Territories.⁶⁸³ In the same year, one source estimated that there were 40,000 Christians in the West Bank and Gaza Strip.⁶⁸⁴ However,

⁶⁷³ *Id.*

⁶⁷⁴ *Id.*

⁶⁷⁵ *Id.*

⁶⁷⁶ *Id.*

⁶⁷⁷ *Id.*

⁶⁷⁸ *Id.*

⁶⁷⁹ *Id.*

⁶⁸⁰ Although Ariel is located in the West Bank, Ariel is a self sustained Israeli settlement, not under the control of the Palestinian Authorities. See *Ariel, West Bank, Encyclopedia*, NATIONMASTER.COM <http://www.nationmaster.com/encyclopedia/Ariel,-West-Bank> (last visited 19 Feb. 2009).

⁶⁸¹ Julie Stahl, *Bombing of Christian Pastor’s Home Brings Messianic Jews into Spotlight*, CNS NEWS, (27 Mar. 2008), <http://www.crosswalk.com/news/11571763/>.

⁶⁸² *Id.*

⁶⁸³ Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *Israel and the Occupied Territories: International Religious Freedom Report* (2007), § I, available at <http://www.state.gov/g/drl/rls/irf/2007/90212.htm> [hereinafter *Israel Religious Freedom Report* (2007)].

⁶⁸⁴ *Id.* § I; see also, *Persecuted Countries: Palestine*, PERSECUTION.ORG

according to a 2008 report from the U.S. State Department, there were 120,000 Christians in the West Bank (including E. Jerusalem) and 1,500 to 2,500 Christians in the Gaza Strip.⁶⁸⁵ Although the current numbers are unclear, **it is clear that there has been a mass exodus of Christians from Palestinian territories. One observer attributes the exodus to “relentless Moslem terror threats against Christians.”**⁶⁸⁶ According to local Christian leaders, many are leaving the area because of unemployment and insecurity. Christians are driven out by both lack of opportunity and freedom.

The traditionally Christian cities of Bethlehem, Jerusalem, and Ramallah reflect the drastic changes in demographics over the past decade or so. Prior to Israel’s withdrawal in 1995, approximately 80 percent of Bethlehem’s population was Christian.⁶⁸⁷ Today, Christians are the minority.⁶⁸⁸ Reportedly, “many [have] fle[d] to Israel . . . a free democratic society just across the street, where all can practice their religion without constraint.”⁶⁸⁹ As noted in 2005, **Bethlehem held less than 20 percent Christians, which suggested an emigration of thousands.**⁶⁹⁰ Christians have sold their properties to religious authorities in the Holy Land.⁶⁹¹

While the Amended Basic Law ostensibly respects religious freedom⁶⁹² it also proclaims Islamic Sharia as the law of the land.⁶⁹³ While there is nothing in Hamas’ Charter⁶⁹⁴ or the Amended Basic Law that authorizes punishment for conversions from Islam, both subordinate themselves to Islamic Sharia law, which has been used in most Islamic nations to justify punishment for conversion.⁶⁹⁵

As a fundamentalist Islamic organization seeking to implement an Islamic theocracy over the entirety of Palestine, Hamas’ interpretation of Sharia law is bent toward harsh punishments for apostasy. One such interpretation states,

Whoever falls away from faith in Islam commits—from an Islamic perspective—an unforgivable sin. . . . He who falls away from Islam must, according to the

<http://persecution.org/suffering/countryinfodetail.php?countrycode=36> (last visited 10 Feb. 2009) (stating that the estimate of Palestinian Christians is 39,560).

⁶⁸⁵ *Israel Religious Freedom Report* (2008), *supra* note 192.

⁶⁸⁶ David Meir-Levi, *Bethlehem’s Christian Exodus*, FRONTPAGEMAGAZINE.COM (5 Jan. 2005), <http://www.frontpagemag.com/Articles/Read.aspx?GUID=8525A8B1-166B-4998-96E5-DC965F4C7CF6>.

⁶⁸⁷ *Id.*

⁶⁸⁸ *Id.*

⁶⁸⁹ *Id.*; but see Greg Myre, *A Sad New Carol: Go Ye From Bethlehem*, N.Y. TIMES (23 Dec. 2004), <http://www.nytimes.com/2004/12/23/international/middleeast/23bethlehem.html?hp>.

⁶⁹⁰ Meir-Levi, *supra* note 200.

⁶⁹¹ *Joint Israeli-Vatican commission makes no real progress*, ASIANEWS.IT (17 Dec. 2007), <http://www.asianews.it/index.php?l=en&art=11060&geo=57&size=A>.

⁶⁹² The Amended Basic Law of Palestine, Palestine Official Gazette, 19 Mar. 2003 [hereinafter Amended Basic Law], arts. 9 and 18, available at http://www.usaid.gov/wbg/misc/Amended_Basic_Law.pdf.

⁶⁹³ *Id.* at art. 4.

⁶⁹⁴ The Covenant of the Islamic Resistance Movement, 18 Aug. 1988, art. 31 [hereinafter Hamas Charter], available at http://avalon.law.yale.edu/20th_century/hamas.asp.

⁶⁹⁵ Magdi Abdelhadi, *What Islam Says on Religious Freedom*, BBC NEWS (27 Mar. 2006), http://news.bbc.co.uk/2/hi/south_asia/4850080.stm; Dr. Ahmad Shafaat, *The Punishment of Apostasy in Islam Part I: The Qur’anic Perspective*, ISLAMICPERSPECTIVES.COM, Feb. 2006, available <http://www.islamicperspectives.com/Apostasy1.htm>.

Sharia, be prosecuted, taken into custody by force, and called on to repent. If necessary, his return is to be “helped” along with torture. He who does not embrace Islam again has, according to the Sharia, forfeited his life and is to be put to death by the state.⁶⁹⁶

In light of the 2006 split between the Hamas government and Fatah, the potential for punishing apostasy is much greater in Hamas-controlled Gaza.

Persecution of Islamic apostates has been documented in the PA.⁶⁹⁷ Dr. Justus Weiner, a human rights lawyer, related some stories in which he was personally involved.⁶⁹⁸ In one instance, the PA imprisoned a Muslim convert to Christianity for twenty-one months, seven of which were in solitary confinement.⁶⁹⁹ In another account, Palestinian authorities burned a Christian convert by putting out their cigarettes on his back and held him in a cell without food for many days; masked men later murdered him.⁷⁰⁰ In Bethlehem, Ahmad El-Achwal was tortured and eventually killed because he converted to Christianity from Islam.⁷⁰¹ In July 2003, Islamic extremists kidnapped another Muslim convert to Christianity and later “returned [him] to his family, slaughtered and cut into four pieces.”⁷⁰²

The ECLJ has met with several Christian converts who have told harrowing stories of the intimidation, persecution, torture, and imprisonment that they suffered because of their conversions. Reports from the **West Bank** include unfounded arrests and brutal treatment of converts from Islam and their families at the hands of security forces, boycotts and burnings of Christian businesses, and even the attempted burning of established Christian churches in Ramallah.⁷⁰³ Christian persecution has continued in **Gaza**:

⁶⁹⁶ 5 Abdurrahmani 'l-Djaziri, *Kitabul'l-fiqh 'ala'l-madhahibi'l-'arba'a* 422-40 (Arabic), as reprinted in Abdurrahmani 'l-Djaziri, *Introduction to The Penalties for Apostasy in Islam: According to the Four Schools of Islamic Law* (1st English ed. Villach 1997), <http://www.light-of-life.com/eng/ilaw/>; see also Jamie Glazov, *Symposium: The Muslim Persecution of Christians*, FRONT PAGE MAG. (10 Oct. 2003), <http://www.frontpagemag.com/Articles/Read.aspx?GUID=8C1D2863-9FE5-43E9-BA8E-B21C2FFE5158>.

⁶⁹⁷ Glazov, *Muslim Persecution of Christians*, *supra* note 696.

⁶⁹⁸ See Justus Reid Weiner, *Human Rights of Christians in Palestinian Society* (2005), available at <http://www.jcpa.org/text/Christian-Persecution-Weiner.pdf>.

⁶⁹⁹ Michelle Vu, *Muslim Persecution of Christians in Palestine* (23 July 2007), <http://www.doctorbulldog.wordpress.com/2007/07/23/muslim-persecution-of-christians-in-palestine> (reporting on Dr. Justus Weiner's report from the incarcerated man and his interview with him); see also Paul Steven Ghiringhelli, *Treatment of Palestinian Christians 'Medieval,'* CHARISMA MAG. (20 July 2007), available at <http://www.charismamag.com/middle-east/073007.html>.

⁷⁰⁰ Vu, *supra* note 206; see also Michelle Vu, *Persecution Fuelling Drastic Decline of Christians in Palestine*, CHRISTIANTODAY.COM (23 July 2007), available at <http://www.christiantoday.com/article/persecution.fuelling.drastic.decline.of.christians.in.Palestine/11791.htm>.

⁷⁰¹ *Middle East: Palestine Country Report*, PERSECUTION.ORG, (Feb. 2007), <http://www.persecution.org/suffering/countryinfodetail.php?countrycode=36>.

⁷⁰² *Muslim Convert to Christianity Butchered*, BARNABASFUND.ORG (29 July 2003), http://www.barnabasfund.org/news/archives/article.php?ID_news_items=65.

⁷⁰³ *Palestine Facts: Current Events: Christians, What Has Happened to Christians Living in Israel and Neighboring Areas?* (2008), available at http://www.palestinefacts.org/pf_current_christians.php (last visited Feb. 27, 2009).

Specific Incidents of Persecution:

31 May 2008:

Unidentified militants attacked a guard at the Lighthouse Baptist School in Gaza City and stole a bus from the Holy Book Association.⁷⁰⁴

21 February 2008:

Armed militants forced their way into the Lighthouse Baptist School in Gaza City, assaulted a guard, and vandalized classrooms.⁷⁰⁵

15 February 2008:

Unknown assailants targeted the YMCA's library in central Gaza City in the early hours of Friday morning, detonating explosives that leveled it to the ground.⁷⁰⁶ The assailants stole everything from the library except Christian books before setting fire to the library.⁷⁰⁷ The YMCA library was targeted because it was viewed by Islamic extremists as a "missionary institution."⁷⁰⁸

7 October 2007:

The body of a prominent Christian bookstore owner, **Rami Ayyad**, was found beaten, mauled, and shot outside his store, the only Christian bookstore in Gaza City.⁷⁰⁹ Six months before Ayyad's gruesome murder, Muslim extremists bombed his Christian bookstore.⁷¹⁰ After Ayyad's murder, masked Islamic militants attempted to abduct Ayyad's cousin, a fellow Christian living in Gaza, as he left work at a Baptist church.⁷¹¹ With the help of local shopkeepers, Nabil Fuad Ayyad escaped the abduction that would likely lead to his death.⁷¹²

With a growing population within the Hamas political party that calls for the Islamization of the Palestinian Occupied Territories, Christians have become increasingly uncertain of their current or future safety in Gaza. Once Hamas seized control over the Gaza Strip, protection for the Christian community plummeted. Thus far, Hamas has continued to rule with complete disregard for human rights. Until Hamas progresses towards more moderate, peace-oriented positions, Gaza Christians will continue to live in fear and desperation.

⁷⁰⁴ *Id.*

⁷⁰⁵ *Id.*

⁷⁰⁶ *Unknown Assailants Blow up YMCA Library in Gaza*, MA'AN NEWS AGENCY (15 Feb. 2008), <http://www.maannews.net/en/index.php?opr=ShowDetails&ID=27804>.

⁷⁰⁷ Aaron Klein, *Muslims Destroy YMCA, Christian books: We Don't Need any of These Missionary Institutions*, WORLD NET DAILY, (15 Feb. 2008), <http://www.worldnetdaily.com/index.php?fa=PAGE.view&pageId=56475>.

⁷⁰⁸ *Id.*

⁷⁰⁹ Ryan Jones, *Persecuted for His Name's Sake*, ISRAEL TODAY (10 Oct. 2007), <http://www.israeltoday.co.il/default.aspx?tabid=132&view=item&idx=1551>; *see also Prominent Palestinian Christian killed in Gaza*, CHRISTIAN TODAY (7 Oct. 2007), <http://www.christiantoday.com/article/prominent.palestinian.christian.killed.in.gaza/13750.htm>.

⁷¹⁰ *Id.*

⁷¹¹ Dan Wooding, *Hamas 'Complicit in Persecution of Gaza Christians'*, (20 Dec. 2007), available at <http://www.crosswalk.com/news/religiontoday/11562299/>.

⁷¹² *See id.*

TURKEY

Of Turkey's population of 77.8 million, 99 percent is Muslim, the majority of which is Hanafi Sunni. The remaining 1 percent of other religious groups includes (but is not limited to) approximately 60,000 Armenian Orthodox Christians, 20,000 Syrian Orthodox (Syriac) Christians, 3,500 members of various other Protestant sects, and up to 2,500 Greek Orthodox Christians. There are also other Christian groups (Bulgarian, Nestorian, Georgian, Roman Catholic, Syriac Catholic, and Maronite Christians), but their numbers are not known.⁷¹³

Article 24 of Turkey's Constitution provides the right to freedom of conscience, religious belief and conviction,⁷¹⁴ which includes the right to perform acts of worship and expression of one's religious beliefs.⁷¹⁵ However, these rights are subject to the limitations provided in Article 14 of Turkey's Constitution, which prohibits the exercise of constitutional rights with the aim of violating the integrity of the state or endangering its secular or democratic order.⁷¹⁶ These provisions and limitations can actually be interpreted in a way that restricts the free exercise of religion among Christians. This is often accomplished through the language of Turkey's Penal Code. One example is Article 301 of the Penal Code, which outlaws speech that can be construed as insulting "Turkishness" or the "Turkish Nation."⁷¹⁷

⁷¹³ Bureau of Democracy, Human Rights, & Labor, U.S. Dep't of State, *Turkey: International Religious Freedom Report* (2010), [hereinafter *Turkey: International Religious Freedom Report* (2010)] available at <http://www.state.gov/g/drl/rls/irf/2010/148991.htm>.

⁷¹⁴ CONSTITUTION OF THE REPUBLIC OF TURKEY art. 24, available at http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf ("VI. Freedom of Religion and Conscience Article 24. Everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14. No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions. Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives. No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the state on religious tenets.").

⁷¹⁵ *See Id.*

⁷¹⁶ CONSTITUTION OF THE REPUBLIC OF TURKEY art. 14. III ("Prohibition of Abuse of Fundamental Rights and Freedoms ARTICLE 14. (As amended on October 17, 2001) None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights. No provision of this Constitution shall be interpreted in a manner that enables the State or individuals to destroy the fundamental rights and freedoms embodied in the Constitution or to stage an activity with the aim of restricting them more extensively than stated in the Constitution. The sanctions to be applied against those who perpetrate these activities in conflict with these provisions shall be determined by law.").

⁷¹⁷ Law no: 5759 of 30 April 2008. Published in the Official Gazette [Resmi Gazete] on 8 May 2008, available at http://www.germanlawjournal.com/pdfs/Vol09No12/PDF_Vol_09_No_12_2237-2252_Developments_Alcan.pdf, ("Denigrating the Turkish Nation, the State of the Turkish Republic, the Institutions and Organs of the State[.] 1. A person who publicly denigrates [the] Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey or the judicial bodies of the State, shall be

Specific Incidents of Persecution:

Dangers to Christians and other religious minorities come not only from governmental and general social pressures, but also from a widespread nationalist movement deeply opposed to Christianity, which has infiltrated Turkey's government.⁷¹⁸ Religious minorities report societal discrimination, which includes, but is not limited to: blocks to employment with the state; hurdles in registering with the government, worshipping freely, and training followers; and serious restrictions in proselytism.⁷¹⁹ The emergence of harassment and discrimination includes significant cases of violence.

✚ 2010:

15 October 2010: Commenting on the murder of Bishop Luigi Padovese on 3 June 2010, Monsignor Ruggero Franceschini called the murder another “work of ultra-nationalists and religious fanatics who are experts in strategies of tensions” and asserted that Padovese, only “a few months earlier, indicated [these same conspiring ultra-nationalists and religious fanatics] as responsible for the murder of Don Andrea Santoro and the Armenian journalist Hrant Dink as well as the four Protestants in Malatya”⁷²⁰ A previous news report details the murder of three Christians at a publishing house where they were “bound and tortured before they were murdered on April 18, 2007.”⁷²¹ Since the murders in 2007, five suspects have been arrested, and a court in southeast Turkey, on 15 October 2010, ordered the arrest of yet another suspected middleman who is believed to link the 2007 murders to “alleged high-level masterminds.”⁷²² The 2007 murders are now believed to be connected to the Cage Plan, a “‘deep state’ operation to destabilize the government...by targeting minorities in Turkish society.”⁷²³

sentenced a penalty of imprisonment for a term of six months and two years. 2. A person who publicly denigrates the military or security structures shall be punishable according to the first paragraph. 3. Expressions of thought intended to criticize shall not constitute a crime. 4. The prosecution under this article shall be subject to the approval of the Minister of Justice.”). See also CAMILLE OVERON HENSLER & MARK MOLLER, FREEDOM OF EXPRESSION AND OF ASSOCIATION IN TURKEY 47 (2005). “Turkish law—including the new [Turkish Penal Code]—still contains numerous provisions that may be used to restrict the right to freedom of expression in a way that is in breach of the European Convention on Human Rights. . . . The existence of such unnecessarily restrictive provisions offers ample pretexts to prosecutors to initiate legal proceedings that violate Turkey’s responsibilities under international law.” House of Commons Foreign Affairs Comm., Human Rights Ann. Rep. 2005, 2005-6, H.C. 574, at Ev 19, para. 152.⁷¹⁸ Otmar Oehring, *TURKEY: Hopes for 2009 disappointed*, (22 Oct. 2009),

http://www.forum18.org/Archive.php?article_id=1365.

⁷¹⁹ See generally Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *Turkey: Int’l Religious Freedom Report 2009* (Oct. 26, 2008), [hereinafter *2009 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2009/130299.htm>.

⁷²⁰ Mgr. Franceschini: *Ultrnationalist and Religious Fanatics Behind Bishop Padovese's Murder*, ASIANEWS.IT (16 Oct. 2010), <http://www.asianews.it/index.php?l=en&art=19743>. Other sources have indicated that the number of Christians murdered may only have been three, rather than four. See, e.g., *Turkey: Alleged Masterminds of Slayings in Malatya Implicated*, PERSECUTION.ORG (5 June 2008), <http://www.persecution.org/2008/06/06/turkey-alleged-masterminds-of-slayings-in-malatya-implicated/>.

⁷²¹ *Turkey: Alleged Masterminds of Slayings in Malatya Implicated*, *supra* note 219.

⁷²² *Alleged ‘Middleman’ Arrested in Malatya, Turkey Murders*, COMPASS DIRECT NEWS (21 Oct. 2010), <http://www.compassdirect.org/english/country/turkey/27472/>.

⁷²³ *Links Between Murders in Turkey and ‘Masterminds’ Expected*, COMPASS DIRECT NEWS (20 Dec. 2010), <http://www.compassdirect.org/english/country/turkey/30077/>; see also *Plot Targeting Turkey’s Religious Minorities Allegedly Discovered*, *infra*, notes 742-744 and accompanying text.

June 2010: Bishop Luigi Padovese, Vicar of Anatolia, was killed by his driver, Murat Altun, on June 3, 2010.⁷²⁴ Mr. Altun, who had worked for Bishop Padovese for a notable length of time,⁷²⁵ has claimed that mental illness is one reason for the murder.⁷²⁶ The driver also spread rumors that the killing was in response to a homosexual relationship he had with the bishop.⁷²⁷ The testimonies collected by Asia News immediately after the murder, however, report that Mr. Altun shouted “Allah akbar! I killed the great Satan.”⁷²⁸

Monsignor Ruggero Franceschini, who succeeded the slain bishop as vicar of Anatolia, said that he hoped to end the “intolerable rumors circulated by the organizers of the crime.”⁷²⁹ Monsignor Franceschini declared, while addressing the Synod assembly on the Middle East, that the murder was the work of “ultra-nationalists and religious fanatics.”⁷³⁰ He also referred to the murder as “premeditated.”⁷³¹ Monsignor Franceschini argued that, “[c]ertainly within the motive for this carefully studied murder, is the desire of some sectors of Turkish society not to join Europe, and that do not want any change.”⁷³² “The Church of Anatolia—he concluded—is unlikely to survive, and I want to make you all aware of the seriousness and urgency of this.”⁷³³

June 2010: “A foreign citizen performing missionary work and his family were deported in June 2010 and charged by the Ministry of Interior with threatening public order and national security.”⁷³⁴

May 2010: “On May 20, 2010, the ECHR ruled that the rights of another foreign citizen were violated when she was deported from the country repeatedly in the 1980s for missionary activities seen as a threat to national security. The government was ordered to pay a fine of \$15,320 (12,000 euros) in compensation.”⁷³⁵

 **2009:**

The Turkish government has been strategically infiltrated by Islamists who have an agenda against non-Muslim citizens and especially Christians. Once in a position of power, they intend to use the acquired resources and authority to attack Christians. For example, in November 2009, the Turkish newspaper *Taraf*⁷³⁶ reported that Turkish naval officers had conspired in a plot to attack Turkish Christians and other non-Muslim citizens in an effort to undermine the current

⁷²⁴ See *Mgr Franceschini*, *supra* note 219.

⁷²⁵ Gerjes Othman, *Catholic Bishop Luigi Padovese Assassinated in Southern Turkey*, CATHOLIC ONLINE, 04 June 2010, http://www.catholic.org/international/international_story.php?id=36811.

⁷²⁶ See *Mgr Franceschini*, *supra* note 219.

⁷²⁷ *Id.*

⁷²⁸ *Id.*

⁷²⁹ *Id.*

⁷³⁰ *Id.*

⁷³¹ *Id.*

⁷³² *Id.*

⁷³³ *Id.*

⁷³⁴ *Turkey: International Religious Freedom Report* (2010), *supra* note 211, § II, Abuses of Religious Freedom.

⁷³⁵ *Id.*

⁷³⁶ *Taraf* is a daily newspaper which has recently generated controversy by reporting questionable government activities. See *Editor of Taraf Facing up to Five Years in Prison*, REPORTERS WITHOUT BORDERS (7 Jan. 2009), <http://www.rsf.org/Editor-of-Taraf-facing-up-to-five.html>.

pro-Islamic Government.⁷³⁷ The plot is believed to be part of the broader activities of *Ergenekon*, a secretive organization comprised of military officials, state security personnel, lawyers and journalists.⁷³⁸ The conspirators called the plan the “Operation Cage Action Plan.”⁷³⁹ This plan called for bombings, killings, and acts of arson against religious minorities, which would then be blamed on the Government.⁷⁴⁰ On the date of the story, at least 11 naval officials had been arrested on charges of membership in an illegal organization.⁷⁴¹ In December 2009, the Third Criminal Court of Malatya, Turkey took steps toward linking the Cage plot with the murder of several Christians in Turkey.⁷⁴² The court found evidence of Cage plot materials that specifically referred to these murders as “operations.”⁷⁴³ These materials referred to the 2007 murder of three Christians (two Turkish men and one German), “the 2006 assassination of Catholic priest Andreas Santoro, and the 2007 slaying of Hrant Dink, Armenian editor-in-chief of the weekly *Agos*.”⁷⁴⁴

2007

A triple murder occurred, including two Turkish Christian converts from Islam who were “slit from ear to ear” in an effort to “strike terror into the hearts of unbelievers.”⁷⁴⁵ In the same year, a Turkish teenager motivated by “nationalist and Islamist” sympathies, murdered a priest as he knelt to pray in church.⁷⁴⁶ Weeks earlier, another Turkish teenager murdered an Armenian Christian in Istanbul.⁷⁴⁷ Even institutions have been attacked as Istanbul’s Central Synagogue was bombed twice in events leading up to these murders.⁷⁴⁸ Turkish pastor Ishan Ozbek, who is a convert himself and the pastor to three of the martyrs, believes “these will not be the last Christian martyrs in Turkey.”⁷⁴⁹

2006:

The language used in Turkey’s laws provide opportunity for abuse, which frequently results in the accusation that new converts from Islam to Christianity are violating the law, even though the constitution on its face appears to allow such conversion. This is evident in a case in Turkey involving two Muslim converts to Christianity arrested and charged in 2006 under Article 301 of the Penal Code.⁷⁵⁰ The men were prosecuted for “insulting Turkishness and Islam,” despite a total lack of evidence to support the charge.⁷⁵¹ The trial stemmed from a conversation the

⁷³⁷ *Plot Targeting Turkey’s Religious Minorities Allegedly Discovered*, COMPASS DIRECT NEWS (19 Dec. 2009), <http://www.compassdirect.org/english/country/turkey/12618/>.

⁷³⁸ *Id.*

⁷³⁹ *Id.*

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.*

⁷⁴² *Turkish Court Seeks to Link Murder of Christians to ‘Cage Plan’*, COMPASS DIRECT NEWS (29 Dec. 2009), <http://www.compassdirect.org/english/country/turkey/13084/>.

⁷⁴³ *Id.*

⁷⁴⁴ *Id.*

⁷⁴⁵ Lela Gilbert, *Turkey’s Christians Face Growing Persecution*, THE JERUSALEM POST (1 Sept. 2007), available at http://www.cffss.org/index.cfm?fuseaction=publication_details&id=5113.

⁷⁴⁶ *Id.*

⁷⁴⁷ *Id.*

⁷⁴⁸ *Id.*

⁷⁴⁹ *Id.*

⁷⁵⁰ *2009 Religious Freedom Report*, *supra* note 218, § II; See also ‘*Insulting Turkishness*’ Case Proceeds under Revised Law, COMPASS DIRECT NEWS (20 Mar. 2009), <http://www.compassdirect.org/english/country/turkey/2584/>.

⁷⁵¹ [/w EPDw UJNTc2l](#) *Lawyer Calls Turkish Christians’ Trial a ‘Scandal’*, COMPASS DIRECT NEWS (Oct. 16, 2009), <http://www.compassdirect.org/english/country/turkey/10625/>.

Christian men had with three other men in 2006 in the city of Silivri. During the conversation, the Christian men talked about their Christian faith.⁷⁵² However, the only evidence of any misconduct was a written accusation presented by the local gendarmerie headquarters.⁷⁵³ At trial, the prosecution called three witnesses, none of whom had ever even heard of the defendants. The defense attorney called the trial a “scandal” and “a plot” against the Christians.⁷⁵⁴ The Christian men will face up to two years in prison if convicted.⁷⁵⁵ According to the U.S. Department of State’s International Religious Freedom Report for 2010, the court proceedings in this case continued.⁷⁵⁶

⁷⁵² *Id.*

⁷⁵³ *Id.*

⁷⁵⁴ *Id.*

⁷⁵⁵ *Id.*

⁷⁵⁶ *Turkey: International Religious Freedom Report (2010), supra note 211, § II, Abuses of Religious Freedom.*

SAUDI ARABIA

According to the Open Doors country “Watch List” for 2011, the Wahhabi kingdom of Saudi Arabia ranks **fourth** on the list of the world’s **worst persecutors of Christians**.⁷⁵⁷ In Saudi Arabia, there is no legal recognition of, or protection under the law for, freedom of religion, and it is severely restricted in practice.⁷⁵⁸ For example, “Saudi Arabia forbids the construction of churches, and other non-Muslim temples, the wearing of religious symbols, or hanging of images in homes.”⁷⁵⁹ The country is a monarchy and the “King is head of both state and government.”⁷⁶⁰ The legal system is based on the government’s official interpretation of Sharia law⁷⁶¹ and the constitution (or Basic Law) state that the Quran and the Sunna are its constitution.⁷⁶² Sunni Islam is the official religion and Sunni Muslims comprise 85-90 percent of the population, while approximately ten to fifteen percent are Shi’a Muslims.⁷⁶³ Of the 8 million foreigners, there is a small Christian population (including Eastern Orthodox, Protestants, and over one million Roman Catholics).⁷⁶⁴

In 2009–2010, according to the U.S. Department of State, “the [Saudi] government continued to commit abuses of religious freedom.”⁷⁶⁵ Non-Muslim groups in different parts of the country were detained and harassed for worshipping privately.⁷⁶⁶ While some abuses are reported, the full extent of governmental abuse is largely unknown because of fear of persecution for reporting. Information regarding government practices is also incomplete because judicial proceedings are often closed to the public, despite criminal procedure laws that require court proceedings to be open.⁷⁶⁷ Most repugnant to the notion of religious freedom is the fact that blasphemy and apostasy are punishable by death.⁷⁶⁸ While there have been no confirmed reports of execution for these crimes in recent years, society often takes matters into its own hands. For example, in August 2008, a member of the Commission for the Promotion of Virtue and Prevention of Vice (“CPVPV”) killed his daughter for converting to Christianity.⁷⁶⁹

⁷⁵⁷ 2011 World Watch List, OPENDOORSUSA.ORG, <http://members.opendoorsusa.org/worldwatchlist> (last visited 10 Jan. 2011).

⁷⁵⁸ Bureau of Democracy, Human Rights, & Laobr, U.S. Dep’t of State, *Saudi Arabia: International Religious Freedom Report* (2010), available at <http://www.state.gov/g/drl/rls/irf/2010/148843.htm> [hereinafter *Saudi Arabia Religious Freedom Report*].

⁷⁵⁹ *Saudi Arabia: Conditional Release for 12 Filipinos Accused of Proselytizing*, ASIANEWS.IT (7 Oct. 2010), <http://www.asianews.it/news-en/Saudi-Arabia:-conditional-release-for-12-Filipinos-accused-of-proselytizing-19655.html>.

⁷⁶⁰ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

⁷⁶¹ *Id.*

⁷⁶² BASIC LAW [CONST.] art. I (1992) (Saudi Arabia).

⁷⁶³ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

⁷⁶⁴ *Id.*

⁷⁶⁵ *Id.*

⁷⁶⁶ *Id.*

⁷⁶⁷ *Id.*

⁷⁶⁸ *Saudi Arabia Religious Freedom Report*, *supra* note 246.

⁷⁶⁹ Mariam Al Hakeem, *Saudi Man Kills Daughter for Converting to Christianity*, GULFNEWS.COM (12 Aug. 2008), <http://gulfnews.com/news/gulf/saudi-arabia/saudi-man-kills-daughter-for-converting-to-christianity-1.124541>.

While the law does not require citizens to be Muslims, non-Muslims are essentially treated as second-class citizens.⁷⁷⁰ Religious minorities, including Christians, are not allowed to publicly profess or practice their faith and are vulnerable to discrimination, harassment, detention, and, if a noncitizen, deportation.⁷⁷¹ This public enforcement of Sharia law is largely carried out by the CPVPV, “a semiautonomous agency with the authority to monitor social behavior and enforce morality consistent with the Government’s interpretation of Islam.”⁷⁷² Their mission includes,

guiding and advising people to observe the religious duties prescribed by Islamic Shari’a, and to preclude committing [acts] proscribed and prohibited [by Shari’a], or adopting bad habits and traditions or taboo [sic] heresies.⁷⁷³

The “mutawwa’in,” volunteers of the CPVPV, and the Ministry of the interior often raid non-Muslim religious gatherings and sometimes confiscate the personal religious material of non-Muslims (e.g., Bibles and crucifixes).⁷⁷⁴ Religious discrimination in employment is rampant. Christian migrant workers are often faced with the choice of converting to Islam or losing their jobs.⁷⁷⁵ According to Josyelyn Cabrera, a Filipino Catholic nurse at the Riyadh hospital, she has “witnessed several Catholic or Christian Filipino migrants accept Islam under duress.” “After some months, employers give you an ultimatum, telling you to become Muslim to keep your job.”⁷⁷⁶ Cabrera noted that it’s a hard choice, but if they don’t convert, they “become the victims of abuse.”⁷⁷⁷ Moreover, the government also uses identity cards to discriminate against Christians and other religious minorities. Because the government requires noncitizen legal residents to carry identity cards containing the designation “Muslim” or “Non-Muslim,” the CPVPV and other government officials can pressure employers who hired non-Muslims to renew their identity cards only if the individual was not suspected of engaging in private non-Muslim worship services.⁷⁷⁸ Additionally, the public education system enforces the teaching of Islam, and the textbooks are intolerant of Christianity and other religions.⁷⁷⁹

Specific Incidents of Persecution:

October 2010:

The CPVPV arrested twelve Filipinos for “allegedly being the organizers and leaders” of a Catholic Mass with 150 attendants.⁷⁸⁰ According to Ezzedin H. Tago of the Philippine Embassy, those arrested were “charged with proselytizing.”⁷⁸¹ Although they were released on October 6,

⁷⁷⁰ *Id.*

⁷⁷¹ *Id.*

⁷⁷² *Id.*

⁷⁷³ *Id.* (alteration in the original).

⁷⁷⁴ *Id.*; see also *Religious police accused of torture by Saudi Society for Human Rights*, ASIANEWS.IT (24 Mar. 2009), <http://www.asianews.it/index.php?l=en&art=14810&size=A>.

⁷⁷⁵ Santosh Digal, *Christian Filipino Migrants Forced to Convert to Islam*, ASIANEWS.IT (28 Jan. 2010), <http://www.asianews.it/news-en/Christian-Filipino-migrants-forced-to-convert-to-Islam-17478.html>.

⁷⁷⁶ *Id.*

⁷⁷⁷ *Id.*

⁷⁷⁸ *Saudi Religious Freedom Report*, *supra* note 246.

⁷⁷⁹ *Id.*

⁷⁸⁰ Rodolfo Estimo Jr., *12 Filipinos Arrested for Proselytizing out on Bail*, ARABNEWS.COM, (6 Oct. 2010), <http://arabnews.com/saudiarabia/article154864.ece>.

⁷⁸¹ *Id.*

five days after their arrest, “[i]f they are proven guilty as charged, they w[ill] go back to jail.”⁷⁸²

✚ **January 2009:**

The Saudi Government arrested a Christian man, Hamoud Saleh Al-Amiri, after he described his conversion from Islam and criticized the judiciary on his blog site. Gamal Eid, director of the Arab Network for Human Rights Information, stated that the Amiri “is not mentally stable, because he had the courage to say in his blog that he is a Christian.” “Anyone in his right mind in Saudi Arabia wouldn’t do that.” This was the third time Amiri was arrested. The first two times, “he was mistreated with sleep deprivation, prolonged solitary confinement and a continuous barrage of physical torture and insults.” Amiri was released on March 28, 2009.⁷⁸³

✚ **January 2009:**

The mutawwa’in threatened a prominent Eritrean pastor three times in one week. The pastor told Compass Direct News that on January 10 he found an unsigned note on his vehicle threatening to kill him if he did not leave the country. “There was a note on my van saying, ‘If you do not leave the country, we will kill you Three days after that, [the religious police] said, ‘You’re still working here, why don’t you go out of the country?’” Two days later, four masked Saudi men in a small car cut off the van he was driving. They said, “We will kill you if you don’t go away from this place—you must leave here or we will kill you.” The pastor, a father of eight, escaped to an undisclosed city in Saudi Arabia.⁷⁸⁴

✚ **August 2008:**

A member of the CPVPV killed his daughter for converting to Christianity. The father “cut the tongue of the girl and burned her to death following a heated debate on religion.”⁷⁸⁵

✚ **23 May 2008:**

Government officials arrested 15 Indian Christians for private religious worship. During the raid, a CPVPV member **slapped the community’s pastor twice on his face. Christian songbooks and Bibles were confiscated.** After questioning, the police transported the Indians to the local jail.⁷⁸⁶

✚ **April 2008:**

“Government officials arrested 16 Asian Christians, including 3 women, a 3-year old child, and a 1-year old child, for conducting a worship service in the Western Province. Police raided the worship location, questioned the group, and then transported them to jail. The men were detained for 3 days in the police substation jail. The women and children were detained for 3 days in the central prison, which has a women’s section. Due to intervention by senior government officials, the Christians were released.”⁷⁸⁷

✚ **August 2007:**

⁷⁸² *Id.*

⁷⁸³ *Authorities Release Christian Blogger*, COMPASSDIRECT.ORG, (15 Apr. 2009), <http://www.compassdirect.org/english/country/saudi-arabia/3004/>.

⁷⁸⁴ *Saudi Arabia: Pastor Flees Death Threats*, COMPASS DIRECT NEWS, (30 Jan. 2009), available at <http://www.compassdirect.org/en/display.php?page=news&idelement=5781&lang=en&length=short&backpage=arhives&critere=saudi%20arabia&countryname=&rowcur=0> (last visited 3 June 2009).

⁷⁸⁵ Mariam Al Hakeem, *Saudi Man Kills Daughter for Converting to Christianity*, GULFNEWS.COM (12 Aug. 2008), <http://gulfnews.com/news/gulf/saudi-arabia/saudi-man-kills-daughter-for-converting-to-christianity-1.124541>.

⁷⁸⁶ Bureau of Democracy, Human Rights, & Laobr, U.S. Dep’t of State, *Saudi Arabia: International Religious Freedom Report 2008* (2008), available at <http://www.state.gov/g/drl/rls/irf/2008/108492.htm>.

⁷⁸⁷ *Id.*

Saudi Arabian Airlines had posted on its English-language Web site a notice that the country bans “Bibles, crucifixes, statues, carvings, [and] items with religious symbols such as the Star of David.” These items appeared under the list of forbidden articles within the “Customs Regulations” portion of the site, although the Government’s stated policy was that such items were allowed for private religious purposes.⁷⁸⁸

 **October 2006:**

Police arrested a Filipino Christian man in Jeddah and falsely charged him with drug possession. The police later dropped those charges and formally charged him with proselytizing. **He was detained for 8 months, received 60 lashes, and deported in May 2007.**⁷⁸⁹

⁷⁸⁸ *Id.*

⁷⁸⁹ *Id.*

SYRIA

The Syrian Constitution provides for freedom in several different areas. The Preamble states that “[f]reedom is a sacred right and popular democracy is the ideal formulation which insures for the citizen the exercise of his freedom.”⁷⁹⁰ Article 25 calls freedom a “sacred right” and says that “[t]he state protects the personal freedom of the citizens and safeguards their dignity and security.”⁷⁹¹ Article 26 gives every citizen “the right to participate in the political, economic, social, and cultural life.”⁷⁹² Article 38 provides for free expression and freedom of the press.⁷⁹³ Article 39 protects freedom of assembly.⁷⁹⁴ Religious freedom is also guaranteed. Article 35 states that, “[t]he freedom of faith is guaranteed,” that “[t]he state respects all religions,” and that “[t]he state guarantees the freedom to hold any religious rites.”⁷⁹⁵

However, Article 35 includes a caveat that religious rites may be held “provided they do not disturb the public order.”⁷⁹⁶ Generally, “public order” opens the door for arbitrary discretion and enforcement. Additionally, Article 3 requires that the Syrian President must be a Muslim, and that “Islamic jurisprudence is a main source of legislation.”⁷⁹⁷ Thus, the preference for Islam, combined with the government’s broad power to protect the public order, amounts to incomplete religious freedom.

Other provisions restrict religious freedom. For example, Articles 298 and 462 prohibit “causing tension between religious communities.”⁷⁹⁸ Part of preventing this tension includes cracking down on proselytization, although proselytization is technically not illegal:

While there is no civil law prohibiting proselytizing, the Government discourages it and occasionally prosecutes missionaries for ‘posing a threat to the relations among religious groups’ when they engage in such activities. Most charges of this kind carry sentences of imprisonment from five years to life, although such sentences are often reduced to one or two years.⁷⁹⁹

Additionally, Personal Status Code provisions impinge upon religious belief through marriage. An example is Article 48—requiring a Christian man wishing to marry a Muslim

⁷⁹⁰ VERFASSUNGSVERGLEICH [CONSTITUTION] 13 Mar. 1973, pmb1. (Syria), http://www.servat.unibe.ch/icl/sy00000_.html.

⁷⁹¹ *Id.* art. 25.

⁷⁹² *Id.* art. 26

⁷⁹³ *Id.* art. 38.

⁷⁹⁴ *Id.* art. 39.

⁷⁹⁵ *Id.* art. 35.

⁷⁹⁶ *Id.*

⁷⁹⁷ *Id.* art. 3.

⁷⁹⁸ Bureau Democracy, Human Rights, & Labor, U.S. Dep’t of State, *Syria: International Religious Freedom Report 2010* § 2, (2010), available at <http://www.state.gov/g/drl/rls/irf/2010/148845.htm> [hereinafter *Syria Religious Freedom Report*].

⁷⁹⁹ *Id.*

woman to first convert to Islam.⁸⁰⁰ Article 264 restricts Christian inheritance by allowing a Muslim woman to inherit from her deceased Muslim husband, but not allowing a Christian wife of a Muslim man to inherit from him.⁸⁰¹ In 2006, however, a Personal Status Law for Catholics was enacted that granted them slightly more freedom in the areas of inheritance, adoption, and guardianship.⁸⁰²

Some Syrian statutes indicate a preference for Islamic Sharia law. For example, Article 548 of the Syria Penal Code has been recently changed,⁸⁰³ but it previously allowed a man to get away with the murder of any direct female relative caught in the act of adultery.⁸⁰⁴ The new article provides a mechanism for punishment, but it is relatively weak; “honor killings” only require, at minimum, a two year sentence.⁸⁰⁵

Specific Incidents of Persecution:

The U.S. Department of State noted in its International Religious Freedom Report 2005 that “[t]he generally amicable relationship among religions in society contributed to religious freedom,” and “[t]here was little evidence of societal discrimination or violence against religious minorities.”⁸⁰⁶ However, 2005 U.S. Department of State Country Report on Human Rights Practices for Syria characterized religious freedom as “limited.”⁸⁰⁷

Several years later, the 2009 International Religious Freedom Report noted there were “occasional reports of minor tensions between religious groups” that are “mainly attributable to economic rivalries rather than religious affiliation.”⁸⁰⁸ Yet the Report further observed that although “[s]ocial conventions and religious and theological proscriptions made conversion relatively rare, especially Muslim-to-Christian conversion, which is technically illegal,” often “societal pressure force[s] such converts to *relocate within the country or leave the country to*

⁸⁰⁰ See *Criticism in Syria of Ban on Interfaith Marriages*, MIDDLE EAST MEDIA RESEARCH INSTITUTE, (5 June 2008), <http://www.memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP195008> [hereinafter *Criticism in Syria*].

⁸⁰¹ *Id.*

⁸⁰² Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *2008 Human Rights Report: Syria* § c, (25 Feb. 2009), available at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119127.htm>.

⁸⁰³ *Syria: No Exceptions for ‘Honor Killings,’* HUMAN RIGHTS WATCH (28 July 2009), <http://www.hrw.org/en/news/2009/07/28/Syria-no-exceptions-honor-killings> [hereinafter HUMAN RIGHTS WATCH].

⁸⁰⁴ Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *Syria: International Religious Freedom Report 2007* § 2, (2007), available at <http://www.state.gov/g/drl/rls/irf/2007/90221.htm>. As of 2007, “Section 548 of the Syrian penal code stipulates that a man can be absolved of any killing if he witnesses a direct female relative in the act of adultery.” *Id.*

⁸⁰⁵ *2010 Annual Report for Syria*, AMNESTY INTERNATIONAL USA, <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2010&c=SYR> [hereinafter 2010 AMNESTY REPORT] (“On [01 July 2009], President Bashar al-Assad issued Legislative Decree 37. This replaced Article 548 of the Penal Code, which had exempted perpetrators of “honour crimes” from any penalty, and instituted a penalty of at least two years’ imprisonment for . . . killing or injuring . . . on grounds of “honour.”). See also HUMAN RIGHTS WATCH, *supra* note 803.

⁸⁰⁶ Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, *Syria: International Religious Freedom Report 2005* § 3, (2005), available at <http://www.state.gov/g/drl/rls/irf/2005/51610.htm> [hereinafter 2005 REPORT].

⁸⁰⁷ Bureau of Democracy, Human Rights, and Labor, U.S. DEP’T OF STATE, *Syria: 2005 Country Reports on Human Rights Practices* (08 Mar. 2006), available at <http://www.state.gov/g/drl/rls/hrrpt/2005/61699.htm>.

⁸⁰⁸ *Syria Religious Freedom Report*, *supra* note 798.

practice their new religion openly.”⁸⁰⁹ The government bans Jehovah’s Witnesses and favors certain Muslim groups in government appointments and funding of activities.⁸¹⁰ The government also monitors various religious groups, requires groups to register, and discourages proselytizing because it endangers relations between religious groups.⁸¹¹

Islam is favored with state-approved radio and television broadcasts, though the government has detained without cause and aggressively prosecuted Muslim radicals, particularly Saudi-inspired “Salafists” and Muslim Brotherhood members.⁸¹² The government recognizes certain Muslim and Christian holidays, and allows members of a religion contact with other members in foreign countries, but does not allow Jews to contact Jews in Israel.⁸¹³ Jews are also discriminated against in government licenses, property, applications, and employment.⁸¹⁴ The government has allowed the media to publish a certain amount of anti-Semitic and anti-Israel material.⁸¹⁵ Jewish people have also been prohibited from sending historical Torahs abroad under a law prohibiting the export of the country’s historical and cultural treasures.⁸¹⁶

Certain Christian aid groups can operate without registering with the government, while all Muslim groups must register.⁸¹⁷ Public schools have mandatory religious instruction, but Christian and Muslim students have separate classes.⁸¹⁸ Islam and Christianity are subject to their own laws in certain areas, such as marriage, though Catholics have more autonomy than Orthodox Christians.⁸¹⁹ The Syrian government restricts freedom of choice in religious matters and does not recognize the religious status of Muslims who convert to Christianity.⁸²⁰

Open Doors, a Christian organization that supports persecuted Christians around the globe, has noted that, “Muslim-background believers face rejection by family and friends, and churches are often afraid to receive them.”⁸²¹ A Human Rights Watch report revealed that government detention and harassment mainly occur when the government feels threatened by an individual or group, which may or may not be a religious group.⁸²² Also, Amnesty International reported that any free expression hostile to the government may result in arbitrary detention, and that the government’s state of emergency, in existence since 1963, has allowed it to curtail freedoms that would otherwise be guaranteed by the constitution.⁸²³

⁸⁰⁹ *Id.* (emphasis added).

⁸¹⁰ *Id.*

⁸¹¹ *Id.*

⁸¹² *Id.*

⁸¹³ *Syria Religious Freedom Report, supra note 798.*

⁸¹⁴ *Id.*

⁸¹⁵ *Id.*

⁸¹⁶ *Id.*

⁸¹⁷ *Id.*

⁸¹⁸ *Id.*

⁸¹⁹ *Syria Religious Freedom Report, supra note 798.*

⁸²⁰ *Id.*

⁸²¹ Country Profile: Syria, OPEN DOORS, <http://www.opendoorsusa.org/persecuted-christians/persecuted-country-profiles/syria/> (last visited 18 Oct. 2010).

⁸²² HUMAN RIGHTS WATCH, WORLD REPORT 2009 512–16 (2009), available at http://www.hrw.org/sites/default/files/reports/wr2009_web.pdf.

⁸²³ 2010 AMNESTY REPORT, *supra* note 805; see also U.S. DEPT. OF STATE, BUREAU OF PUBLIC AFFAIRS: ELECTRONIC INFORMATION AND PUBLICATIONS, BACKGROUND NOTE: SYRIA, § Government, available at <http://www.state.gov/r/pa/ei/bgn/3580.htm> (last visited 13 Jan. 2011).

Additionally, according to Todd Nettleton, Spokesman of Voice of the Martyrs, “there is virtually no freedom for a Muslim to convert to Christianity.”⁸²⁴ He continued, noting that “[t]here is persecution, *primarily from within the family*, when a Muslim chooses to convert.”⁸²⁵ The same goes for Muslims who attempt to marry Christians. For example, in August 2005, a twenty-three year old woman, Huda Abu Assaly, was murdered by her brother for “betraying” the family’s honor by marrying a Christian man.⁸²⁶ Assaly’s family showed little sympathy for her death as they continued to celebrate with guests who had come to attend Assaly’s wedding. Assaly’s brother, who committed the murder in a public setting, was never arrested or charged with any crime.⁸²⁷ “This account, particularly the casual reaction of wedding guests, illustrates the acceptability of so-called ‘honor killings’ of Christians within certain segments of Syrian society.”⁸²⁸ The culture of “honour” that is so pervasive in Islamic societies, particularly in Syria,⁸²⁹ poses great danger to Christian converts and those associated with Christians. Similar to the way a woman marrying outside of Islam or committing adultery shames her Muslim family, so does the act of apostasy—which, in Islam, is punishable by death. These societal pressures on Syrian Christians are meant to drive Christians out.

Syrian Christians are repressed in their faith because religious groups are not allowed to proselytize (a main tenet of the faith), as it is seen as a danger to the country’s stability.⁸³⁰ Though there is some freedom to worship, Christians must accept a lower-tier social role known as “dhimmi,” and as such, are restricted from activity outside this role.⁸³¹

In November 2010, the Economist reported several recent crackdowns by the Syrian government on Protestant Christians.⁸³² For example, buildings that hold Christian services have been closed because they were not officially sanctioned as churches. Some foreigners serving

⁸²⁴ Bob Unruh, *Rick Warren’s Syria Assessment Disputed*, WORLDNET DAILY (22 Nov. 2006), http://www.wnd.com/news/article.asp?ARTICLE_ID=53061. According to Jim Jacobson, president of Christian Freedom International, “‘Syria isn’t Saudi Arabia, but it’s one of the big untold stories out there. . . . For those who want to convert from Islam to Christianity, *you’re disowned by your family*, if the local mosque issues a death threat, no one is going to do anything about it, you’ll just end up dead. Nothing is done, no police action, that’s just understood.’” Bob Unruh, *Christians Flee Iraq, Find Syria ‘Ruthless,’* WORLDNET DAILY (29 Dec. 2006), http://www.wnd.com/news/article.asp?ARTICLE_ID=53549 (emphasis added).

⁸²⁵ Bob Unruh, *Rick Warren’s Syria Assessment Disputed*, WORLDNET DAILY (22 Nov. 2006), http://www.wnd.com/news/article.asp?ARTICLE_ID=53061 (emphasis added).

⁸²⁶ SYRIA: *Popular Campaign Takes Aim at “Honour Killings,”* IRIN, <http://www.irinnews.org/Report.aspx?ReportId=25612> (last visited 19 Oct. 2010) [hereinafter *Honour Killings*]; see also *Criticism in Syria*, *supra* note 800.

⁸²⁷ *Honour Killings*, *supra* note 826. In addition to Huda, “another girl was killed in the western Hama province for similar reasons” just a few weeks prior. The girl’s brother, although initially arrested, was released a few months after the killing. *Id.* Notably, “[s]uch crimes . . . are reported with surprising frequency, experts say.” *Id.*

⁸²⁸ *Id.* The acceptability of violence in general in Syria is a problem. On 16 Feb. 2007, Elias Bejjani reported that Syria and Iran, two “Axis of Evil countries,” murdered Christian civilians in Lebanon to, in part, “terrorize Christians.” Elias Bejjani, *The Axis of Evil Countries Murder Lebanese Christian Civilians*, AMERICAN CHRONICLE.COM, (16 Feb. 2007), <http://www.americanchronicle.com/articles/20791>.

⁸²⁹ *Honour Killings*, *supra* note 826.

⁸³⁰ See Bob Unruh, *Christians Flee Iraq, Find Syria “Ruthless,”* WORLDNET DAILY (29 Dec. 2006), http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=53549.

⁸³¹ Syria, VOICE OF THE MARTYRS, <http://www.persecution.net/syria.htm> (last visited 28 Sept. 2010).

⁸³² *Syria’s Evangelical Christians: Don’t Try Too Hard, Protestant Christians are Under Rare Fire*, THE ECONOMIST (18 Nov. 2010), available at <http://www.economist.com/node/17528080>.

Protestant churches have been told their visas will not be renewed due to a decree banning them from working for injeeli (Protestant churches), and several summer church camps have been cancelled.⁸³³ International Christian Concern (ICC) reported on 27 September 2010 that “Syrian evangelicals have walked a tightrope to not offend the government and lose their precious liberty to worship”; eight house churches were closed.⁸³⁴ The government also enforced a law requiring people to worship in buildings that resemble a church. Many congregations in Syria are too small to be able to afford such buildings.⁸³⁵

By way of further example, a case involving a Jordanian man named “Samer,” who converted from Islam to Christianity and fled to Syria after he was arrested by the Jordanian Intelligence Agency, confirmed that the Syrian government does indeed occasionally punish those who proselytize.⁸³⁶ Syrian Police arrested Samer on 22 August 2006 without defining the charges.⁸³⁷ It was not until 10 October that the Syrian government released Samer; he immediately fled to the United States.⁸³⁸ Samer never found out why he was imprisoned. Samer related that, “[s]ome said it was because of our ministry to the Kurdish people. . . . Others said it was because I was trying to get Kurdish-language Bibles into Syria, and the Kurdish language is illegal there.”⁸³⁹

A New York Times article reported that after the U.S. invasion of Iraq, some reports indicated that pro-Islamist sentiment made life more difficult for Christians in Syria, as Christians began to be more afraid of their neighbors than the government.⁸⁴⁰ This article also reported that an Armenian Christian faced discrimination and loss of his job because he rallied for equal protection from the government, and attempted to run for president even though the constitution says the president must be a Muslim.⁸⁴¹ In October 2004, Assyrian Christians demonstrated and called for equal treatment by the police, after which two were killed “by Muslims who called them ‘Bush supporters, and ‘Christian dogs.’”⁸⁴² Although the U.S. invasion of Iraq was a sign of hope, and caused Syrian minorities to ever-so-slightly push for reform, Syrian minorities, including religious minorities, do not have the same protections as favored groups.⁸⁴³

⁸³³ *Id.*

⁸³⁴ *Eight House Churches Shut Down in Northern Syria*, INTERNATIONAL CHRISTIAN CONCERN (27 Sept. 2010), available at <http://www.persecution.org/2010/09/28/eight-house-churches-shut-down-in-northern-syria/>.

⁸³⁵ *Id.*

⁸³⁶ Australia Refugee Review Tribunal, No. SYR31060, Syria (11 Jan. 2007), available at www.mrtrrt.gov.au/ArticleDocuments/107/syr31060.pdf.aspx.

⁸³⁷ *Free at Last*, WORLD MAGAZINE (11 Nov. 2006), <http://www.worldmag.com/articles/12405>.

⁸³⁸ *Id.*

⁸³⁹ *Id.*

⁸⁴⁰ See Katherine Zoepf, *The Conflict in Iraq: Regional Fallout; New Hope of Syrian Minorities; Ripple Effect of Iraqi Politics*, N.Y. TIMES, 29 Dec. 2004, available at http://query.nytimes.com/gst/fullpage.html?res=9B07E3D71639F93AA15751C1A9629C8B63&sec=&spon=&page_wanted=all.

⁸⁴¹ *Id.*

⁸⁴² *Id.*

⁸⁴³ *Id.*

Cases exposing Syria's human rights violations

In *Mouiddin v. Secretary of State for the Home Department*,⁸⁴⁴ a Syrian (Mouiddin) converted from Islam to Christianity, after which his outward behavior began to change, and his family and others began to threaten him.⁸⁴⁵ The court accepted testimony that Muslims who convert to Christianity are in danger of losing their lives and that Christians are often charged with “disturbing the public order” when evangelizing in Syria.⁸⁴⁶ Mouiddin said he could not join a non-evangelical Christian church if he returned to Syria because he did not agree with their principles, and the churches thought his active faith would cause trouble for them.⁸⁴⁷ The court found that Mouiddin would not be able to practice his faith in Syria because he had a Muslim name that would be recognized in church, and he faced likely persecution from his father and others who had already harassed him.⁸⁴⁸ The court dismissed the importance of the lack of recorded religious persecution in official reports, stated that it had to look at the totality of the evidence, and found that the evidence supported Mouiddin’s claim that he could not practice his religion if returned to Syria and would be in fear for his life.⁸⁴⁹

⁸⁴⁴ *Mouiddin v. Sec’y of State for the Home Dep’t*, CG [2008] UKAIT 05259.

⁸⁴⁵ *Id.* ¶¶ 7–55.

⁸⁴⁶ *Id.* ¶¶ 76–80.

⁸⁴⁷ *Id.* ¶ 62.

⁸⁴⁸ *Id.* ¶ 88.

⁸⁴⁹ *Id.* ¶ 90.

YEMEN

The Constitution of the Republic of Yemen contains no provisions concerning religious freedom.⁸⁵⁰ The constitution, however, declares that the Republic is “an Arab, Islamic and independent sovereign state.”⁸⁵¹ Furthermore, the constitution declares Islam as the state religion⁸⁵² and “Islamic Shari’a as the source for all legislation.”⁸⁵³ The Yemeni Constitution prohibits non-Muslims from holding certain elected offices.⁸⁵⁴ For example, the constitution requires the President to “practice his Islamic duties.”⁸⁵⁵ This requirement effectively excludes all non-Muslims from the Presidential office. Similarly, after the ruling party tried to put forward a Jewish parliamentary candidate, the General Election Committee adopted a policy barring all non-Muslims from running for Parliament.⁸⁵⁶

Although the Yemeni Constitution provides no explicit protection for religious freedom, Yemen has signed onto several key international legal documents. Article 6 of the Yemeni Constitution affirms the Republic’s “adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and dogma of international law which are generally recognized.”⁸⁵⁷ Furthermore, Yemen ratified the International Covenant on Civil and Political Rights (ICCPR) on February 9, 1987.⁸⁵⁸

While the Republic of Yemen purportedly supports the freedom of creed and conscience, it “holds that to change one’s religion and to proclaim such change would be to create discord that would be highly detrimental to social stability and security.”⁸⁵⁹ The U.N. Human Rights Committee has repeatedly reiterated its concern for the prohibition of Muslims converting to another religion in the name of social stability and security. The Committee has held that “[s]uch a prohibition is in violation of article 18 of the [ICCPR], which does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or

⁸⁵⁰ U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Yemen: Int’l Religious Freedom Report 2010* (Nov. 17, 2010) [hereinafter *Yemen Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2010/148855.htm>.

⁸⁵¹ CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 1.

⁸⁵² CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 2.

⁸⁵³ CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 3.

⁸⁵⁴ *Yemen Religious Freedom Report*, supra note 279.

⁸⁵⁵ CONST. OF THE REPUBLIC OF YEMEN, chapter II, art. 106(d). “To be of good character, practi[c]e his Islamic duties and have no dishonorable criminal record and if so, he has been reprieved.” *Id.*

⁸⁵⁶ *Yemen Religious Freedom Report*, supra note 279.

⁸⁵⁷ CONST. OF THE REPUBLIC OF YEMEN, chapter I, art. 6, available at <http://www.al-bab.com/yemen/gov/con94.htm>.

⁸⁵⁸ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (entered into force Mar. 23, 1976), available at <http://www2.ohchr.org/english/law/ccpr.htm>.

⁸⁵⁹ The Human Rights Committee, *Consideration of Reports Submitted by States Parties under the Covenant*, ¶ 354, U.N. Doc. CCPR/C/YEM/2004/4 (21 July 2004) (Fourth Periodic Report, Yemen). See also The Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant*, ¶253, U.N. Doc. CCPR/C/YEM/5 (14 Dec. 2009) (Fifth Periodic Report, Yemen) (pertaining to ICCPR Article 18, Yemen states that “[t]he legal position on this article is explained in the previous report”).

adopt a religion or belief of one's choice, and of article 26, which prohibits discrimination on the ground of religion."⁸⁶⁰

Contrary to the international covenants, however, the government continues to impose restrictions on conversion from Islam and proselytization of Muslims.⁸⁶¹ Under Sharia law, "the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death."⁸⁶² In recent years, the police in Yemen have arrested people for apostasy (converting from Islam to another religion) and proselytizing (trying to convert others from Islam to another religion).⁸⁶³ "Those arrested are only released if they renounce their new faith and vow to embrace Islam again."⁸⁶⁴ Furthermore, courts have convicted people for blasphemy against Mohammad (insulting Mohammad).⁸⁶⁵

Beginning in 2008, several arrests "appear[ed] to indicate a new, disturbing trend of government-sanctioned intolerance towards religious minorities."⁸⁶⁶ Arrests for apostasy and proselytizing indicated that "conditions for religious minorities in Yemen appeared to have. . . deteriorated [in 2008]."⁸⁶⁷ Chair for the United States Commission for Religious Freedom, Felice D. Gaer, stated about Yemen, "[i]f the recent [2008] raids of Baha'i residences and the arrests of both Christians and Baha'is were carried out because of the religious identity of the targeted individuals, that constitutes a clear violation of the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a party."⁸⁶⁸

Institutional Discrimination

Yemen has held its rank as No. 7 on Open Doors' World Watch List for 2010 and 2011.⁸⁶⁹ Open Doors' World Watch List ranks 50 countries "where persecution of Christians for religious reasons is worst."⁸⁷⁰ For the 2010 reporting period, in Yemen, Open Doors reported that "[t]he status of religious freedom for Christians deteriorated."⁸⁷¹ While there were no reported murders of Christians in the 2011 reporting period (of which Open Doors is aware) as there were in the 2010 reporting period, religious freedom in Yemen has not necessarily

⁸⁶⁰ The Human Rights Committee, *Concluding observations of the Human Rights Committee*, ¶ 18, U.N. Doc. CCPR/CO/84/YEM (9 Aug. 2005).

⁸⁶¹ *Yemen Religious Freedom Report*, *supra* note 279.

⁸⁶² *Id.*

⁸⁶³ *Id.*

⁸⁶⁴ Press Release, Freedom House, Yemen Urged to Respect Rights of Religious Minorities (27 Aug. 2008) (on file with author), available at <http://www.freedomhouse.org/template.cfm?page=70&release=697>.

⁸⁶⁵ *Yemen Religious Freedom Report*, *supra* note 279.

⁸⁶⁶ Press Release, United States Commission on Religious Freedom, *Government Should Release Baha'i and Christian Prisoners; Ensure Baha'is are not Deported to Iran* (16 Oct. 2008) (on file with author) [USCIRF Press Release 16 Oct. 2008], available at

http://www.uscirf.gov/index.php?option=com_content&task=view&id=2295&Itemid=1.

⁸⁶⁷ *Id.*

⁸⁶⁸ *Id.*

⁸⁶⁹ *Explanation of World Watch List*, OPEN DOORS, <http://www.opendoors.org.za/index.php/news/291-open-doors-world-watch-list-2010> (last visited 13 Jan. 2011). This reporting period comprises 1 Nov. 2009 through 31 Oct. 2010. *Id.*

⁸⁷⁰ *Id.*

⁸⁷¹ *World Watch List 2010*, OPEN DOORS INTERNATIONAL, at 10, available at <http://www.opendoorsusa.org/downloads/pdf-downloads/world-watch-list-2010>.

improved.⁸⁷² “Several Christian expats, who had resided in the country for many years, were deported from the country without any reason given.”⁸⁷³ As Open Doors reported, holding Christian beliefs is not a problem for expatriates, but the Yemeni government prohibits conversion to Christianity (or other religions); converts from Islam face the death penalty if discovered.⁸⁷⁴ Converts from Islam additionally face persecution from extremist groups, as “apostates,” and “proselytizing of Muslims is prohibited.”⁸⁷⁵ Most Christians in Yemen are expatriates “(Westerners, South and East Asians, Arabs) or refugees (mainly Ethiopian),” with “a few converts from Islam.”⁸⁷⁶ Churches are scarce, “but in the north of the country no church buildings are allowed.”⁸⁷⁷

Tolerance is limited for Christians in Yemen. Although the United States Department of State reported that throughout the country, weekly services held for Christians have largely gone without government interference and have been adequately accommodated in schools and homes without government interruption,⁸⁷⁸ that finding truly only applies to expatriates as Open Doors observed. The Department of State also noted that “Christian clergy who minister to the foreign community [are] employed in teaching, social services, and health care.”⁸⁷⁹ Again, this applies only to the “foreign” community. The Yemeni government still opposes infiltration of religions other than Islam.

Importantly, the Department of State observed that few if any of the religious minorities actually practiced their religion in an established place of worship and the majority of students belonging to a religious minority study in private schools since the public schools may only teach Islamic law.⁸⁸⁰ Additionally, under Sharia law, the government forbids any non-Muslim from membership in Parliament.⁸⁸¹ Furthermore, Christians have been denied burial rights in the capital city of Shana’a and must either pay to have their name changed to an Islamic name or have the body shipped elsewhere.⁸⁸²

Most importantly, under Sharia law, converts are considered apostates.⁸⁸³ Sharia law expressly prohibits proselytization of Muslims as well as conversion from Islam to any other religion.⁸⁸⁴ Such conversion is a crime punishable by death.⁸⁸⁵ Because Sharia law is part of the Yemeni legal system, the courts have authority to prosecute apostates and proselytizers.⁸⁸⁶

⁸⁷² *World Watch List 2011*, OPEN DOORS INTERNATIONAL, at 8, available at <http://www.opendoorsusa.org/downloads/pdf-downloads/world-watch-list-2011.pdf>.

⁸⁷³ *Id.*

⁸⁷⁴ *Id.*

⁸⁷⁵ *Id.*

⁸⁷⁶ *Id.* at 9.

⁸⁷⁷ *Id.*

⁸⁷⁸ *Yemen Religious Freedom Report*, *supra* note 279, at § II, Restriction on Religious Freedom.

⁸⁷⁹ *Id.* § II, Legal/Policy Framework.

⁸⁸⁰ *Id.*

⁸⁸¹ *Id.*

⁸⁸² Zenebe Geneme, *Christians Denied Funerals in Yemen*, PERSECUTION.ORG (13 July 2009), <http://www.persecution.org/2009/07/17/christians-denied-funerals-in-yemen/>.

⁸⁸³ *Yemen Religious Freedom Report*, *supra* note 279.

⁸⁸⁴ *Id.*

⁸⁸⁵ *Id.* See also European Parliament, *Human rights situation in Yemen*, Doc. NT613967EN, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/nt/613/613967/613967en.pdf; *Official: Yemen*

No official governmental policy exists to criminalize possession of non-Islamic religious literature.⁸⁸⁷ On several occasions, however, persons were harassed by members of the Political Security Office (PSO), which reports directly to the president's office, for possessing such literature.⁸⁸⁸ Furthermore, missionary groups and those associated with them have reported that the PSO monitors, harasses, and occasionally censors their mail.⁸⁸⁹

A 1990 press law prohibits criticism of the President and sets out a long list of offences defined in very vague terms. Specifically, article 103 of the Yemeni press law prohibits publications which prejudice the Islamic faith.⁸⁹⁰ This law undoubtedly discourages religious freedom. For example, on November 12, 2005, armed men attacked and stabbed opposition journalist Nabil Sabaie in Sana'a.⁸⁹¹ Two weeks later, on 27 November 2005, a Sana'a court ordered the closure of the opposition newspaper Tagammu, where the journalist worked, for sectarianism and "attacking Islam's image."⁸⁹²

In June 2008 a convert to Christianity and two of his associates were reportedly arrested in Hodeida for "promoting Christianity and distributing the Bible."⁸⁹³ Authorities reportedly transferred them to a jail in Sana'a. Four other associates, who evaded capture, were sought by the authorities. In a separate instance in the same month, seven Christians were detained with the threat of torture by the Yemeni government for promoting Christianity and "distributing the Bible".⁸⁹⁴

Specific Incidents of Persecution:

- ✚ On 14 June 2009, nine foreigners working at a hospital in Saada were kidnapped by armed men. Three of the hostages were killed immediately. Two hostages were transferred to Saudi Arabian authorities in May 2010 after 11 months in captivity. The remaining four hostages were still missing at the end of the reporting period. An investigation was ongoing, but some observers reported that religious extremists may have targeted the foreigners because of rumors that they were Christian missionaries proselytizing in Saada.⁸⁹⁵

Detains 9 People for Converting to Christianity, ASSOCIATED PRESS (19 Aug. 2008), available at <http://www.foxnews.com/story/0,2933,406142,00.html>.

⁸⁸⁶ *Yemen Religious Freedom Report*, *supra* note 279.

⁸⁸⁷ *Id.*

⁸⁸⁸ *Id.* (discussing the Yemeni government's detention of individuals whose "religious materials," while not expressly prohibited, were "deemed too large for personal use [and] ...confiscated their materials, ostensibly to prevent proselytizing.").

⁸⁸⁹ *Id.*

⁸⁹⁰ European Parliament, *supra* note 885.

⁸⁹¹ *Id.*

⁸⁹² *Id.*

⁸⁹³ *Yemen Religious Freedom Report*, *supra* note 279, at § II, Abuses of Religious Freedom.

⁸⁹⁴ *Seven Christians Detained in Yemen for "Promoting Christianity"*, PERSECUTION.ORG (27 June 2008), available at <http://www.persecution.org/2008/06/27/seven-christians-detained-in-yemen-for-promoting-christianity/>.

⁸⁹⁵ *Yemen Religious Freedom Report*, *supra* note 279, at §II, Abuses by Rebel or Foreign Forces or Terrorist Organizations.

- ✚ “In October 2008, Michael Kenea was murdered for his faith in Christ, in front of his home and family [N]o one was prosecuted for his murder.”⁸⁹⁶
- ✚ In June 2008, a group of “religious men” beat a young college student for walking with female classmates.⁸⁹⁷
- ✚ In May 2008, an al-Qaeda cell threatened non-Muslims on the Arabian Peninsula. ““We warn all the unbelievers who enter the Arabian Peninsula that [targeting] their money and their blood are religiously right for us.””⁸⁹⁸
- ✚ In 2007, a newspaper report claimed security officials harassed and detained a Muslim carrying Christian missionary publications in Taiz.⁸⁹⁹

⁸⁹⁶ *Persecution in Yemen*, OPEN DOORS INTERNATIONAL, available at <http://www.opendoorsusa.org/persecuted-christians/persecution/persecution-in-yemen/> (last visited 11 Jan. 2010).

⁸⁹⁷ *Id.*

⁸⁹⁸ *Yemen: Al-Qaeda Warns Non-Muslim Foreigners*, ADNKRONOS INT’L (16 May 2008), <http://www.adnkronos.com/AKI/English/Security/?id=1.0.2169329555>.

⁸⁹⁹ *Yemen Religious Freedom Report*, *supra* note 279, at § II, Abuses of Religious Freedom.

AFGHANISTAN

The Government of Afghanistan is strictly governed by Islam and Sharia law, which creates an extremely hostile environment, not only towards Christians, but towards any beliefs, activities, or lifestyles that deviate from Islam.⁹⁰⁰ Because the Christian community in Afghanistan is nearly non-existent, there are few recorded instances of persecution. Most Muslims are unaware that Christians even exist in Afghanistan, and they don't have the opportunity to consider Christianity as an alternative religion, let alone to join a supportive church or community of believers. Therefore, despite this report's thoroughness, cases of persecution in Afghanistan are few and far between and are compelling primarily as evidence of Afghanistan's relentless and consistent hostility towards any expression of non-Muslim ideology.

Out of a population of approximately thirty-one million, approximately eighty percent are Sunni Muslim and nineteen percent are Shi'a Muslim.⁹⁰¹ There are approximately 4,900 Sikh believers, 1,100 Hindu believers, 400 Baha'i believers, and smaller numbers of other religious groups, mostly Buddhist foreigners.⁹⁰² The Christian community is small and clandestine; estimates as to its size range from 500 to 8,000.⁹⁰³ There are no Christian churches for Afghani nationals.⁹⁰⁴ The only Christian "church" in Afghanistan is located within the diplomatic enclave.⁹⁰⁵ As the U.S. Department of State explained, the number of non-Muslim minority religions dwindled drastically under the Taliban rule:

In the past, small communities of Hindus, Sikhs, Baha'is, Jews, and Christians lived in the country, although most members of these communities emigrated during the years of civil war and Taliban rule. Non-Muslim minorities were estimated to number in the hundreds at the end of Taliban rule.⁹⁰⁶

Institutional Discrimination

Afghani law contains several provisions claiming to protect religious freedom.⁹⁰⁷ Afghanistan pledges to "observe" the Universal Declaration of Human Rights (UDHR)⁹⁰⁸ and

⁹⁰⁰ Although there are many cases of persecution involving women and children, as well as other human rights violations involving violence and torture, these are not the focus of this report. For other human rights violations see Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *2009 Human Rights Report: Afghanistan* (11 Mar. 2010) available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136084.htm>.

⁹⁰¹ U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, *Afghanistan: Int'l Religious Freedom Report 2010* (17 Nov. 2010) [hereinafter *Afghanistan Religious Freedom Report*], § I (Demography), available at <http://www.state.gov/g/drl/rls/irf/2010/148786.htm>.

⁹⁰² *Id.*

⁹⁰³ *Id.*

⁹⁰⁴ *Id.*

⁹⁰⁵ *Id.*

⁹⁰⁶ *Id.*

⁹⁰⁷ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, pmbl., arts. 2, 7, 34, 58, available at http://www.president.gov.af/root_eng.aspx?id=68.

⁹⁰⁸ *Id.* art. 7.

allegedly follows Article 18 of the UDHR, which ensures freedom of thought, conscience, and religion, as well as freedom to change religions and practice religion in community or in private.⁹⁰⁹

The constitution itself claims that adherents to non-Islamic faiths are free “within the bounds of law in the exercise and performance of their religious rituals.”⁹¹⁰ The constitution also purports to protect freedom of expression through speech and writing.⁹¹¹ However, the constitution makes Islam the official state religion,⁹¹² prohibits any law from contravening Islamic tenets,⁹¹³ and establishes Sharia as the over-arching law which interprets all other laws and fills in any gaps in the law. When the constitution or laws do not provide a rule in a case, the courts must apply Hanafi jurisprudence, a school of Sharia law.⁹¹⁴ Ultimately, no law or constitutional amendment may “contravene” Islamic principles.⁹¹⁵ The preeminence of Sharia law and Islam manifest in several ways. For example, the President “shall be . . . Muslim,”⁹¹⁶ and must take an oath to “obey and protect the Holy religion of Islam.”⁹¹⁷ Ministers must swear to “protect” the religion of Islam,⁹¹⁸ and members of the Supreme Court must swear to “attain justice and righteousness *in accordance with [the] tenets of the Holy religion of Islam.*”⁹¹⁹ While

⁹⁰⁹ UNIVERSAL DECLARATION OF HUMAN RIGHTS, G.A. Res. 217 (III) A, art. 18, U.N. Doc. A/RES/217(III) (10 Dec. 1948).

⁹¹⁰ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 2.

⁹¹¹ *Id.* art. 34.

⁹¹² *Id.* art. 2. “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.” *Id.*

⁹¹³ *Id.* art. 3. “No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.” *Id.*

⁹¹⁴ *Id.* art. 130. See also Bureau of Democracy, Human Rights and Labor, U.S. Dep’t of State, *Afghanistan: Int’l Religious Freedom Report 2008* (2008) [hereinafter *2008 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2008/108497.htm> (noting that Sharia provides the law where the constitution and penal code are silent, “some interpretations of which conflict with the mandate to abide by the Universal Declaration of Human Rights”).

⁹¹⁵ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 149.

The principles of adherence to the tenets of the Holy religion of Islam as well as Islamic Republicanism shall not be amended. Amending fundamental rights of the people shall be permitted only to improve them. Amending other articles of this Constitution, with due respect to new experiences and requirements of the time, as well as provisions of Articles Sixty-Seven and One Hundred Forty-Six of this Constitution, shall become effective with the proposal of the President and approval of the majority of National Assembly members.

Id. See also *id.* art 3.

⁹¹⁶ *Id.* art. 62. “The individual who becomes a presidential candidate shall have the following qualifications: Shall be a citizen of Afghanistan, Muslim, born of Afghan parents and shall not be a citizen of another country . . .” *Id.*

⁹¹⁷ *Id.* art. 63.

Before assuming office, the President shall take, in accordance with special procedures set by law, the following oath of allegiance: “In the name of God, Most Gracious, Most Merciful, I swear by the name of God Almighty that I shall obey and protect the Holy religion of Islam, respect and supervise the implementation of the Constitution as well as other laws, safeguard the independence, national sovereignty and territorial integrity of Afghanistan, and, in seeking God Almighty’s help and support of the nation, shall exert my efforts towards the prosperity and progress of the people of Afghanistan.”

Id.

⁹¹⁸ *Id.* art. 74. “Before assuming office, the Ministers shall take the following oath in the presence of the President: ‘In the name of God, Most Gracious, Most Merciful, I swear in the name of God Almighty that I shall protect the Holy religion of Islam . . .’” *Id.*

⁹¹⁹ *Id.* art. 119 (emphasis added).

the constitution permits Afghans to form associations “to attain moral and material goals,” the organizations must not “contravene the Holy religion of Islam.”⁹²⁰ Similarly, while the constitution recognizes that the family is “the fundamental pillar of the society,”⁹²¹ the Government is entitled to adopt any measures necessary to “eliminat[e] . . . related traditions contrary to the principles of the sacred religion of Islam.”⁹²²

The inevitable result of the preeminent application of Islamic law is an effective no-tolerance policy toward any deviance from mainstream Islam. In practice, the constitution does not protect human rights or freedom of religion because conflicts between human rights and Islamic law are required to be resolved in favor of Sharia law and prevailing Islamic traditions. Societal discrimination is also highly problematic. Non-Muslim minorities, including Christians, continue to be harassed, and with violence.⁹²³ As reported by the United States Department of State in 2010, the government failed to improve these conditions. Afghanistan’s population is almost entirely Muslim, and non-Muslim minorities are discriminated against on a regular basis.⁹²⁴ For example, Sikhs and Hindus, although able to practice their faith in public, “have faced discrimination when seeking government jobs as well as harassment during major celebrations.”⁹²⁵ Christians, on the other hand, “did not publicly state their beliefs or gather openly to worship.”⁹²⁶ Christians have also been harassed (unconfirmed reports) for proselytizing; however, “[t]hey reveal their faith to those they trust, but are careful not to be viewed as seeking to spread their faith to the larger community.”⁹²⁷

Apostasy is illegal under Sharia law and may be punished by death

Despite the fact that the Afghani Criminal Code does not address apostasy,⁹²⁸ converting from Islam to another religion is punishable by death according to Sharia law.⁹²⁹ Afghans

⁹²⁰ *Id.* art. 35. “The people of Afghanistan shall have the right, in accordance with provisions of the law, to form political parties, provided that: Their manifesto and charter shall not contravene the Holy religion of Islam and principles and values enshrined in this constitution . . .” *Id.*

⁹²¹ *Id.* art. 54. “The state shall adopt necessary measures to attain . . . the elimination of related traditions contrary to the principles of the sacred religion of Islam.” *Id.*

⁹²² *Id.* (emphasis added).

⁹²³ *Afghanistan Religious Freedom Report, supra* note 901, § III.

⁹²⁴ *Id.* § Introduction.

⁹²⁵ *Id.*

⁹²⁶ *Id.*

⁹²⁷ *Id.* § II (Legal Policy/Framework).

⁹²⁸ *Id.*

⁹²⁹ See *Afghanistan Religious Freedom Report, supra* note 901, § II, Legal Policy/Framework. The Religious Freedom Report explained that apostasy is punishable by death:

The criminal code does not define apostasy as a crime, and the constitution forbids punishment for any crime not defined in the criminal code; however, the penal code states that egregious crimes, including apostasy, would be punished in accordance with Hanafi religious jurisprudence and handled by an attorney general’s office prosecutor. Converting from Islam to another religion was considered an egregious crime, and therefore, fell under Islamic law. Male citizens over age 18 or female citizens over age 16 of sound mind who converted from Islam had three days to recant their conversion or be subject to death by stoning, deprivation of all property and possessions, and the invalidation of their marriage. In recent years neither the national nor local authorities have imposed criminal penalties on converts from Islam.

Id.

strongly believe that apostasy contravenes the tenets of Hanafi jurisprudence.⁹³⁰ Although the United States Department of State recently reported that criminal penalties have not been *recently* imposed on converts,⁹³¹ there have been repeated calls for the death penalty over the last several years.⁹³² Christian apostates are especially vulnerable to persecution since there is only a handful of Christians in Afghanistan and any proselytization would be met with severe consequences. As a result, there are few known cases of Afghans converting from Islam to Christianity, and those who do convert can be subject to extreme forms of persecution.

For example, in February 2006, Abdul Rahman was arrested and held in a high-security prison outside Kabul, Afghanistan.⁹³³ The Government charged Rahman with apostasy after his family reported him and police discovered him with a Bible.⁹³⁴ Afghani Supreme Court Justice and cleric Khoja Ahmad Sediqi spoke strongly in favor of executing Rahman, claiming that “[t]he Quran is very clear and the words of our prophet are very clear. There can only be one outcome: death.”⁹³⁵ Sediqi further believed that, “[i]f [President] Karzai releases [Rahman], it will play into the hands of our enemy and there could be an uprising.”⁹³⁶ Only after a persistent international outcry, including public condemnations by President George W. Bush and talks between Secretary of State, Condoleezza Rice and President Karzai,⁹³⁷ did the Government end the prosecution by finding Rahman insane for converting to Christianity and refusing to return to Islam.⁹³⁸ Rahman was released in late March 2006, and was immediately granted asylum in Italy.⁹³⁹

In 2010, a Christian lawyer was denied the opportunity to represent an Afghan Christian charged with apostasy.⁹⁴⁰ Despite Article 31 of the constitution, providing that every individual arrested has the right to appointed counsel,⁹⁴¹ the attorney has been refused access to the accused or his file. The accused, Said Musa, had been detained approximately six months and suffered brutal treatment from fellow inmates, including sexual abuse, beatings and being spat upon.⁹⁴² Musa has been unable to secure an attorney willing to represent him and was denied the right to review his charges or the evidence offered against him, both rights provided for under Afghan law.⁹⁴³ In a similar circumstance, another charged with the capital offense of apostasy has

⁹³⁰ *Id.*

⁹³¹ *Id.*

⁹³² *See infra*, notes 306–308, 949 and accompanying text.

⁹³³ *Afghan Christian Convert Flees to Italy*, FOXNEWS (29 Mar. 2006),

<http://www.foxnews.com/story/0,2933,189440,00.html>.

⁹³⁴ *Id.*

⁹³⁵ *Karzai Under Pressure to Free Christian*, USATODAY (25 Mar. 2006),

http://www.usatoday.com/news/world/2006-03-25-karzai_x.htm.

⁹³⁶ *Id.*

⁹³⁷ Abdul Waheed Wafa, *Afghan Judge in Convert Case Vows to Resist Foreign Pressure*, N.Y. TIMES (23 Mar.

2006), http://www.nytimes.com/2006/03/23/international/asia/23cnd-convert.html?_r=1&hp&ex=1143176400&en=f7d14b6f112a2c60&ei=5094&partner=homepage.

⁹³⁸ *Afghan Convert Arrives in Italy*, BBC NEWS (29 Mar. 2006), http://news.bbc.co.uk/2/hi/south_asia/4856748.stm.

⁹³⁹ *Id.*

⁹⁴⁰ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, COMPASS DIRECT NEWS (9 Dec. 2010),

<http://www.compassdirect.org/english/country/23987/29549/>.

⁹⁴¹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, art. 31.

⁹⁴² *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

⁹⁴³ *See* CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, arts. 27, 31 (guaranteeing the accused the right to “due process of the law” and “the right to be informed of the nature of the accusation[.]” respectively).

likewise been unable to secure legal representation, after being arrested for distributing a Bible.⁹⁴⁴ As of January 3, 2011, this Afghani was given one week to either renounce his faith in Christ or face a capital sentence of twenty years in prison or the death sentence.⁹⁴⁵ As the Christian attorney stated, “there are no ‘rights’ Christians can claim.”⁹⁴⁶ One anonymous commentator noted that allowing Christians a trial, even without an attorney willing to represent them, will be “kind of a test case to see which law prevails in the country: sharia [Islamic law] or international agreements.”⁹⁴⁷

Additionally, in May and June of 2010, repeat footage of Afghan converts to Christianity being baptized and Christian organizations evangelizing incited a member of parliament to call for execution of converts.⁹⁴⁸ The deputy secretary was reported as calling for the public execution of all Afghans on the film.⁹⁴⁹

Non-Islamic or anti-Islamic religious dialogue is considered “blasphemy” and may be punished by death

Since the Afghanistan Penal Code does not prohibit blasphemy,⁹⁵⁰ the Government and courts apply traditional Sharia law,⁹⁵¹ imprisoning blasphemers and condemning them to death.⁹⁵² Consequently, both the Government and the Afghani culture consider criticism of or deviation from the prevailing view of Islam to be punishable by death.⁹⁵³ For example, in October 2007, the Government arrested Sayed Perwiz Kambakhsh for allegedly downloading and distributing information from the Internet regarding the role of women in Islamic societies.⁹⁵⁴ After being held without charges, he was eventually convicted of “blasphemy” and sentenced to death by a local court,⁹⁵⁵ although his sentence was later commuted to twenty years imprisonment.⁹⁵⁶

In November 2007, Ghaus Zalmai, a journalist, was arrested for “publishing an unofficial translation of the Qur’an in Dari.”⁹⁵⁷ Scholars alleged that the translation was “un-Islamic for misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not

⁹⁴⁴ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

⁹⁴⁵ *Afghanistan: Christian Imprisoned*, THE VOICE OF THE MARTYRS, PERSECUTION.COM (6 Jan. 2011), http://www.persecution.com/public/newsroom.aspx?story_ID=MzI5.

⁹⁴⁶ *Afghan Authorities Block Lawyer from Visiting Jailed Christian*, *supra* note 317.

⁹⁴⁷ *Christian Jailed in Afghanistan to Face Judge on Sunday*, COMPASS DIRECT NEWS (16 Nov. 2010), <http://www.compassdirect.org/english/country/23987/28442/>.

⁹⁴⁸ *World Watch List: Afghanistan*, OPEN DOORS INTERNATIONAL, <http://www.opendoorsuk.org/resources/persecution/afghanistan.php> (last visited 12 Jan. 2011) (listing Afghanistan as third on the World Watch List 2011); *see also World Watch List 2011*, OPEN DOORS INTERNATIONAL, *available at* <http://www.opendoorsuk.org/resources/persecution/> (last visited 13 Jan. 2011).

⁹⁴⁹ *Christian Jailed in Afghanistan to Face Judges on Sunday*, *supra* note 324.

⁹⁵⁰ *Afghan convert arrives in Italy*, *supra* note 938.

⁹⁵¹ *See* CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, *supra* note 914 and accompanying text.

⁹⁵² *See infra* notes 314–315, 969 and accompanying text.

⁹⁵³ *See infra* note 315.

⁹⁵⁴ *2008 Religious Freedom Report*, *supra* note 914.

⁹⁵⁵ Laura King, *For Afghan, Reprieve Is a 20-year Term*, L.A. TIMES (22 Oct. 2008), *available at* <http://www.latimes.com/news/print/edition/asection/la-fg-afghanistan22-2008oct22,0,3625278.story>.

⁹⁵⁶ *Id.*

⁹⁵⁷ *2008 Religious Freedom Report*, *supra* note 914.

providing a parallel text in Arabic for comparison.”⁹⁵⁸ Protestors demanded the death penalty.⁹⁵⁹ Several months later, Malawi Mushtaq Ahmad was arrested for helping publish Zalmi’s translation.⁹⁶⁰ In September 2008, the Kabul primary court sentenced both Zalmi and Mushtaq to twenty years’ imprisonment.⁹⁶¹

In October 2005, Ali Mohaqiq Nasab, a journalist, was sentenced to two years in prison for blasphemy for publishing a series of articles allegedly criticizing Islam.⁹⁶² As the editor of a women’s right’s magazine, Nasab published an article that argued that women should not be whipped for adultery but should be treated as equal with men.⁹⁶³ He also claimed that leaving Islam was not a crime and should not be punishable by death.⁹⁶⁴ On appeal, his sentence was reduced to six months.⁹⁶⁵

In June 2003, two journalists were arrested on blasphemy charges for publishing an article criticizing a number of crimes committed in the name of Islam.⁹⁶⁶ Although President Karzai released them due to international pressure,⁹⁶⁷ they were still expected to be tried for blasphemy⁹⁶⁸ and the Supreme Court fatwa department recommended that they be put to death.⁹⁶⁹

The Government has even made Baha’i believers subject to persecution for their beliefs by designating the Baha’i faith as a form of “blasphemy.”⁹⁷⁰ In April 2007, police arrested a man for being a Baha’i believer after his wife informed the authorities.⁹⁷¹

Specific Incidents of Persecution:

- ✚ **August 2010:** Ten medical workers, eight of whom were Christians, were gunned down, without a definitive motivation. The Taliban claim they committed the shootings because

⁹⁵⁸ *Id.*

⁹⁵⁹ *Koran Translation Provokes Controversy*, AFGHAN RECOVERY REPORT, no. 276, 9 Dec. 2007, <http://www.iwpr.net/report-news/koran-translation-provokes-controversy>.

⁹⁶⁰ *2008 Religious Freedom Report*, *supra* note 914.

⁹⁶¹ *Afghanistan Religious Freedom Report*, *supra* note 901, § II (Abuses of Religious Freedom).

⁹⁶² Bureau of Democracy, Human Rights and Labor, U.S. Dep’t of State, *Afghanistan: Int’l Religious Freedom Report 2007* (2007) [hereinafter *2007 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2007/90225.htm>.

⁹⁶³ *Jail Term for Afghan Journalist*, BBC NEWS (23 Oct. 2005), http://news.bbc.co.uk/2/hi/south_asia/4368704.stm.

⁹⁶⁴ *Id.*

⁹⁶⁵ *2007 Religious Freedom Report*, *supra* note 962.

⁹⁶⁶ Rahimullah Samander, “*Blasphemy*” *Journalists Released*, AFGHAN RECOVERY REPORT, no. 65, 21 Feb. 2005, http://www.iwpr.net/?p=arr&s=f&o=153754&apc_state=henfarr153758 [hereinafter Samander]. See also *UN Questions Afghan Journal Arrests Over Blasphemy*, WORLDWIDE RELIGIOUS NEWS (19 June 2003), <http://wwrn.org/articles/7956/>.

⁹⁶⁷ *Id.*

⁹⁶⁸ *Id.*

⁹⁶⁹ Rahimullah Samander, *Fatwa for “Blasphemy” Journalists*, AFGHAN RECOVERY REPORT, no. 70, 16 Nov. 2005, http://www.iwpr.net/?p=arr&s=f&o=153449&apc_state=heniarr2003.

⁹⁷⁰ *2008 Religious Freedom Report*, *supra* note 914.

⁹⁷¹ *Id.*

the workers were “preaching Christianity,” although conflicting reports have led some to believe this was simply an opportunistic killing.⁹⁷²

- ✚ **October 2008:** The Taliban killed a British aid worker in Kabul purportedly for “spreading Christianity.”⁹⁷³ The native of Britain was living in Afghanistan to work for a Christian relief organization, and according to the Taliban, she had to be killed for “[coming] to Afghanistan to teach Christianity to people of Afghanistan.”⁹⁷⁴
- ✚ **2008:** The Taliban murdered a religious leader for speaking out against suicide attacks.⁹⁷⁵
- ✚ **2006:** A Muslim convert to Christianity was killed by his wife’s father.⁹⁷⁶ The investigation, however, was closed without any arrest.⁹⁷⁷

⁹⁷² *Motive for Aid Worker Killings in Afghanistan Still Uncertain*, COMPASS DIRECT NEWS (12 Aug. 2010), <http://www.compassdirect.org/english/country/23987/23994/>.

⁹⁷³ Amir Shah, *Taliban Kill Christian Aid Worker for Proselytizing*, THE CHRISTIAN POST (20 Oct. 2008), <http://www.christianpost.com/article/20081020/taliban-kill-christian-aid-worker-for-proselytizing/>.

⁹⁷⁴ *Id.*

⁹⁷⁵ *Afghanistan Religious Freedom Report*, *supra* note 901, § II (Abuses by Rebel or Foreign Forces or Terrorist Organizations).

⁹⁷⁶ *2008 Religious Freedom Report*, *supra* note 914.

⁹⁷⁷ *Id.*

OMAN

Oman does not officially have a national constitution.⁹⁷⁸ Legislation is enacted by a bicameral system that includes the Consultative Council, composed of eighty-four elected officials and the seventy-one sultan-appointed members of the State Council, but only the Sultan has the absolute power to review and issue laws.⁹⁷⁹

In November 1996, Sultan Qaboos issued a royal decree, which is considered the country's Basic Law.⁹⁸⁰ The Decree confirms that Islam is the State's official religion and that Islamic Sharia is the foundation for legislation.⁹⁸¹ However, the Decree does provide for the freedom of religion, so long as that religious practice does not conflict or interfere with moral teachings or public order.⁹⁸² In addition, articles 29 and 30 of the Decree provide for the freedom of correspondence and the free expression of opinion through speech, writing, or other means.⁹⁸³

The Decree also provides for the right to assemble and for the freedom to form nationally based societies for "legitimate objectives and by peaceful means."⁹⁸⁴ The state may, however, intervene to "prevent anything that might lead to division, sedition or disruption of national unity," as it must apply the law for "protecting [the family], preserving its legal entity, [and] reinforcing its ties and values."⁹⁸⁵ The Decree recognizes the equality of all citizens and prohibits discrimination based on "gender, origin, colour, language, religion, sect, domicile, or social status."⁹⁸⁶ However, Christians are still treated as second-class citizens.⁹⁸⁷

Institutional Discrimination

Non-Muslim religious groups represent less than five percent of the population and generally are tolerated and permitted to express their beliefs freely.⁹⁸⁸ Oman's Royal Decree of

⁹⁷⁸ CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK, OMAN, [hereinafter THE WORLD FACTBOOK], <https://www.cia.gov/library/publications/the-world-factbook/geos/mu.html> (last visited Jan. 11, 2011).

⁹⁷⁹ Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *2009 Human Rights Report: Oman* (11 Mar. 2010) [hereinafter *Oman Human Rights Report*], available at <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136077.htm>. But see Freedom House, *Freedom in the World 2009 - Oman*, 16 July 2009 [hereinafter *Freedom in Oman 2009*], available at <http://www.unhcr.org/refworld/docid/4a6452939.html>.

⁹⁸⁰ THE WORLD FACTBOOK, *supra* note 978; see also The Ministry of Information of the Sultanate of Oman, <http://www.omanet.om/english/government/basiclaw/overview.asp?cat=gov&subcat=blaw> (last visited 11 Jan. 2011).

⁹⁸¹ OMAN SULTANI DECREE NO. (101/96), arts. 1–2.

⁹⁸² *Id.* art. 28 (permitting that an individual may "practice religious rites according to the recognized customs" as long as the practice "does not disrupt the public order or contradict with morals.").

⁹⁸³ *Id.* arts. 29–30.

⁹⁸⁴ *Id.* arts. 32–33.

⁹⁸⁵ *Id.* art. 12.

⁹⁸⁶ *Id.* art. 17; see also *Freedom in Oman 2009*, *supra* note 979.

⁹⁸⁷ Restricted Nations – Oman, VOICE OF THE MARTYRS, <http://www.persecution.com/public/restrictednations.aspx?clickfrom=bWFpbl9tZW51> (last visited 19 May 2010).

⁹⁸⁸ U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, *Oman: Int'l Religious Freedom Report 2010*, §I (17 Nov. 2010) [hereinafter *Oman Religious Freedom Report*], (stating that the dominant religious group is

1996 provides for freedom of religion and assembly, and the Sultan's policies generally support the free practice of religion. However, the governmental structure and existing communications legislation, which permits the regulation of some forms of communication, may restrict these freedoms. Additionally, the Ministry of Endowments and Religious Affairs (MERA) effectively prohibits non-Muslims from proselytizing despite the absence of a law forbidding it. Although Oman appears generally tolerant of other religions, future leaders who are not religiously tolerant like Sultan Qaboos may use this current legislation and their power as Sultan to restrict religious freedoms.

For example, while the government does not explicitly prohibit proselytizing by non-Muslims, the MERA can stop individuals from proselytizing if it receives a complaint.⁹⁸⁹ The government does permit private groups to promote interfaith dialogue but only if the purpose of the discussion is not to convert Muslims.⁹⁹⁰ In addition, “[t]he government may use immigration regulations and laws against harassment to enforce the ministry’s policy” against proselytization.⁹⁹¹

The government has actually promoted discussions among religious groups by publishing *Al Tasamoh* (“Tolerance”), a periodical that promotes discussion about other faiths and cultures, and by sponsoring forums that examine other religions.⁹⁹² Also, the Sultan not only donated personal funds to build two Hindu temples, but he also had his personal guard protect the temple when there was a riot in India.⁹⁹³ The government also made it easier for religious workers to enter the country by removing limitations on the number of religious workers allowed into the country and by shortening the approval time for religious workers to enter the country from two months to a week.⁹⁹⁴

In 2006, MERA distributed a circular to non-Muslim religious leaders that confirmed their right to practice their religion freely.⁹⁹⁵ However, MERA prohibited religious gatherings in private homes or outside of government-approved locations.⁹⁹⁶ The circular also stated that religious leaders must notify MERA before importing religious materials.⁹⁹⁷ While MERA

Ibathism, a form of Islam distinct from Shi’ism and Sunnism), *available at* <http://www.state.gov/drl/rls/irf/2009/127355.htm>.

⁹⁸⁹ *Oman Religious Freedom Report*, *supra* note 988; *see also Religious Freedom Key U.S. Concern in Middle East, Official Says*, ST. NEWS SERV., (5 July 2006) (“[A]lthough . . . Oman . . . provide[s] for freedom of religious worship in [its] constitution[] or basic laws, in practice . . . strict limitations remain in place across the Middle East on such activities as proselytizing and conversion and many governments openly discriminate against members of minority religions.”); *see also* Freedom House, *Freedom in the World 2010 - Oman, 2010* [hereinafter *Freedom in Oman 2010*], *available at* <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7892>.

⁹⁹⁰ *Freedom in Oman 2010*, *supra* note 989.

⁹⁹¹ *Oman Human Rights Report*, *supra* note 979.

⁹⁹² *Id.*

⁹⁹³ Antony Kuriakose, *The Hindu Diaspora in the Middle East: No Freedom of Religion!*, ORGANISER (28 Mar. 2010), <http://www.organiser.org/dynamic/modules.php?name=Content&pa=showpage&pid=337&page=6> (stating that “[t]oday Oman is the only country in the Middle East which has an indigenous Hindu minority. It is the only Arab country, where irrespective of his or her religion, any person who has lived in the country for at least 20 years, is eligible to apply for citizenship, which almost a thousand Indians have so far been accorded . . .”).

⁹⁹⁴ *Oman Religious Freedom Report*, *supra* note 988.

⁹⁹⁵ *Id.*

⁹⁹⁶ *Id.*

⁹⁹⁷ *Id.*

retains the privilege to review imported religious material, it has not used its privilege.⁹⁹⁸ All religious organizations must register with MERA, and non-Muslim organizations must obtain a location for worship from MERA or one of five official sponsors.⁹⁹⁹ The Sultan personally donated land so non-Muslim groups could worship without interference.¹⁰⁰⁰

Nevertheless, the lack of space and small number of locations limit the size and number of groups that may meet.¹⁰⁰¹ Citizens may dispute this space limitation as a “violation of the right to practice religious rites” that does not disrupt the peace, although this right has never been exercised in court.¹⁰⁰² In addition, groups may not appeal a refusal to form peaceful public assemblies, and the government may use the registration process to “block the formation of groups that are seen as a threat to stability.”¹⁰⁰³ Leaders of all religious groups must register with MERA in order to lead worship.¹⁰⁰⁴ MERA also monitors mosque sermons for political content and compliance with MERA standardized texts, and enforces a licensing scheme for imams who lead.¹⁰⁰⁵

Apostasy is not a criminal offense in Oman, but, under the Personal Status and Family Legal Code, a father who converts from Islam to another religion may lose paternal rights over his children.¹⁰⁰⁶ However, this law has never been enforced; nor has Article 209 of the Penal Code been enforced, which allows the government to imprison and to fine anyone who publicly blasphemes God or his prophets.¹⁰⁰⁷

The future of religious freedom in Oman depends on the future of the sultanate. While most of Oman’s key groups (including tribal leaders and mainstream Islamic groups) view him favorably, he is perceived by Islamic extremists to be “insufficiently religious.”¹⁰⁰⁸ Furthermore, the “departure of Qaboos, a serious economic downturn, or a reaction against modernization at the expense of traditional values could result in an assertion of authority by the tribal and religious leaders.”¹⁰⁰⁹ These considerations, taken together with recent legislation and the fact that Oman retains Iran as a close ally,¹⁰¹⁰ give serious cause for concern that the present level of freedom experienced in Oman may not be a reality in the future.

⁹⁹⁸ *Id.*

⁹⁹⁹ *Id.* (stating that official sponsors include “the Protestant Church of Oman, the Catholic Diocese of Oman, the al Amana Center (interdenominational Christian), the Hindu Mahajan Temple, and the Anwar al-Ghubaira Trading Company in Muscat (Sikh) . . .”).

¹⁰⁰⁰ *Oman Religious Freedom Report, supra* note 988.

¹⁰⁰¹ *Id.* (stating that as of 2009, a Buddhist group, though allowed to hold meetings, was not able to find a corporate sponsor to provide facilities, and the government had not granted them land.).

¹⁰⁰² *Oman Religious Freedom Report, supra* note 988, § II, Legal/Policy Framework.

¹⁰⁰³ *Freedom in Oman 2009, supra* note 979.

¹⁰⁰⁴ *Oman Religious Freedom Report, supra* note 988.

¹⁰⁰⁵ *Id.*; see also *Oman Human Rights Report, supra* note 979.

¹⁰⁰⁶ *Oman Religious Freedom Report, supra* note 988.

¹⁰⁰⁷ *Id.*

¹⁰⁰⁸ POLITICAL RISK SERVICES, OMAN COUNTRY REPORT 13 (1 Mar. 2009), available at http://www.prsgroup.com/prsgroup_shoppingcart/pc-71-7-country-reports.aspx.

¹⁰⁰⁹ *Id.* at 35.

¹⁰¹⁰ Michael Slackman, *Oman Navigates Between Iran and Arab Nations*, N.Y. TIMES (15 May 2009), http://www.nytimes.com/2009/05/16/world/middleeast/16oman.html?_r=1.

Recent Acts of Discrimination

Although Oman's government policies support freedom of practice of religion and freedom of expression, recent events indicate that it is leaning towards the authoritarian approach of its neighbors with regard to communication. The following examples describe recent incidents of intolerance and government attempts to restrict communication.

- ✚ **May 2009:** Ali Salem al-Beidh, a Yemeni dissident, was stripped of his Omani citizenship for criticizing the Yemeni government and its management of the political crisis in the south of Yemen.¹⁰¹¹
- ✚ **April 2009:** Civil aviation official, Ali al-Zuwaidy, was imprisoned and fined for posting online a government document that revealed a directive for a radio program to stop its criticism of the government.¹⁰¹²
- ✚ **July 2005:** Human rights activist Abdullah Ryami was arrested for openly criticizing the government's arrest of 31 Omanis for plotting a coup.¹⁰¹³

¹⁰¹¹ *Freedom in Oman 2010*, *supra* note 989.

¹⁰¹² *Id.*; see also THE ARABIC NETWORK FOR HUMAN RIGHTS INFORMATION, *Oman: Human Rights Institutions and Arab Civil Society Call on Sultan of Oman Qaboos to Halt the Prosecution of Ali al-Zwaidi* (18 Apr. 2009), available at <http://www.anhri.net/en/reports/2009/pr0418.shtml>.

¹⁰¹³ Oman: Critics Subjected to Injustices They Had Exposed, HUMAN RIGHTS WATCH (17 July 2005), <http://www.hrw.org/en/news/2005/07/17/oman-critics-subjected-injustices-they-had-exposed> (last visited 19 Jan. 2011).