



“Combating Defamation of Religions”

Submission to the UN Office of the High Commissioner of Human Rights

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The European Centre for Law & Justice (“ECLJ”) is an international law firm dedicated to protecting human rights and religious freedom in Europe and worldwide. Attorneys for the ECLJ have served as counsel in numerous cases before the European Court of Human Rights. Additionally, the ECLJ has special Consultative Status with ECOSOC of the United Nations, and is accredited to the European Parliament.

Introduction

The European Centre for Law and Justice (ECLJ) submits the following analysis in response to the invitation of the Office of the High Commissioner of Human Rights (OHCHR), based on UN General Assembly Resolution 62/154, which called on the OHCHR to report on the implementation of the resolution, which is entitled “Combating Defamation of Religion”.

The position of the ECLJ in regards to the issue of “defamation of religion” resolutions, as they have been introduced at the UN Human Rights Council and General Assembly, is that they are in direct violation of international law concerning the rights to freedom of religion and expression. The “defamation of religion” resolutions establish as the primary focus and concern the protection of ideas and religions generally, rather than protecting the rights of individuals to practice their religion, which is the chief purpose of international religious freedom law. Furthermore, “defamation of religion” replaces the existing objective criterion of limitations on speech where there is an intent to incite hatred or violence against religious believers with a subjective criterion that considers whether the religion or its believers feel offended by the speech.

In order to properly understand the philosophy behind “defamation or religion”, it is instructive to go to the source, in this case, the Organization of Islamic Conference (OIC) countries, which have designed the concept. An examination of the OIC conception of human rights in the areas of religious freedom and expression shows a distinct conflict with the international bill of human rights. Most tellingly, the implementation of domestic laws to combat defamation of religion in many OIC countries reveal a selective enforcement towards religious minorities for violations, which are often punishable by the death penalty.

The ECLJ recognizes that the religious believer usually holds certain objects of belief to be of a sacred nature, and that a proper respect for religions helps individuals to exercise their right to practice their religion freely. However, a clear line should be drawn between valid criticism of religion or religious practices and speech that does not serve any purpose except to offend the sacred beliefs of individuals or religions. The OHCHR and the UN must not allow the narrow model of “defamation of religion” to become the international standard, but should look instead to Article 20 of the ICCPR as the proper framework to consider the issue and develop guidelines for clear application of laws that seek to protect religious beliefs.

“Defamation of religions may offend people and hurt their religious feelings but it does not necessarily or at least directly result in a violation of their rights, including their right to freedom of religion. Freedom of religion primarily confers a right to act in accordance with one’s religion but does not bestow a right for believers to have their religion itself protected from all adverse comment.” – UN Special Rapporteur Asma Jahangir¹

Procedural Background

UN General Assembly Resolution 62/154 is the latest in a series of similar resolutions involving the concept of “defamation of religion”. The first of these resolutions was introduced by the OIC at the UN Commission of Human Rights in 1999 under the title “Defamation of Islam”, and new resolutions have been introduced at Human Rights Council since its inception in 2006, and in the General Assembly every year since 2005.²

Legal Analysis

A. Definition of “Defamation of Religion”

Black’s Law Dictionary loosely defines defamation as “the act of harming the reputation of another by making a false statement to a third person.”³ However there is no existing definition of “defamation of religion”. A simple definition of “defamation of religion” might be the dissemination of expressions by any type of media which “negatively” portrays a whole religion, such as Islam.

This concept is a tremendous break from the historical understanding of defamation, which could lead to several negative legal implications. American Muslim scholar Liaquat Ali Khan succinctly describes these concerns:

Traditionally, defamation applies to reputational injury to individuals. Group defamation is a problematic concept as it can stifle free speech and furnish undeserved protection to decadent customs and practices. The defamation of religions falls even beyond the concept of group defamation, since it may even prohibit the defamation of religious ideas and doctrines.⁴

¹ A/HRC/2/3, para. 38

² Because GA Resolution 62/154 only mentions one religion, Islam, by name, and was introduced by Muslim countries, this submission and its appendix will focus its attention on “defamation of religion” in the context of Islam. For a detailed history of the “Defamation of Religion” resolutions at the UN, see the Issue Brief on “Combating Defamation of Religions” prepared by the Becket Fund for Religious Liberty, dated June 2, 2008, and submitted to the OHCHR, available at <http://www.becketfund.org/files/a9e5b.pdf>.

³ Black’s Law Dictionary Pocket Edition 183 (2d ed. 2001).

⁴ Liaquat Ali Khan, “Combating Defamation of Religion”, The American Muslim, January 1, 2007, available at http://www.theamericanmuslim.org/tam.php/features/articles/combating_defamation_of_religions/

As the ECLJ noted in its oral statement to the Human Rights Council on the UPR concerning Pakistan, on June 12, 2008, “by its very nature, legislation punishing blasphemy is not compatible with the underlying logic of human rights”. The Special Rapporteur for Freedom of Belief or Religion has also expressed the view that the very concept of defamation does not fit within international human rights law. “Defamation is an issue of civil law, not a violation of human rights.”⁵

B. International Law on Religious Freedom

The core international legal norms of religious freedom were first established in the Universal Declaration of Human Rights (UDHR) in 1948, and codified and reaffirmed in various subsequent covenants and instruments--including the International Covenant on Civil and Political Rights (ICCPR) in 1966 and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in 1981. These norms are best expressed by Article 18 of the UDHR, which is the model for international religious freedom law:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.⁶

The chief purpose of the norms that protect religious freedom is to ensure the freedom of religious practice or belief of individuals, and to protect individuals from being subject to hatred or violence from others on the basis of their beliefs.

Although the international norms are meant to primarily protect individuals, there is also the recognition that the religious believer usually holds certain objects of belief to be of a sacred nature. In this context, a healthy respect for religion can only help to create an environment that allows all persons to exercise their right to practice their religion freely. The difficulty in examining the issue of protection of religions or beliefs is that most major religions are based on the belief in a divine authority whose teachings contain the absolute and complete truth. For this

⁵ Asma Jahangir speech to U.N. Non-Governmental Organization Committee for Freedom of Religion or Belief, October 25, 2007, available at <http://news.adventist.org/data/2007/1193415800/index.html.en>

⁶ The UDHR is available at <http://www.unhchr.ch/udhr/>.

reason, there have historically been anti-blasphemy laws on the books in many countries of the world, including many different religious traditions. Because religions differ on their understanding of divine authority or in the interpretation of various teachings, there are rival claims to holding the exclusive truth. More problematic to the present analysis are those situations where a belief in one religion could be considered an offense or even blasphemy in another religion.

The state and the international community are not competent to decide matters of truth or belief for religious questions, nor should they be in the business of being the enforcer of religious laws or penalties. Many of the problems in the areas of defamation of religion arise not in the ways that competing claims to religious truth are expressed or promoted, but rather because a state has decided that one religious viewpoint is “orthodox”, and that non-orthodox beliefs or speech is punishable as a civil and/or criminal offense.

C. International Law on Freedom of Speech

International law clearly establishes the right to freedom of expression and opinion in the UDHR, ICCPR, and other covenants and declarations. Article 19 of the UDHR serves as the model language for this right:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

All rights have corresponding duties and obligations, and the right to freedom of expression and opinion has some limitations. Article 19, Paragraph 3 of the ICCPR stipulates two areas where restrictions can be imposed:

- (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.⁷

Note that the limitations on free speech in Article 19, Paragraph 3(a) deal solely with the rights or reputations of persons. The only positive duty that international law places on States in regards to limiting freedom of speech is found in Article 20 of the ICCPR:

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

⁷ The ICCPR is available at <http://www2.ohchr.org/english/law/ccpr.htm>.

Article 20 is at the heart of the debate involving the legal justification of the “defamation of religion” resolutions. The current UN Special Rapporteur for Freedom of Religion or Belief, Asma Jahangir, has stressed that the high burden to implicate Article 20:

The threshold of the acts that are referred to in article 20 is relatively high because they have to constitute advocacy of national, racial or religious hatred. Accordingly, the Special Rapporteur is of the opinion that expressions should only be prohibited under article 20 if they constitute incitement to imminent acts of violence or discrimination against a specific individual or group.⁸

The current UN Special Rapporteur for Freedom of Expression, Ambeyi Ligabo, agrees that the bar for limitations on free speech are high and do not mere criticisms of religious beliefs:

limitations are not intended to suppress the expression of critical views, controversial opinions or politically incorrect statements... they are not designed to protect belief systems from external or internal criticism.⁹

While many countries already have laws on their books that prohibit speech that incites hatred or violence against racial or religious groups, there are still no clear universal guidelines as to how to implement these laws. As this is not an easy issue to determine what speech goes beyond criticism to invoke hatred or violence, we recommend that the international community follow the recommendation expressed by many, including Asma Jahangir, for the Human Rights Committee that oversees the ICCPR to draft a comprehensive General Comment on Article 20 dealing with this issue.

D. The new OIC Conception of Human Rights

The architect and chief promoter of the “defamation of religion” resolutions is the Organization of Islamic Conference (OIC). With this in mind, it is instructive to examine the OIC conception of human rights, and how defamation of religion laws are applied in Muslim countries. All of the Islamic countries in existence in 1948 signed onto the UDHR, with the exception of Saudi Arabia, which abstained. Currently, 46 of the 56 members of the OIC are signatories to the ICCPR.¹⁰ However, in recent years, there has been a concerted attempt by the OIC countries to challenge the universality of the ICCPR and human rights in general. The OIC countries all signed the Cairo Declaration of Human Rights in Islam (CDHRI) in 1990, which states that all rights are subject to Shariah law, and makes Shariah law the only source of reference for human

⁸ Report to the Human Rights Council, U.N. Doc. A/HRC/2/3 (September 20, 2006), Paragraph 47, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/139/90/PDF/G0613990.pdf?OpenElement>.

⁹ A/HRC/7/14

¹⁰ See Status of Ratification of the Principal International Human Rights Treaties, available at <http://www.unhchr.ch/pdf/report.pdf>.

rights.¹¹ The CDHRI is such a clear challenge to the universality of the UDHR and international norms of human rights that a prominent Muslim jurist and representative of the International Commission of Jurists addressed the UN Commission of Human Rights in 1992 to warn of this threat.¹²

E. The False Equating of Defamation of Islam with Racism

The OIC has tried to equate any act of defamation of Islam with an act of racism against Muslims. This can be seen in its efforts to introduce the defamation of religion resolutions under the mandate of the Special Rapporteur on Racism, as well as in the outcome of the Durban Conference on Racism and the preparations for Durban II, which is scheduled to be held in April 2009. The EU, in voicing its opposition to the 2007 GA resolution on “Combating Defamation of Religion”, pointed out the error in confusing the issue with race:

The European Union does not see the concept of 'defamation of religions' as a valid one in a human rights discourse. From a human rights perspective, members of religious or belief communities should not be viewed as parts of homogenous entities. International human rights law protects primarily individuals in the exercise of their freedom of religion or belief, rather than the religions as such.¹³

Special Rapporteur Asma Jahangir has issued similar warnings of equating defamation of religion with racism, and why this is legally problematic:

The Special Rapporteur cautions against confusion between a racist statement and an act of defamation of religion. The elements that constitute a racist statement are not the same as those that constitute a statement defaming a religion. To this extent, the legal

¹¹ The CDHRI is available at <http://www.oicun.org/articles/54/1/Cairo-Declaration-on-Human-Rights-in-Islam/1.html>. Article 24 states, “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.” Article 25 states, “The Islamic Shari’ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration.”

¹² Adama Dieng, joint statement to the UNCHR for the ICJ and for the Paris-based International Federation for Human Rights (Feb. 1992). See David Littman, “Human Rights and Human Wrongs”, National Review, available at <http://www.nationalreview.com/comment/comment-littman011903.asp>. Dieng’s four main points concerning the CDHRI:

1. It gravely threatens the inter-cultural consensus on which the international human rights instruments are based;
2. It introduces, in the name of the defence of human rights an intolerable discrimination against both non-Muslims and women;
3. It reveals a deliberately restrictive character in regard to certain fundamental rights and freedoms, to the point that certain essential provisions are below the legal standards in effect in a number of Muslim countries;
4. It confirms, under cover of the "Islamic Shari'a (Law)", the legitimacy of practices, such as corporal punishment, which attack the integrity and dignity of the human being.

¹³ Statement by Portugal on behalf of the European Union to the December 18, 2007 session of the GA, as quoted in a February 24, 2008 statement by the International Humanist and Ethical Union to the Human Rights Council, available at <http://www.iheu.org/node/2949>

measures, and in particular the criminal measures, adopted by national legal systems to fight racism may not necessarily be applicable to defamation of religion.¹⁴

F. Application of Defamation of Religion Laws

The clever thrust of the OIC position uses the concepts of “defamation of religion” and blasphemy as both sword and shield. In Western countries, defamation of religion is used as a sword against the media, academics, and artists, claiming that any negative depictions, or criticism of, Islam and its followers must be outlawed because it is defamatory or blasphemous. Here, defamation of religion or blasphemy trumps freedom of speech and the press, especially when there is the possibility of negative or violent reactions to the speech. In our oral statement to the UN Human Rights Council in September 2007, the ECLJ examined how the OIC conception of defamation of religion is contrary to international law:

Many supporters of the concept of defamation of religion have presented a much different conception of this issue, whereby it is the religion and not the individual believer that merits the greatest attention and protection, and the standard of incitement becomes a purely subjective one, where the listener or object of the speech determines whether they are offended and whether incitement has occurred. This has even led at times to the dubious claim that speech has violated religious freedom, not because it has incited violence *towards* a targeted group, but because violence has resulted *from* the targeted group.¹⁵

In Muslim countries, blasphemy laws are used as a shield to protect the dominant religion (Islam), but even more erroneously and dangerously, they are used to silence minority religious believers and prevent Muslims from converting to other faiths, which is still a capital crime in many Muslim countries.

The ECLJ has compiled a sample of recent incidents involving allegations of “defamation of religion” in various countries, both Muslim and Western, which is attached to this submission as Appendix 1. While the incidents implicate different civil and criminal infractions, including blasphemy, defamation, apostasy, libel, vilification, and hate speech, they all share a common denominator: the persons were all charged with an offense based on their speech or opinion towards a religion or its tenets. No incident involves the defamation against persons or incitement to hatred or violence against an individual or group, which have historically been the basis for limitations on freedom of speech. What should be most disconcerting to the

¹⁴ A/HRC/2/3, *supra* note 6, paragraph 49

¹⁵ The full text of the ECLJ statement is available at http://www.eclj.org/PDF/070925_ECLJ_Oral_Statement_ENGLISH.pdf

international community is that laws based on the concept of “defamation of religion” actually help to create a climate of violence. Violators of these laws, as applied in most Muslim countries, are subject to the death penalty, which frequently encourages people to take matters into their own hands.

To give just one example from Pakistan, 22 year-old Jagdeesh Kumar, a Hindu, was beaten to death by co-workers at a factory for allegedly committing the crime of blasphemy, which is a crime punishable by death in the country. The three workers who carried out the beating were arrested, charged not with murder but with “failure to inform the police that blasphemy was underway.” A human rights activist based in Islamabad has said: "Not a single murderer who killed anyone for blasphemy has been punished for murder. In fact, such murderers get hero's treatment in police stations. And those police officials who openly honour such murderers have never been tried for their illegal and reprehensible action."¹⁶

Recommendations

The OHCHR, the UN, and its member states have a commitment to promote and defend international law in the area of religious freedom and expression, as prescribed in, inter alia, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Both state and non-state actors must closely examine the legal, social, and cultural framework in their societies and ensure that they do not create a climate of restricted freedom of speech and expression. In evaluating this issue, distinctions must be drawn between sincere yet critical assessments of religions or beliefs on the one side, and shallow speech or art that lacks any significant discussion or assessment of the religion or belief in question. States should take particular care that they do not endorse or subsidize speech or art that lacks the requisite critical assessment and has no real value other than offending a religion or belief or its followers.

The OHCHR, as the highest representative of the UN charged with upholding human rights, has a special duty to enforce the provisions of the international human rights covenants, and to point out actions or resolutions by the Human Rights Council or other bodies that conflict with these provisions.

¹⁶ See Appendix 1 under Pakistan for documentation.

The OHCHR and the UN must not allow the current model of “Defamation of Religion” to become the international standard. Article 20 of the ICCPR provides the proper framework on this issue. We call upon the OHCHR and the UN to develop clear guidelines within the context of Article 20 with regard to laws that would set the least restrictive limitations to freedom of speech that would help to respect and protect the religious beliefs of individuals.



Appendix 1

Sample of Recent Defamation of Religion Incidents and Cases

(Note: These incidents and cases can implicate a range of criminal or civil offenses, including blasphemy, defamation, apostasy, libel, vilification, and hate speech. These descriptions are taken directly from media sources; ECLJ can not verify the veracity of all of these accounts.)

AFGHANISTAN

- In Afghanistan on May 18, 2008, an apprentice journalist appeared briefly in court. 23-year-old Parwiz Kambakhsh was sentenced to death in Mazar-i-Sharif in the north of Afghanistan on January 22nd this year for blasphemy. Mr Khambakhsh had downloaded an article from an Iranian website, and brought it into his journalism class.¹⁷
- Back in March 2006, the West was shocked when a court ruled that an Afghan man, Abdul Rahman, was sentenced to death by an Afghan court. Rahman had converted to Christianity. Apostasy, according to Judge Ansarullah Mawlawizadah, was "an attack on Islam." 500 Muslim clerics demanded the death penalty for Rahman. He was smuggled out of the country and now lives in Italy.¹⁸

CANADA

- Mohamed Elmasry vs. Mark Steyn

Award-winning author Mark Steyn has been summoned to appear before two Canadian Human Rights Commissions on vague allegations of "subject[ing] Canadian Muslims to hatred and contempt" and being "flagrantly Islamophobic" after *Maclean's* magazine published an excerpt from his book, *America Alone*.¹⁹

DENMARK

¹⁷ http://afp.google.com/article/ALeqM5ipo0W1_RbR4zapGGIze3nI35YFmw

¹⁸ <http://news.sky.com/skynews/article/0,,30000-13514643,00.html>;

<http://www.westernresistance.com/blog/archives/001810.html>

¹⁹ [http://www.macleans.ca/article.jsp?content=20071130_111821_7448](http://www.macleans.ca/article.jsp?content=20071130_111821_7448;);

http://www.macleans.ca/article.jsp?content=20061023_134898_134898&source

- A Danish appeals court in June 2008 rejected a lawsuit against the newspaper that first printed controversial cartoons of the Prophet Muhammad, saying the cartoons were not intended to insult Muslims. The Western High Court in the city of Aarhus said that it had no proof that the purpose of printing the cartoons in the newspaper, Jyllands-Posten, in 2005 was to depict Muslims as criminals or terrorists. The decision in June 2008 upheld a ruling last year by a lower court, which rejected claims by Danish Muslims that the 12 drawings were meant to insult the Prophet Muhammad and make a mockery of Islam.²⁰

INDIA

- Bangladeshi writer Taslima Nasreen sought refuge in Kolkata (Calcutta) in West Bengal, India. Local cleric Syed Noor-ur-Rehman Barkati announced in 2004 that her face could be blackened, or she could be garlanded with shoes (an extreme insult in India). He also offered a financial inducement to this end. Two years later, he offered money to anyone who would blacken her face or drive her out of India.

In March 2007, another leading Indian Muslim, Taqi Raza Khan, said that Taslima had committed blasphemy in her writings, and could be decapitated. Neither Khan nor Barkati have been prosecuted. Even though Taslima has been victimized by Islamists, she herself has been charged in Hyderabad with having "anti-religious views". She was moved from Kolkata to an "undisclosed location". This was done by the authorities for her "security".²¹

IRAN

- A university professor twice condemned to death for blasphemy walked out of prison on Saturday night, free after a two-year battle with hard-line judges and mass student demonstrations in his favor. A professor at Teachers Training University in Tehran, Mr. Aghajari was prosecuted for a speech in June 2002 in which he urged people to question religious teachings, saying the words of clerics should not be considered sacred simply because they were part of history. He said people should not slavishly follow hard-line interpretations of Islam.²²

ITALY

- Italian author and veteran journalist Oriana Fallaci was subject to a preliminary trial in June 2006, charged with defaming Islam in a 2004 book. Fallaci, who lived in New York, did not attend the hearing in Bergamo, northern Italy. Muslim activist Adel Smith filed a

²⁰ <http://www.iht.com/articles/2008/06/19/europe/islam.php>

²¹ http://timesofindia.indiatimes.com/NEWS/India/Bounty_on_Taslimas_head_shocks_Muslim_leaders/articleshow/1775527.cms

²² <http://query.nytimes.com/gst/fullpage.html?res=9F03E6DC1F3DF932A3575BC0A9629C8B63>

lawsuit against Fallaci, charging that some passages in her book, "The Strength of Reason," were offensive to Islam. Smith's lawyer cited a phrase from the book that refers to Islam as "a pool ... that never purifies." The Italian judge set the trial date for December of 2006, but Fallaci died in September 2006.²³

PAKISTAN

- According to the National Commission for Justice and Peace, a total of 892 people have been charged with blasphemy in Pakistan since the laws were introduced. Between January and April 2008, a total of 15 people have been accused of blasphemy.²⁴
- Only a few people have been acquitted and released after being convicted of blasphemy in Pakistan. Younes Shaikh, a Muslim doctor, was sentenced to death in 2001 for blasphemy. The case was highlighted in the international press, and many leading figures out pressure on Pakistan. As a result, Shaikh was released in 2003.²⁵
- 23-year-old Jagdeesh Kumar worked at a garment factory in Karachi, a port city in Sindh province. He was beaten to death while a contingent of police stood by and did nothing. It took days for a police report to be filed on the case, but arrests did not happen until weeks later. According to a Pakistani Christian journalist, when the three workers who killed Jagdeesh were arrested, they were "charged not with murder but with 'failure to inform the police that blasphemy was underway.'" Qaiser wrote that Jagdeesh was the first Hindu to die as a result of Pakistan's blasphemy laws.²⁶
- In 2004, a Christian man who had escaped from a psychiatric institution was jailed, after he was given a life sentence for desecrating the Koran. Shahbaz Masih had been arrested in June 2001 after a cleric - who had thrashed him - handed him to police. After being in jail for nearly six years, he was finally acquitted on January 19, 2007.²⁷
- In September 2005 in Punjab province, 40-year-old Christian Younis Masih made derisory comments about Mohammed, the so-called Prophet. The Christians who heard him beat him, hoping he would retract his comments. A mob of Muslims attacked him. Even his wife was physically assaulted. He was taken into custody, while Muslims rioted, demanding that Masih be charged. In May 2007 Masih was sentenced to death. He appeared in court only on a video link, such was the fear that he would be lynched. His lawyer was also threatened.²⁸
- In October 2006, two Christian men were arrested and jailed on suspicion of burning pages of the Koran. James Masih and Buta Masih are both Catholic, and were both aged 70. They are also illiterate. No evidence was produced against them. They were incarcerated merely on the basis of hearsay. A month later, the two were both jailed for 15 years.²⁹

²³<http://www.jpost.com/servlet/Satellite?cid=1150035834414&pagename=JPost%2FJPArticle%2FShowFull>

²⁴<http://www.persecution.org/suffering/ICCnews/newsdetail.php?newscode=7737&title=muslims-want-christian-doctor-hanged-publicly-for--blasphemy--in-pakistan>

²⁵<http://www.iheu.org/node/271>

²⁶<http://www.asianews.it/index.php?l=en&art=12121&geo=2&size=A>

²⁷<http://www.journalchretien.net/spip.php?article5794>

²⁸http://www.dailytimes.com.pk/default.asp?page=2007%5C05%5C31%5Cstory_31-5-2007_pg13_1

²⁹<http://www.asianews.it/index.php?l=en&art=7431>

- 60-year-old Yousaf Masih was arrested on June 28, 2005, accused of desecrating the Koran. Masih was a sweeper by trade, and a Christian. He had been asked to burn some papers. He did as requested, not knowing what he was burning. Members of the Islamist six-party alliance, the MMA, were calling for his death. Yousaf was beaten by police, and though initially refused bail he was granted freedom on \$4,200 bail on August 6th that year. The bail was raised with the assistance of well-wishers. However, Shahbaz Bhatti of the *All Pakistan Minorities Alliance (APMA)* claimed that Masih, who also has learning difficulties and has a weak heart, was still at risk of attack after his release.
- The UK parliament was recently involved in a discussion about the case of Qamar David. On May 24, 2006, after Muslim outrages against Christians, David was arrested for sending text messages in which he committed blasphemy. He was arrested and detained in jail, even though no evidence was produced by police.³⁰
- The incident which had upset Qamar David the most had been the attack upon the Christian community at Sangla Hill, near Lahore in Punjab province which took place on November 12, 2005.³¹ A Muslim mob ran riot through a Christian community, burning churches and other buildings. The rioting ensued after an alleged incident involving blasphemy. Yousaf Masih was falsely charged with burning pages of the Koran. His accusers were individuals who owed him money after losing gambling games.
- On November 12, 2005 in Sangla Hill, a local mosque began inciting rioters. Calling out insults against non-Muslims, the mob of at least 1,000 attacked Christian churches, a convent, boarding house, medical center and school. Father Samson Dilawar, a local priest, said: "I heard the mullahs had been telling people over loudspeakers, 'We are guardians of the Koran and it is our foremost duty to teach a lesson to those kafirs.' Then they came to my door." Father Dilawar's home was set on fire, and he had to flee through a window wearing a dressing gown.³²
- The situation in Sangla Hill bore similarities to an incident that had taken place in February 1997 when - on a pretext of "blasphemy" - a Christian village was ransacked. The village of Shanti Nagar in Punjab province was attacked by Muslims, with more than 400 homes, as well as churches and schools burned down.³³
- Two months before Sangla Hill was attacked, in Chungi Amer Sidhu on September 11, 2005, a Christian named Younis Masih was arrested, accused of insulting the prophet of Islam in verse. Younis Masih had been charged after a group of 200 Muslims had surrounded the local police station and refused to move. As a result, he was charged and taken into custody. Masih's home was attacked and his wife physically assaulted. His arrest was condemned by the Catholic Archbishop of Lahore, Lawrence Saldanha.³⁴

³⁰<http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmhansrd/cm080506/text/80506w0017.htm>;
<http://www.asianews.it/index.php?l=en&art=6298>

³¹<http://www.kuna.net.kw/Home/Story.aspx?Language=en&DSNO=786546>

³²<http://www.telegraph.co.uk/news/worldnews/asia/pakistan/1502963/Christians-under-siege-in-Pakistan-after-riot.html>

³³<http://listserv.episcopalian.org/wa.exe?A2=ind9907&L=virtuosity&H=1&P=1377>

³⁴<http://www.asianews.it/index.php?l=en&art=4115>

- One activist based in Islamabad has said: "Not a single murderer who killed anyone for blasphemy has been punished for murder. In fact, such murderers get hero's treatment in police stations. And those police officials who openly honour such murderers have never been tried for their illegal and reprehensible action."³⁵

SAUDI ARABIA

- According to Human Rights Watch, in 2005, in Qassim province, north of Riyadh, the prosecution department pressed blasphemy charges against Muhammad al-Harbi, labeling the teacher an "apostate," after his students and fellow teachers filed legal complaints against him. The judge in the case, `Abdullah Dakhil, reportedly accused the teacher of "trying to sow doubt in a student's creed." A court in Bukairia banned him from teaching and sentenced him to 40 months in prison and public flogging of 750 lashes.³⁶
- In March 2004, a General Court in Riyadh banned Muhammad al-Sahimi, a former teacher in middle school and high school, from teaching and sentenced him to three years in prison and 300 lashes, also for expressing his views in a classroom. The court found him guilty of endorsing allegedly un-Islamic sexual, social and religious practices. The Saudi deputy minister of defense and aviation, Prince `Abd al-Rahman bin `Abd al-`Aziz, personally involved himself in the matter, initially ordering al-Sahimi's arrest before any formal charges had been pressed.³⁷
- The case of a Turkish barber who was sentenced to death at the Jeddah General Court on March 31 on charges of blasphemy will be sent to the Appeals Court in Makkah next week. Sabri Bogday was sentenced to death after two men, one Saudi and the other Egyptian, reported to the authorities that he had sworn at God and the Prophet Muhammad at his barbershop in Jeddah early last year.
- Saudi Arabia prevents members of other faiths from openly following their religion. No Bibles or crucifixes are allowed into the country.
- On November 2, 2007 Mustapha Ibrahim, an Egyptian pharmacist, was beheaded in Riyadh. He was found guilty of witchcraft and also desecrating a Koran.³⁸
- In February 2008 it was revealed that a woman - Fawza Falih - was awaiting execution for witchcraft in Saudi Arabia.³⁹

SUDAN

- In May 2005, the blasphemy trial of newspaper editor Mohammed Taha Mohammed Ahmed was disrupted by Islamists, who were chanting for his death. On September 6,

³⁵<http://sify.com/news/fullstory.php?id=14657940>

³⁶<http://www.hrw.org/english/docs/2005/11/16/saudia12049.htm>

³⁷<http://www.muslimnews.co.uk/news/news.php?article=14199>

³⁸<http://africa.reuters.com/wire/news/usnL02434180.html>

³⁹<http://hrw.org/english/docs/2008/02/13/saudia18046.htm>

2006, Ahmed was found on a dirt road, killed by Islamists. His hands had been tied behind his back and he had been beheaded.⁴⁰

- On November 25, 2007 a British woman was arrested in Sudan. Gillian Gibbons was a teacher whose class of students had named a teddy bear "Mohammed," after a member of the class. Ms. Gibbons was accused of blasphemy. The British government protested, and eventually the woman was freed and deported.⁴¹

UK

- A British newspaper reports that police in Bedfordshire want to arrest a conservative blogger for his anti-Muslim, anti-immigrant statements. The man's website, Lionheart, takes a hard line against Islam and Muslim immigrants in Britain.⁴²
- An email to the blogger from an officer with the Bedfordshire hate crimes unit reads, "The offence that I need to arrest you for is "Stir up Racial Hatred by displaying written material" contrary to sections 18(1) and 27(3) of the Public Order Act 1986. You will be arrested on SUSPICION of the offence."⁴³
- In February 2008, a police community support officer ordered two Christian preachers to stop handing out gospel leaflets in a predominantly Muslim area of Birmingham. Arthur Cunningham, 48, and Joseph Abraham, 65, both full-time evangelical ministers say they were threatened with arrest for committing a "hate crime" and were told they risked being beaten up if they returned.⁴⁴

USA

- Noah v. AOL (2003)

Plaintiff, on behalf of himself and a class of those similarly situated, sues his internet service provider (ISP) for damages and injunctive relief, claiming that the ISP wrongfully refused to prevent participants in an online chat room from posting or submitting harassing comments that blasphemed and defamed plaintiff's Islamic religion and his co-religionists.⁴⁵

⁴⁰[http://www.sudantribune.com/spip.php?article9490;](http://www.sudantribune.com/spip.php?article9490)

⁴¹<http://www.guardian.co.uk/world/2007/nov/26/uk.religion>

⁴²<http://new2.bedsonsunday.com/bedsonsunday-news/DisplayArticle.asp?ID=248045>

⁴³<http://lionheartuk.blogspot.com/>

⁴⁴<http://www.telegraph.co.uk/news/uknews/2058935/Police-advise-Christian-preachers-to-leave-Muslim-area-of-Birmingham.html>

⁴⁵http://eric_goldman.tripod.com/caselaw/noahvaol.htm