The Persecution of Oriental Christians, what answer from Europe?

This report has been submitted to the European institutions at the occasion of the hearing organized at the Parliamentary Assembly of the Council of Europe, on Tuesday January 25th 2011

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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).
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,
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.

\(^3\) Id.
\(^4\) Id.
II. Emigration Statistics

Today, Christians make up approximately 5.62% of the population in the Middle East, or 20 million. 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. 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). 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. 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 East), have decreased significantly since 1900 when they made up 22.71 percent of the population. 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. It is further estimated that by 2050, Christians will account for a miniscule 4.43 percent. 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.

6 This 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
9 Composition of Macro Geographical (Continental) Regions, Geographical Sub-regions, and Selected Economic and Other Groupings, UNITED NATIONS.ORG, http://unstats.un.org/unsd/methods/m49/m49regrin.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.
10 Christian 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.
Christians as a Percent of Total Population from 1900-2025

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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, \textit{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.

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


\(^{15}\) \textit{Id.}

\(^{16}\) \textit{Id.} at 1.
In the past twenty years alone, it is estimated that approximately 2,000,000 Christians have fled the Middle East\textsuperscript{17} (now accounting for only around five percent or less of the population).\textsuperscript{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? \textbf{The single greatest cause of this emigration is radical Islam.}”\textsuperscript{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.”\textsuperscript{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 \textit{“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.\textsuperscript{21}

Indeed, “[i]f this phenomenon continues, Christianity in the Middle East will disappear.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{24}

Meanwhile, “[i]n Iran, Christians form a miniscule .4 percent of the population. The tiny Christian population has been treated as second class dhimmis—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.”\textsuperscript{25}

\textsuperscript{17} Id.
\textsuperscript{19} Adelman, supra note 14 (emphasis added).
\textsuperscript{20} McGeough, supra note 18 (citing Joost Hiltermann of the International Crisis Group).
\textsuperscript{22} McGeough, supra note 18.
\textsuperscript{23} Adelman, supra note 14, at 4.
\textsuperscript{24} Adelman, supra note 14, at 4.
\textsuperscript{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.”

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. 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.’” 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.”

The Synod convened to address “the urgent plight of Christians in the Middle East, particularly Iraq.” The Synod articulated several causes for the ongoing persecution of Christians in the Middle East, which primarily included radical Islamic violence against Christians. 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.’” 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.” In pertinent part the Synod concluded, in Proposition 5, that although “being Christian means sharing the cross of Christ,” the ongoing

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26 Lineamenta, supra note 7, at ¶ 22.
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.\textsuperscript{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.”\textsuperscript{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 . . . .”\textsuperscript{36} The Synod also expressed its serious concern for “immigrant workers in the Middle East, both Christians and non-Christians, especially women.”\textsuperscript{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.\textsuperscript{38}

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

\textsuperscript{34} Id. at Proposition 5 (Sharing the Cross).
\textsuperscript{35} Id.
\textsuperscript{36} Id. at Proposition 10 (Consolidating the Presence of Christians).
\textsuperscript{37} Id. at Proposition 14 (Immigration).
\textsuperscript{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, is part of the Oriental tradition that split from the Eastern (Byzantine) tradition at the Council of Chalcedon. 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. The Church originated in Alexandria, Egypt, in fact, “copt” is the Western derivation of the Greek word for “Egyptian” (referencing both the language and the people). “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.”

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).

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. However, the Coptic Orthodox Church is not to be confused with the Coptic Catholic Church. In the mid eighteenth century a small number of Copts converted to Catholicism (Rome), thus separating them from the Oriental tradition.

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 Id.
45 Id.
46 Britannica—Alexandria Coptic Church, supra note 40.
47 Id.
48 Id.
Church remains significantly smaller than the Coptic Orthodox Church. 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.

Syriac

“Syriac” refers to one of the latter dialects of the Aramaic language. 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. 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. The latter name (Nestorian) was born of the schism created by the repudiation of Nestorius, the Patriarch of Constantinople, in the fifth century. The churches that remained loyal to Nestorius were referred to as “Nestorians.” The Church itself has officially rejected the name. The Church of the East falls under the Oriental tradition as non-Chalcedonian, though their Christology is distinct.

Chaldean Church

The Chaldean Church formed out of the Church of the East when the “Chaldean Patriarch of Babylon” (Iraq) professed the Catholic faith in Rome in 1551. 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).
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).
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 access only; contact author for document information).
Chaldean Church has been in communion with Rome since that time. 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. Chaldean congregations are located in “Iraq, Iran, Lebanon, Egypt, Syria, [and] Turkey,” with the Patriarchal still residing in Baghdad, Iraq.

**Syrian Orthodox**

The Syrian (or Syriac) Orthodox Church is of the Oriental (non-Chalcedonian) tradition. 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. The Syrian Orthodox Church claims its roots in the church founded by the Apostle Peter in Antioch in year 37, and the patriarch is still called the “Patriarch of Antioch and all the East,” though the Church is now headquartered in Damascus, Syria. 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, with a total of approximately 218,900 members in the Middle Eastern countries.

**Syrian Catholic**

The Syrian Catholic Church 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. Syrian Christians were initially
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.\textsuperscript{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.\textsuperscript{75} Syrian Catholics possess patriarchal vicariates in Lebanon, Turkey, Jordan, and Egypt.\textsuperscript{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.\textsuperscript{77}

\textbf{Maronite}

The Maronites are “one of the largest Eastern-rite communities of the Roman Catholic Church,” most prominent in modern Lebanon.\textsuperscript{78} The Maronites derive their name from two sources, St. Maron, “a Syrian hermit of the late 4\textsuperscript{th} and 5\textsuperscript{th} centuries,”\textsuperscript{79} and John Maro, “a 7th-century Syrian religious leader, who may have been the first Maronite patriarch.”\textsuperscript{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.”\textsuperscript{81} The Maronites, in addition to the Middle East, can be found in Europe and North and South America, due to emigration in the 19\textsuperscript{th} century following persecution in Lebanon.\textsuperscript{82}

\textbf{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.\textsuperscript{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.”\textsuperscript{84} The Greek Orthodox Church does not recognize any council beyond Nicea II (787) and is Chalcedonian in theology.\textsuperscript{85} In 1054, the Greek Orthodox church split from the Roman Catholic church. However, efforts have been recently made to reunify the churches.\textsuperscript{86}
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.\textsuperscript{87} “The Greek Orthodox Patriarchate of Jerusalem is considered the oldest of the apostolic churches and is often called ‘the mother of all churches.’”\textsuperscript{88} “The Church in Alexandria was founded in 40 A.D. by the Apostle Mark, making it the oldest Christian church in Africa,”\textsuperscript{89} and Antioch is the place where followers of Christ were first called Christians.\textsuperscript{90} The Greek Orthodox Church currently has approximately 1,158,190 members in the Middle East.\textsuperscript{91}

\textbf{Melkite/Melchite}

“Melkite” or “Melchite” originally refer\cite{Melchite}ed to “any of the Christians of Syria and Egypt who accepted the ruling of the Council of Chalcedon . . . .”\textsuperscript{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).\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{97}

\textbf{Armenian}

Tradition holds that the apostles Bartholomew and Thaddeus evangelized Armenia.\textsuperscript{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.\textsuperscript{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
Christians who rejected the council of Chalcedon in 506. The Armenian Apostolic Church is comprised of four sees, “[t]wo are catholicsates[] at Ejmiadzin and Cilicia (now based in Antelias, Lebanon),” and two patriarchates are located at Istanbul and Jerusalem. The Liturgy is celebrated in Armenian and was developed early in Christianity. Currently, the Armenian Apostolic Church has approximately 466,530 members in the Middle East. Other Armenian Christians accepted Chalcedon. These Christians became known as the Armenian Catholic Church of Cilicia and have maintained communion with Rome. Although the church follows the liturgical pattern of the Roman Catholic Church, worship services are conducted in Armenian.

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.

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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. IRAQ

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 350,000\(^{111}\) Christians remaining in the country, reduced from 1.4 million in 2003 (even though Christians have been in Iraq since the second century\(^{112}\)), this indeed could be “the end of Christianity in Iraq.”\(^{113}\) The Iraqi Constitution explicitly provides for religious

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\(^{106}\) For a more detailed report, see the Appendix of Country Reports.


\(^{109}\) Id.


\(^{111}\) Alderstein & Moeller, supra note 107. The article providing the 350,000 figure was published on 23 Dec. 2010.


freedom for Muslims and non-Muslims alike. However, governmental efforts to uphold this obligation and protect Christians from religious violence have proven ineffective. The United States Department of State reported that “very 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.”

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. The International Religious Freedom Report documented that religious minorities “experience a pattern of official discrimination, marginalization, and neglect.” Thus, even though the Constitution requires equal protection of the law for all citizens without discrimination based on religion, minorities, especially Christians, are often discriminated against because of their religion. Employment discrimination is common, with governmental ministers often hiring only those who share the same religious beliefs. Citizens are required to carry national identity cards that denote the citizen’s religion, and religious groups must register with the government. 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.

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.”

30 December 2010: Islamic militants “left a bomb on the doorstep of the home of an elderly Christian couple and rang the doorbell.” When Fawzi Rahim, 76, and his 78-year-old wife Janet Mekha, opened the door, the bomb exploded. “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, seven children among them.”

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116 Epatko, supra note 107.
118 Iraq Const. art. 14.
121 Id.
122 Id.
125 A Doorbell Rings, a New Attack on Iraqi Christians, ASSOCIATED PRESS (1 Jan. 2010), http://www.google.com/hostednews/ap/article/ALeqM5gJ5Y0MR9Yxe8hj1nC4MG9NHz-EQQ?docId=195a4dafad64d98403c34df57a322b.
126 Id.
a week after al-Qaida-linked militants renewed their threats to attack Iraq’s Christians.”

**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.”

**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.”

**31 October 2010:** “[A]-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.

**B. EGYPT**

Although Article 46 of the Egyptian Constitution guarantees freedom of religious belief and religious exercise, Article 2 states that “the principle source of legislation is Islamic jurisprudence (Sharia).” The Egyptian Supreme Constitutional Court (SCC) has interpreted Article 2 to mean that no legislation can violate rules of the Sharia. The government restricts proselytization, despite the fact that the law does not prohibit it. 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”). Conversion is a legal matter that must

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127 Id.
130 Chulov, supra note 108; Iraqis Mourn Victims, supra note 108.
131 For a more detailed report, see the Appendix of Country Reports.
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.”).
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:**

**1 January 2011:**
Arab Muslims set off an explosion in front of the Coptic Christian Church of Saints in Sedib Besher in Alexandria, Egypt. 145 One source states that at least forty-five people were killed 146 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 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...”

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140 Prohibited Identities: III. Religious and National Identity in Egypt, supra note 137.
141 Id.
142 Id.
144 For more instances of persecution against Christians in Egypt other than those listed, see http://www.compassdirect.org/english/country/egypt/.
146 Id.
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

152 Id.
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.
158 Id., art. 19.
only in conformance with Pakistan’s Constitution and Sharia law, it remains bound by its alleged commitment under Article 20 to prevent “religious hatred that constitutes incitement.”

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. 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.

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

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. Taseer visited the woman in jail, criticized the blasphemy statutes, and promised that he would try to get her pardoned. 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.”

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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.”).
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

¹⁷² For a more detailed report, see the Appendix of Country Reports.
¹⁷⁴ Id.
¹⁷⁵ Id. § II, Legal Policy/Framework.
¹⁷⁶ Id.
years.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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].”\textsuperscript{183} Judges in particular are bound to follow Sharia Law, which has “supremacy to any other laws”\textsuperscript{184} and requires the death penalty for apostasy.\textsuperscript{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.*

\textbf{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.”\textsuperscript{186}

\textbf{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.’”\textsuperscript{187} The police raided Issavi’s home, detained everyone in the house, and then arrested Issavi.\textsuperscript{188} Issavi’s wife went to visit him

\textsuperscript{180} Id.
\textsuperscript{185} “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.
\textsuperscript{186} AL-MISRI, supra note 182.
and observed “obvious signs of torture”; officials told her that her husband could be executed for his activities.\footnote{189 Id.}

\textbf{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 . . . .”\footnote{190 Id.}

\textbf{E. ISRAEL/PALESTINIAN TERRITORIES\footnote{191 For a more detailed report, see the Appendix of Country Reports.} }

\textbf{ISRAEL.}

Israel has a population of 7.3 million and approximately 76 percent of the population is Jewish.\footnote{192 Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, \textit{International Religious Freedom Report 2010: Israel and the Occupied Territories}, § 1 (2010) [hereinafter \textit{Israel International Religious Freedom Report}], available at http://www.state.gov/g/drl/rls/irf/2010/148825.htm.} 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.\footnote{193 Id.} 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.”\footnote{194 Id.} 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.”\footnote{195 Justice Zvi Berenson, \textit{Just Like Chabad}, Jerusalem Post, 29 Apr. 2005, at 9, available at \url{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&des c=Just+like+Chabad.}} 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.”\footnote{196 Israel International Religious Freedom Report, supra note 192, § II; see also Bureau of Democracy, Human Rights, & Labor, U.S. Dep’t of State, \textit{Israel/Palestinian Occupied Territories: International Religious Freedom Report} (2010), § II, available at http://www.state.gov/g/drl/rls/irf/2010/148825.htm.}

\textbf{Recent Incidents of Persecution:}

\textbf{29 October 2010:}

Ten volunteer workers from the United States and Denmark were sleeping in the church when it was lit on fire.\footnote{Church Building in Israel Set Ablaze, COMPASSDIRECT.ORG (4 Nov. 2010), http://www.compassdirect.org/english/country/israel/28054/}  

\underline{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.”\footnote{Israel International Religious Freedom Report, supra note 192.}  

\underline{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.”\footnote{Id.}

**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.”\footnote{David Meir-Levi, *Bethlehem’s Christian Exodus*, FRONTPAGE Magazine, (5 Jan. 2005) (emphasis added), available at http://www.frontpagemag.com/Articles/Read.aspx?GUID=8525A8B1-166B-4998-96E5-DC965F4C7CF6.} 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,\footnote{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.} it also proclaims Islamic Sharia as the law of the land.\footnote{Id. at art. 4.} And while nothing in Hamas’ Charter 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).\footnote{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.} 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.\footnote{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 http://www.islamicperspectives.com/Apostasy1.htm.} In one instance, the PA imprisoned a Muslim convert to Christianity for twenty-one months, seven of which were in solitary confinement.\footnote{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.}

\footnote{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:

210 For a more detailed report, see the Appendix of Country Reports.
213 See Id.
214 CONSTITUTION OF THE REPUBLIC OF TURKEY art. 14. III.
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.”\(^{227}\)


\(^{217}\) See generally *Turkey: International Religious Freedom Report*, supra note 211.

\(^{218}\) Id.


\(^{220}\) *Turkey: Alleged Masterminds of Slayings in Malatya Implicated*, supra note 219.


\(^{223}\) See *Mgr Franceschini*, supra note 219.


\(^{225}\) Id.

\(^{226}\) 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.” Monsignor Franceschini declared, while addressing the Synod assembly on the Middle East, that the murder was the work of “ultra-nationalists and religious fanatics.” He also referred to the murder as “premeditated.” 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.” “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.”

**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.”

**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.”

**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. The court found evidence of Cage plot materials that specifically referred to these murders as “operations.” 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*."

**November 2009:** the Turkish newspaper *Taraf* 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. 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. The conspirators called the plan the

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

G. **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. 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. 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.” The legal system is based on the government’s official interpretation of Sharia law and the constitution, or Basic Law, states that the Quran and the Sunna are the constitution. 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.

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.” Most repugnant to the notion of religious freedom is the fact that blasphemy and apostasy are punishable by death. 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.

While the law does not require citizens to be Muslims, non-Muslims are essentially treated as second-class citizens. 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.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. SYRIA**264

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

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255 Id.
256 Id.
261 Id.
262 Id.
264 For a more detailed report, see the Appendix of Country Reports.
266 Id.
jurisprudence is a main source of legislation.”

Because Islam is given a place of preeminence, Articles 298 and 462 of the Syrian code prohibit “causing tension between religious communities.” Part of preventing this tension includes cracking down on proselytization, although proselytization is technically not illegal. 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.”

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.” According to Todd Nettleton, Spokesman of Voice of the Martyrs, “there is virtually no freedom for a Muslim to convert to Christianity.”

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.

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. 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.

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.

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267 Id. art. 3.
269 Id.
270 Id. (emphasis added).
275 Id.
276 Id.
I. **Yemen**

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. The Constitution of the Republic of Yemen contains no provisions concerning religious freedom. The constitution, however, declares that the Republic is “an Arab, Islamic and independent sovereign state.” Furthermore, the constitution declares Islam as the state religion and “Islamic [Sharia] as the source for all legislation.” 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.” 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. Thus, contrary to the international covenants and UN interpretation, the government continues to impose restrictions on conversion from Islam and proselytization of Muslims. Under Sharia law, “the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death.” In recent years, the police in Yemen have arrested people for apostasy and proselytizing. Those arrested are only released if they renounce their new faith and vow to embrace Islam again. Furthermore, courts have convicted people for blasphemy against Mohammad.

**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

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277 For a more detailed report, see the Appendix of Country Reports.
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.
286 Id.
287 Id.
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. AFGHANISTAN**294

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

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290 Yemen Religious Freedom Report, supra note 279, at §II, Abuses by Rebel or Foreign Forces or Terrorist Organizations.
294 For a more detailed report, see the Appendix of Country Reports.
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, converting from Islam to another religion is punishable by death according to Sharia law. Afghanis strongly believe that apostasy contravenes the tenets of Hanafi jurisprudence. Although the United States Department of State reported that criminal penalties have not been recently imposed on converts, there have been repeated calls for the death penalty over the last several years. For example, in February 2006, Abdul Rahman was arrested and held in a high-security prison outside Kabul, Afghanistan. The Government charged Rahman with apostasy after his family reported him and police discovered him with a Bible. Afghani Supreme Court Justice and cleric Khoja Ahmad Sedigi 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.” 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. 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.

The Government and courts apply traditional Sharia law in blasphemy cases, imprisoning blasphemers and condemning them to death. 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.

Id. 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.

Id.

Id.

See infra, notes 306-310 and accompanying text.


Id.


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

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312 See infra notes 314–315 and accompanying text.
313 See infra note 315.
316 Id.
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.
323 Afghan Authorities Block Lawyer from Visiting Jailed Christian, supra note 317.
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

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.” 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.” Moreover, Member States have the responsibility to “ensure conditions conducive to the preservation of harmonious relations between religions.”

With the rapid depletion of the already small minority religious population in the Middle East, hopes of religious pluralism are greatly diminished. 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. 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.

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.” 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.”

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329 Id.
330 Id.
333 See id.
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.” During this time, Arab Christians were the leading scholars and laid the intellectual foundations for Arab nationalism. In Egypt, Arab Christians pioneering in journalism and scientific periodicals “virtually creat[ed] the modern Arab press.” They were leaders in education and vocational training.

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. 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. 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. This facility serves the most underprivileged and marginalized of Hyderabad and specializes in maternity and neonatal care. 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. (Pakistan ranks the 8th highest in the world for infant mortality rates). There are seven similarly run Catholic hospitals in Pakistan. However, in Pakistan’s

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337 Id.
338 Id.
339 Id.
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=201001\20\story_20-1-2010_pg12_11.
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 women\(^{350}\) 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 Africa\(^{358}\) 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 Muslim)\(^{360}\) by providing free immunizations and checkups for children and low cost or free medical care.


\(^{348}\) Franciscan Sisters, supra note 341 (listing several nursing schools operated by Catholic hospitals).


\(^{350}\) 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.


\(^{358}\) Id.


medical services for adults. 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. 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. 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.

2. Education

**Pakistan**

Christian schools have been renown 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. 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, and former Prime Minister, Benazir Bhutto.

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 Sangota was built in 1965 and run by the Apostolic Carmelite Sisters of Sri Lanka. By 2008, the all-girl Catholic high school was serving 970 students in the Swat valley of Pakistan. Nine hundred and sixty four of the girls were ethnic Pathan Muslims; only six were Christians. 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. 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. 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. “A Catholic elementary school in Bannu, west of Peshawar, was [also] bombed on September 15, 2008,” and as of February 2009, over 200 schools had been bombed (the majority of the schools were

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361 Harpur Memorial Hospital, supra note 359.
362 Id.
363 Christian Doctors, supra note 360.
364 Harpur Memorial Hospital, supra note 359.
370 Church Workers Fear, supra note 368.
371 Id.
372 Lamprecht, supra note 347.
373 Id.
374 Id.
375 Id.
targeted at educating women).

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 in Lebanon. Lebanese Christian schools have been especially influential in the literary arts and linguistics in Lebanon. For example, many Christian schools are tri-lingual, training their students in Arabic, English, and French. The 330 staff and administrators at St. Joseph’s School in Cornet Chahwan, Lebanon serve over 2,500 pre-school through high-school students. 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.

This Christian culture of academic excellence has produced Lebanese leaders in journalism, pedagogy, law, economics, philosophy, and music. 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.”

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.” To accomplish this mission, the church uses a holistic approach. “To break the cycle of ignorance and poverty,” the

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376 Church Workers Fear, supra note 368.
378 Id.
380 St. Joseph’s School, supra note 379.
381 Id.
382 Hechaïmé, supra note 377, at 163.
383 Id.
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.\footnote{Faisalabad Catholic Diocese, *Educating*,
visited Jan. 14, 2011).}  

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

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.\footnote{Id.} Similar church sponsored programs reach
other communities across Pakistan.\footnote{Franciscan Sisters, *supra* note 341.}  

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.\footnote{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.} 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.\footnote{Id.} 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.\footnote{Associated
http://www.guardian.co.uk/world/2010/mar/10/pakistan-world-vision-aid-attack.} As a result
of the attack, World Vision suspended their relief operations across Pakistan.\footnote{Id.}  

\textbf{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
relation to modern society.” 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. 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.”

394 Pacini, supra note 353, at 24.  
395 Hechalimé, 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 Besher 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

398 Id.
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 1889 and Resolution 1695, 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.” 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.” 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” and called for further examination of proposing the incorporation of “the right to asylum” into the European Convention on Human Rights.

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%. The 2007 acceptance rates in countries receiving significant numbers of asylum seekers varied

402 Id. ¶ 25.
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%. 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.” 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.” 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): “Ensuring gender- and child-specific forms of persecution” are fully considered; “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. . . .” 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.”

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.” 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.”

In response, however, the Committee of Ministers narrowed the focus of the PACE’s recommendations. 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, 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.” 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. Furthermore, a European Asylum Curriculum (EAC) has already been developed.

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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.
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.”

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.” 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.” 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. Finally, the Committee of Ministers rejected the PACE’s proposal to incorporate a right of asylum into the European Convention on Human Rights.

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.”

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.

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

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423 Id.
424 Id. ¶ 6.
425 Id. ¶ 8.
426 Id. ¶ 9.
427 Id.
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.”

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.” 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.” However, applicants must provide “satisfactory explanations” if there are “strong reasons to question the veracity of an asylum seeker’s submissions.” The applicant then has the burden of “adducing 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.” After such production, the burden shifts back to the government to “dispel any doubts about it.” 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.

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.” 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 . . . .” 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.” 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.” 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

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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.
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. Thus, “the weight to be given to assurances from the receiving State depends, in each case, on the circumstances prevailing at the material time.”

**F.H. v. Sweden.** 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. 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.”

**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. 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. While some of the technical and political association aspects of the applicant’s story changed, he maintained his Christianity and further alleged association with the Ba’ath Party as an “advanced sympathizer.” 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”; the Immigration Board finally rejected the application on this basis on 11 June 1998. 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. On all these facts, Sweden’s District Court expelled the applicant from Sweden for life. 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
Christian and for holding a prominent position in the Ba’ath Party. 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.

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.” As such, here too individual assessments had to be made for each asylum seeker.

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.” 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.” 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.” Reviewing these findings, the Court instead focused on the reports of a decrease in violence in Iraq generally, although mentioning the recommendations of the UNHCR, UN, and International Organisation for Migration (IOM), that “countries [should] refrain from forcibly returning refugees to Iraq.”

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). 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.” 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). Those who left were encouraged

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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.”\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{470}

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

\begin{quote}
\textit{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
\end{quote}

\textsuperscript{466} Id.
\textsuperscript{468} Id., § 92 (emphasis added).
\textsuperscript{469} Id., § 93.
\textsuperscript{470} Id., § 97.
\textsuperscript{471} \textit{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-...)

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.[4] 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

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.\textsuperscript{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.\textsuperscript{478} Thus, “the requirement set out in \textit{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.”\textsuperscript{479}

\textbf{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 \textit{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.\textsuperscript{480} Giving “due weight”\textsuperscript{481} to the United Nations High Commissioner for Refugees’ (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.\textsuperscript{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).\textsuperscript{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.”\textsuperscript{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.\textsuperscript{485}

The decision in \textit{M.B. and Others v. Turkey} shortly followed the landmark unanimous decision in \textit{Z.N.S. v. Turkey} in which the Court granted asylum to an Iranian Christian convert.\textsuperscript{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

\textsuperscript{477} Id. (footnote omitted) (emphasis added).
\textsuperscript{478} Id.
\textsuperscript{479} Id.
\textsuperscript{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”).
\textsuperscript{481} Id. § 33.
\textsuperscript{482} Id. § 34.
\textsuperscript{483} Id. § 14.
\textsuperscript{484} Id. § 30.
\textsuperscript{485} Id.
\textsuperscript{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 UNHCR\(^{487}\) [on religious grounds\(^{488}\)].

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\footnote{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).} 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
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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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

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 Ishoa, on 14 October 2007 in Mosul, the assassination of two Assyrian Christian members of the organisation National Union of Bet-Nahrain, 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 relations 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

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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.
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),


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

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
Kelman, 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 an 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.
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.\(^{508}\)


\(^{502}\) Id.


\(^{505}\) Epatko, supra note 107.

\(^{506}\) Id.


\(^{508}\) Alderstein & Moeller, supra note 107.
With only approximately 350,000\textsuperscript{509} Christians remaining in the country, reduced from 1.4 million in 2003, and even though Christians have been in Iraq since the second century,\textsuperscript{510} this indeed could be “the end of Christianity in Iraq.”\textsuperscript{511}

The Iraqi Constitution explicitly provides for religious freedom for Muslims and non-Muslims alike.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{514} And in February 2010, after numerous Christians were killed, the government formed an investigative committee.\textsuperscript{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.”\textsuperscript{516} For example, the investigative committee that was formed after the February 2010 attacks yielded no results.\textsuperscript{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.”\textsuperscript{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, Sabean Mandaeans, and Yazidis. Members of these groups continue to suffer

\textsuperscript{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.


\textsuperscript{513} IRAQ CONST. art. 2.

\textsuperscript{514} Iraq Religious Freedom Report, supra note 114.

\textsuperscript{515} Id.

\textsuperscript{516} Id.

\textsuperscript{517} Annual Report, supra note 113, at 69.

\textsuperscript{518} Id.
from targeted violence, threats, and intimidation, against which they receive insufficient government protection.\textsuperscript{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?’’\textsuperscript{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:

\begin{quote}
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 Saddmist 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.\textsuperscript{521}
\end{quote}

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.\textsuperscript{522} “The gesture was intended as a protest against” the attacks.\textsuperscript{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.”\textsuperscript{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

\begin{footnotes}
\item[519] Id. at 10.
\item[521] IRAQ CONST. art. 7.
\item[523] Id.; see also Barnabas Fund, Prayer Focus 01/11, \textit{Iraq: Unfolding Tragedy for Christians} (23 Dec. 2010), http://barnabasfund.org/NZ/News/Prayer-Focus-Update/Prayer-Focus-0111.html#Iraq.
\item[524] \textit{Christian Murdered in Mosul}, supra note 522.
\end{footnotes}
outbreak, governmental discrimination made life very difficult. The International Religious Freedom Report noted that religious minorities “experience a pattern of official discrimination, marginalization, and neglect.” Thus, even though Iraq’s Constitution requires equal protection before the law for all citizens without discrimination based on religion, minorities, especially Christians, are often discriminated against because of their religion. Employment discrimination is common, with governmental ministers often hiring only those who share the same religious beliefs. With little representation in the government, Christians find government work difficult to acquire. Additionally, citizens are required to carry national identity cards that denote the citizen’s religion, which is used as a basis for discrimination.

Another potential source of discrimination is the requirement that religious groups register with the government. “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.” Evangelicals have called for less burdensome requirements and have found it difficult to obtain registration.

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.”
- On 30 December 2010, Islamic militants “left a bomb on the doorstep of the home of an elderly Christian couple and rang the doorbell.” When Fawzi Rahim, 76, and his 78-year-old wife Janet Mekha, opened the door, the bomb exploded. “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.”

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525 Epatko, supra note 107.
527 IRAQ CONST. art. 14.
529 Iraq Religious Freedom Report, supra note 500.
530 See id.
531 Id.
532 Id.
533 Id.
536 A Doorbell Rings, a New Attack on Iraqi Christians, ASSOCIATED PRESS (1 Jan. 2010), http://www.google.com/hostednews/ap/article/ALeqM5gJ5Y0MR9Yxe8hj1nC4MG9NHZ-EOQ?docId=195a4dafa64de98403c34df57a322b.
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.”

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.”

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.

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.

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.’”

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.

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.”

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.”

“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.”

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.
543 Iraq Religious Freedom Report, supra note 500.
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

“In 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

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. 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.

Egypt Constitution, Art. 2. Although Article 46 of the Egyptian Constitution guarantees freedom of religious belief and religious exercise, and Article 47 guarantees freedom of opinion and expression, Article 2 states that the principle source of legislation is Islamic jurisprudence. The Egyptian Supreme Constitutional Court (“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. 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. 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.

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. Conversion is a legal matter which must be accomplished by changing a

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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.”).
559 Id. at 91.
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”). In Egypt, ID cards are required for numerous important activities, including designating court jurisdiction in personal status matters for religious law purposes. Failure to present an ID card upon request by authorities is punishable by fine of up to LE 200 (US$35).  

Although change of religious affiliation is permitted by law, 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.” 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.”

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.” 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:

1 January 2011:

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


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

566 Id.

567 Id.


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

meeting in celebration of the New Year. There have been conflicting reports on the number of deaths. One source states that at least forty-five people were killed, while others reported that at least 21 people died and scores more were wounded. At least 90 other people were injured, and 10 seriously injured. 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. 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 mujahedeen [Muslim fighters] wherever they can reach them.’” As of right now, the Egyptian regime and its Islamic courts have not issued any verdict in the matter.

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.”

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. The bombings took place “over rumors of a romantic relationship between a Christian and a Muslim.”

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.”

572 Id.
573 Architetto & Ramelah, supra note 145.
575 Id.
576 Id.
577 Id.
578 Id.
581 Id.
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.”

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.”

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.

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

584 Couple Shot by Muslim Extremists Undaunted in Ministry, COMPASSDIRECT.ORG (9 June 2010), http://www.compassdirect.org/english/country/egypt/21405/.
forcing Coptic women girls to convert to Islam.\textsuperscript{586} The government also routinely failed to prosecute those responsible for violence against Coptic Christians.\textsuperscript{587}

\textsuperscript{586} Egypt Religious Freedom Report (2010), supra note 553, § II.

\textsuperscript{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


\(^{590}\) 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. Between 1986 and 2006, more than 800 people were charged in 375 cases of blasphemy, and in 2000 alone, over 50 Christians were arrested and charged with blasphemy. 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.

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. Taseer visited the woman in jail, criticized the blasphemy statutes, and promised that he would try to get her pardoned. 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 Qatl’ (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.”

**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.

**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.”

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600 Id.
601 Id.
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 . . .”

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] . . .”

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. Because of the presumption in favor of Islam, the police responded to the baseless accusation and arrested Walter.

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. 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.

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

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607 Id.
609 Id.
deprived Aleem of food and medication during his incarceration.\(^\text{610}\) 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.\(^\text{611}\)

**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.\(^\text{612}\) 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.\(^\text{613}\) When the mob continued to demand that Gulsher and his daughter be hanged, the police charged Gulsher with blasphemy.\(^\text{614}\)

**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.\(^\text{615}\)

**April 2007:**
Threats of mob violence often drive accused blasphengers 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.\(^\text{616}\)

**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.\(^\text{617}\) The officer proclaimed that he was “spiritually satisfied” with killing Masih, who he considered an infidel worthy of death.\(^\text{618}\) 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.\(^\text{619}\)

In sum, these deplorable cases of community and police violence against putative blasphemies 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


\(^{611}\) Id.


\(^{613}\) Id.

\(^{614}\) Id.


\(^{618}\) Id.

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.
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. The UN estimates that there are 300,000 Christians in Iran, the majority of which are ethnic Armenians. However, over the past ten years, the number of Catholics in Iran has decreased by almost five percent per year. Non-Muslims in Iran may not engage in public religious expression, persuasion, and conversion among Muslims; published religious material is restricted. In the U.S. Department of State’s 2010 reporting period, “Christians, particularly evangelicals, continued to be subject to harassment and close surveillance.” 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. “Tehran Governor Morteza Tamadon described the[se] Christians as ‘hard-line’ missionaries who have ‘inserted themselves into Islam like a parasite . . . .’” 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.”

**Draft Apostasy Law.** On September 9, 2008 the Iranian Parliament (Islamic Consultative Assembly) approved a new Penal Code by a vote of 196 to 7. Article 225 of the new Penal Code sets a death sentence as the mandatory penalty for apostasy (conversion from Islam to any other religion). According to one report, the Guardian Council is currently

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621 Id.
624 Id.
626 Id.

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reviewing the draft. If the Council finds the legislation compatible with Islam, it will be deemed enforceable. 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.”

Even if the individual only insults the sanctities or an imam, the Code requires that he be “imprisoned from one to five years.” 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.” 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. 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].” Judges in particular are bound to follow Sharia Law, which has “supremacy to any other laws” and requires the death penalty for apostasy.

**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

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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.
633 The proposed legislation gives Iranian secular courts authority to convict Iranian citizens living outside Iran of crimes relating to Islamic
635 Id.
639 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/FR/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.
640 AL-MISRI, supra note 182.
national security. The new law “could [also] be used against the many Iranian Christians who live outside Iran but are involved in evangelism within it.” There seems to be an interest in the Islamic countries to apply their religious laws extraterritorially. This interest has been seen after the draft “Defamation of Religions” law was submitted to and passed by the United Nations Generally Assembly.

**Death Penalty.** The draft bill also imposes the death penalty on those convicted of “establishing weblogs and sites promoting corruption, prostitution and apostasy.” 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.”

The Constitution of the Islamic Republic of Iran recognizes Islam as the official religion and requires that all laws and regulations conform to Islamic principles. 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.” 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.” However, “[t]his

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641 Id.


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


647 Id. at ch. I, art. 4.

648 Id. at ch. III, art. 23.

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

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.”

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’. The police raided Issavi’s home, detained everyone in the house, and then arrested Issavi. 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.”

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 . . .”

[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.”

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.


654 Id.

655 Id.

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
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
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
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.”

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September 2004, Hamid Pourmand

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

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

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

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.

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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 organised 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 Bahá’ís.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

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.\footnote{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.}


\section*{Specific Incidents of Persecution:}

\begin{itemize}
\item \textbf{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 . . . .”\footnote{Church Building in Israel Set Ablaze, COMPASSDIRECT.ORG (4 Nov. 2010), http://www.compassdirect.org/english/country/israel/28054/.} 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.\footnote{Id.}

\item \textbf{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.”\footnote{Israel Religious Freedom Report (2010), supra note 669.}

\item \textbf{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.”\footnote{Id.}

\item \textbf{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
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.”\(^{679}\)

\[\textbf{March 2008:}\]

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.\(^{682}\)

\textbf{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,
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. 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.”

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. Today, Christians are the minority. Reportedy, “many [have] fle[d] to Israel . . . a free democratic society just across the street, where all can practice their religion without constraint.” As noted in 2005, Bethlehem held less than 20 percent Christians, which suggested an emigration of thousands. Christians have sold their properties to religious authorities in the Holy Land.

While the Amended Basic Law ostensibly respects religious freedom it also proclaims Islamic Sharia as the law of the land. While there is nothing in Hamas’ Charter 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.

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

87 Id.
88 Id.
93 Id. at art. 4.
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.  

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:

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


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.\footnote{Id.}

21 February 2008:
Armed militants forced their way into the Lighthouse Baptist School in Gaza City, assaulted a guard, and vandalized classrooms.\footnote{Id.}

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.\footnote{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.} The assailants stole everything from the library except Christian books before setting fire to the library.\footnote{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.} The YMCA library was targeted because it was viewed by Islamic extremists as a “missionary institution.”\footnote{Id.}

7 October 2007:
The body of a prominent Christian bookstore owner, \textbf{Rami Ayyad}, was found beaten, mauled, and shot outside his store, the only Christian bookstore in Gaza City.\footnote{Ryan Jones, Persecuted for His Name’s Sake, ISRAEL TODAY (10 Oct. 2007), http://www.israeltoday.co.il/default.aspx?tabid=132&view=item&id=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.} Six months before Ayyad’s gruesome murder, Muslim extremists bombed his Christian bookstore.\footnote{Id.} 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.\footnote{Dan Wooding, Hamas ‘Complicit in Persecution of Gaza Christians,’ (20 Dec. 2007), available at http://www.crosswalk.com/news/religiontoday/11562299/} With the help of local shopkeepers, Nabil Fuad Ayyad escaped the abduction that would likely lead to his death.\footnote{See id.}

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 progress towards more moderate, peace-oriented positions, Gaza Christians will continue to live in fear and desperation.
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.

Article 24 of Turkey’s Constitution provides the right to freedom of conscience, religious belief and conviction, which includes the right to perform acts of worship and expression of one’s religious beliefs. 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. 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.”
**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. 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. 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 . . . .” 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.” 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.” 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.”

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June 2010: Bishop Luigi Padovese, Vicar of Anatolia, was killed by his driver, Murat Altun, on June 3, 2010. Mr. Altun, who had worked for Bishop Padovese for a notable length of time, has claimed that mental illness is one reason for the murder. The driver also spread rumors that the killing was in response to a homosexual relationship he had with the bishop. The testimonies collected by Asia News immediately after the murder, however, report that Mr. Altun shouted “Allah akbar! I killed the great Satan.” 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.” Monsignor Franceschini declared, while addressing the Synod assembly on the Middle East, that the murder was the work of “ultra-nationalists and religious fanatics.” He also referred to the murder as “premeditated.” 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.” “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.”

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.”

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.”

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 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

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724 See Mgr Franceschini, supra note 219.
726 See Mgr Franceschini, supra note 219.
727 Id.
728 Id.
729 Id.
730 Id.
731 Id.
732 Id.
733 Id.
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. 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. The conspirators called the plan the “Operation Cage Action Plan.” This plan called for bombings, killings, and acts of arson against religious minorities, which would then be blamed on the Government. On the date of the story, at least 11 naval officials had been arrested on charges of membership in an illegal organization. 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. The court found evidence of Cage plot materials that specifically referred to these murders as “operations.” 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.”

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.” In the same year, a Turkish teenager motivated by “nationalist and Islamist” sympathies, murdered a priest as he knelt to pray in church. Weeks earlier, another Turkish teenager murdered an Armenian Christian in Istanbul. Even institutions have been attacked as Istanbul’s Central Synagogue was bombed twice in events leading up to these murders. 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.”

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. The men were prosecuted for “insulting Turkishness and Islam,” despite a total lack of evidence to support the charge. The trial stemmed from a conversation the

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738 Id.
739 Id.
740 Id.
741 Id.
743 Id.
744 Id.
746 Id.
747 Id.
748 Id.
749 Id.

A-48
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. However, the only evidence of any misconduct was a written accusation presented by the local gendarmerie headquarters. 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. The Christian men will face up to two years in prison if convicted. According to the U.S. Department of State’s International Religious Freedom Report for 2010, the court proceedings in this case continued.

752 Id.
753 Id.
754 Id.
755 Id.
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. 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. 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.” The country is a monarchy and the “King is head of both state and government.” The legal system is based on the government’s official interpretation of Sharia law and the constitution (or Basic Law) state that the Quran and the Sunna are its constitution. 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. Of the 8 million foreigners, there is a small Christian population (including Eastern Orthodox, Protestants, and over one million Roman Catholics).

In 2009–2010, according to the U.S. Department of State, “the [Saudi] government continued to commit abuses of religious freedom.” Non-Muslim groups in different parts of the country were detained and harassed for worshipping privately. 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. Most repugnant to the notion of religious freedom is the fact that blasphemy and apostasy are punishable by death. 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.

761 Id.
764 Id.
765 Id.
766 Id.
767 Id.
While the law does not require citizens to be Muslims, non-Muslims are essentially treated as second-class citizens. 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. 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.” 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.

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). Religious discrimination in employment is rampant. Christian migrant workers are often faced with the choice of converting to Islam or losing their jobs. 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.” Cabrera noted that it’s a hard choice, but if they don’t convert, they “become the victims of abuse.” 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. Additionally, the public education system enforces the teaching of Islam, and the textbooks are intolerant of Christianity and other religions.

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. According to Ezzedin H. Tago of the Philippine Embassy, those arrested were “charged with proselytizing.” 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.”’

**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.

**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.

**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.’”

**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.

**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.’”

**August 2007:**

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782 Id.
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

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.
799 Id.
woman to first convert to Islam.\textsuperscript{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.\textsuperscript{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.\textsuperscript{802}

Some Syrian statutes indicate a preference for Islamic Sharia law. For example, Article 548 of the Syria Penal Code has been recently changed,\textsuperscript{803} but it previously allowed a man to get away with the murder of any direct female relative caught in the act of adultery.\textsuperscript{804} The new article provides a mechanism for punishment, but it is relatively weak; “honor killings” only require, at minimum, a two year sentence.\textsuperscript{805}

\textbf{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.”\textsuperscript{806} However, 2005 U.S. Department of State Country Report on Human Rights Practices for Syria characterized religious freedom as “limited.”\textsuperscript{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.”\textsuperscript{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

\textsuperscript{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].
\textsuperscript{801} Id.
\textsuperscript{805} See also HUMAN RIGHTS WATCH, supra note 803.
\textsuperscript{806} 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.
\textsuperscript{808} Syria Religious Freedom Report, supra note798.
practice their new religion openly.” The government bans Jehovah’s Witnesses and favors certain Muslim groups in government appointments and funding of activities. The government also monitors various religious groups, requires groups to register, and discourages proselytizing because it endangers relations between religious groups.

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. 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. Jews are also discriminated against in government licenses, property, applications, and employment. The government has allowed the media to publish a certain amount of anti-Semitic and anti-Israel material. 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.

Certain Christian aid groups can operate without registering with the government, while all Muslim groups must register. Public schools have mandatory religious instruction, but Christian and Muslim students have separate classes. Islam and Christianity are subject to their own laws in certain areas, such as marriage, though Catholics have more autonomy than Orthodox Christians. The Syrian government restricts freedom of choice in religious matters and does not recognize the religious status of Muslims who convert to Christianity.

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.” 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. 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.

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809 Id. (emphasis added).
810 Id.
811 Id.
812 Id.
814 Id.
815 Id.
816 Id.
817 Id.
818 Id.
820 Id.
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

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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.


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. 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. 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.

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. Syrian Police arrested Samer on 22 August 2006 without defining the charges. It was not until 10 October that the Syrian government released Samer; he immediately fled to the United States. 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.”

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. 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. 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.’” 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.

833 Id.
835 Id.
838 Id.
839 Id.
841 Id.
842 Id.
843 Id.
Cases exposing Syria’s human rights violations

In *Mouiddin v. Secretary of State for the Home Department*, 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. 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. 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. 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. 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.

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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. The constitution, however, declares that the Republic is “an Arab, Islamic and independent sovereign state.” Furthermore, the constitution declares Islam as the state religion and “Islamic Shari’a as the source for all legislation.” The Yemeni Constitution prohibits non-Muslims from holding certain elected offices. For example, the constitution requires the President to “practice his Islamic duties.” 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.

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.” Furthermore, Yemen ratified the International Covenant on Civil and Political Rights (ICCPR) on February 9, 1987.

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.” 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 believe in a religion or system of beliefs.”

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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.
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.

A-60
adopt a religion or belief of one’s choice, and of article 26, which prohibits discrimination on the ground of religion.”

Contrary to the international covenants, however, the government continues to impose restrictions on conversion from Islam and proselytization of Muslims. Under Sharia law, “the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death.” 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). “Those arrested are only released if they renounce their new faith and vow to embrace Islam again.” Furthermore, courts have convicted people for blasphemy against Mohammad (insulting Mohammad).

Beginning in 2008, several arrests “appear[ed] to indicate a new, disturbing trend of government-sanctioned intolerance towards religious minorities.” Arrrests for apostasy and proselytizing indicated that “conditions for religious minorities in Yemen appeared to have... deteriorated [in 2008].” 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.”

Institutional Discrimination

Yemen has held its rank as No. 7 on Open Doors’ World Watch List for 2010 and 2011. Open Doors’ World Watch List ranks 50 countries “where persecution of Christians for religious reasons is worst.” For the 2010 reporting period, in Yemen, Open Doors reported that “[t]he status of religious freedom for Christians deteriorated.” 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

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862 Id.
863 Id.
865 Yemen Religious Freedom Report, supra note 279.
867 Id.
868 Id.
870 Id.
improved.\textsuperscript{872} "Several Christian expats, who had resided in the country for many years, were deported from the country without any reason given."\textsuperscript{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.\textsuperscript{874} Converts from Islam additionally face persecution from extremist groups, as "apostates," and "proselytizing of Muslims is prohibited."\textsuperscript{875} Most Christians in Yemen are expatriates "(Westerners, South and East Asians, Arabs) or refugees (mainly Ethiopian)," with "a few converts from Islam."\textsuperscript{876} Churches are scarce, "but in the north of the country no church buildings are allowed."\textsuperscript{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,\textsuperscript{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."\textsuperscript{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.\textsuperscript{880} Additionally, under Sharia law, the government forbids any non-Muslim from membership in Parliament.\textsuperscript{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.\textsuperscript{882}

Most importantly, under Sharia law, converts are considered apostates.\textsuperscript{883} Sharia law expressly prohibits proselytization of Muslims as well as conversion from Islam to any other religion.\textsuperscript{884} Such conversion is a crime punishable by death.\textsuperscript{885} Because Sharia law is part of the Yemeni legal system, the courts have authority to prosecute apostates and proselytizers.\textsuperscript{886}

\textsuperscript{873} Id.
\textsuperscript{874} Id.
\textsuperscript{875} Id.
\textsuperscript{876} Id. at 9.
\textsuperscript{877} Id.
\textsuperscript{878} Yemen Religious Freedom Report, supra note 279, at § II, Restriction on Religious Freedom.
\textsuperscript{879} Id. § II, Legal/Policy Framework.
\textsuperscript{880} Id.
\textsuperscript{881} Id.
\textsuperscript{883} Yemen Religious Freedom Report, supra note 279.
\textsuperscript{884} Id.
No official governmental policy exists to criminalize possession of non-Islamic religious literature. 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. Furthermore, missionary groups and those associated with them have reported that the PSO monitors, harasses, and occasionally censors their mail.

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. This law undoubtedly discourages religious freedom. For example, on November 12, 2005, armed men attacked and stabbed opposition journalist Nabil Sabaie in Sana’a. 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.”

In June 2008 a convert to Christianity and two of his associates were reportedly arrested in Hodeida for “promoting Christianity and distributing the Bible.” 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”.

**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.

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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.*


891 *Id.*

892 *Id.*


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}

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^{897} Id.
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. 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. 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. The Christian community is small and clandestine; estimates as to its size range from 500 to 8,000. There are no Christian churches for Afghani nationals. The only Christian “church” in Afghanistan is located within the diplomatic enclave. 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.

Institutional Discrimination

Afghani law contains several provisions claiming to protect religious freedom. Afghanistan pledges to “observe” the Universal Declaration of Human Rights (UDHR) 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.
902 Id.
903 Id.
904 Id.
905 Id.
906 Id.
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.  

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.” The constitution also purports to protect freedom of expression through speech and writing. However, the constitution makes Islam the official state religion, prohibits any law from contravening Islamic tenets, 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. Ultimately, no law or constitutional amendment may “contravene” Islamic principles. The preeminence of Sharia law and Islam manifest in several ways. For example, the President “shall be . . . Muslim,” and must take an oath to “obey and protect the Holy religion of Islam.” Ministers must swear to “protect” the religion of Islam, and members of the Supreme Court must swear to “attain justice and righteousness in accordance with [the] tenets of the Holy religion of Islam.” While

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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.
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

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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. Although the United States Department of State recently reported that criminal penalties have not been recently imposed on converts, there have been repeated calls for the death penalty over the last several years. 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. The Government charged Rahman with apostasy after his family reported him and police discovered him with a Bible. Afghan 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.” 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.” 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, did the Government end the prosecution by finding Rahman insane for converting to Christianity and refusing to return to Islam. Rahman was released in late March 2006, and was immediately granted asylum in Italy.

In 2010, a Christian lawyer was denied the opportunity to represent an Afghan Christian charged with apostasy. Despite Article 31 of the constitution, providing that every individual arrested has the right to appointed counsel, 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. 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. In a similar circumstance, another charged with the capital offense of apostasy has

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930 Id.
931 Id.
932 See infra notes 306–308, 949 and accompanying text.
934 Id.
936 Id.
939 Id.
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. 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. As the
Christian attorney stated, “there are no ‘rights’ Christians can claim.” 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.”

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. The deputy secretary was reported as calling for the public
execution of all Afghans on the film.

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, the Government and
courts apply traditional Sharia law, imprisoning blasphemers and condemning them to
death. Consequently, both the Government and the Afghani culture consider criticism of or
deviation from the prevailing view of Islam to be punishable by death. 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. After being held without charges, he was eventually convicted of “blasphemy” and
sentenced to death by a local court, although his sentence was later commuted to twenty years
imprisonment.

In November 2007, Ghaus Zalmai, a journalist, was arrested for “publishing an unofficial
translation of the Qur’an in Dari.” Scholars alleged that the translation was “un-Islamic for
misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not

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944 Afghan Authorities Block Lawyer from Visiting Jailed Christian, supra note 317.
945 Afghanistan: Christian Imprisoned, supra note 317.
946 Afghan Authorities Block Lawyer from Visiting Jailed Christian, supra note 317.
947 Christian Jailed in Afghanistan to Face Judge on Sunday, supra note 324.
948 Afghan convert arrives in Italy, supra note 938.
950 See CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, supra note 914 and accompanying text.
951 See infra notes 314–315, 969 and accompanying text.
952 See infra note 315.
955 Laura King, For Afghan, Reprieve Is a 20-year Term, L.A. TIMES (22 Oct. 2008), available at
956 Id.
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 Zalmai’s translation.960 In September 2008, the Kabul primary court sentenced both Zalmai 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.
964 Id.
967 Id.
968 Id.
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

974 Id.
975 Afghanistan Religious Freedom Report, supra note 901, § II (Abuses by Rebel or Foreign Forces or Terrorist Organizations).
977 Id.
OMAN

Oman does not officially have a national constitution. 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.

In November 1996, Sultan Qaboos issued a royal decree, which is considered the country’s Basic Law. The Decree confirms that Islam is the State’s official religion and that Islamic Sharia is the foundation for legislation. 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. 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.

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.” 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.” The Decree recognizes the equality of all citizens and prohibits discrimination based on “gender, origin, colour, language, religion, sect, domicile, or social status.” However, Christians are still treated as second-class citizens.

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. Oman’s Royal Decree of

981 Oman Sultani Decree No. (101/96), arts. 1–2.
982 Id. art. 28 (permitting 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.
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. The government does permit private groups to promote interfaith dialogue but only if the purpose of the discussion is not to convert Muslims. In addition, “[t]he government may use immigration regulations and laws against harassment to enforce the ministry’s policy” against proselytization.

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. 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. 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.

In 2006, MERA distributed a circular to non-Muslim religious leaders that confirmed their right to practice their religion freely. However, MERA prohibited religious gatherings in private homes or outside of government-approved locations. The circular also stated that religious leaders must notify MERA before importing religious materials. While MERA

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990 *Freedom in Oman 2010*, supra note 989.
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 . . . .”).
995 Id.
996 Id.
997 Id.
retains the privilege to review imported religious material, it has not used its privilege.\textsuperscript{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.\textsuperscript{999} The Sultan personally donated land so non-Muslim groups could worship without interference.\textsuperscript{1000}

Nevertheless, the lack of space and small number of locations limit the size and number of groups that may meet.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{1003} Leaders of all religious groups must register with MERA in order to lead worship.\textsuperscript{1004} MERA also monitors mosque sermons for political content and compliance with MERA standardized texts, and enforces a licensing scheme for imams who lead.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{1009} These considerations, taken together with recent legislation and the fact that Oman retains Iran as a close ally,\textsuperscript{1010} give serious cause for concern that the present level of freedom experienced in Oman may not be a reality in the future.

\textsuperscript{998}Id.
\textsuperscript{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) . . . ”).
\textsuperscript{1000}Oman Religious Freedom Report, supra note 988.
\textsuperscript{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.).
\textsuperscript{1002}Oman Religious Freedom Report, supra note 988, § II, Legal/Policy Framework.
\textsuperscript{1003}Freedom in Oman 2009, supra note 979.
\textsuperscript{1004}Oman Religious Freedom Report, supra note 988.
\textsuperscript{1005}Id.; see also Oman Human Rights Report, supra note 979.
\textsuperscript{1006}Oman Religious Freedom Report, supra note 988.
\textsuperscript{1007}Id.
\textsuperscript{1009}Id. at 35.
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

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1011 Freedom in Oman 2010, supra note 989.