

# Religious minorities under oppression

## *HRWF contribution to the Annual report on Algeria's progress under the partnership priorities under the ENP*

HRWF (15.02.2017) - Human Rights Without Frontiers would like to bring to the attention of

- MEPs of the Sub-Committee on Human Rights and of the EU Delegation for Relations with Mahgreb countries
- the European External Action Service
- the European Council

the violations of the right to freedom of religion or belief in Algeria.

Additionally, we'd like to highlight recent events regarding the persecution of members of the Ahmadiyya faith across Algeria.

Although Algeria has signed and ratified the ICCPR, and lawfully provides freedom of creed and opinion, freedom of expression, association and meeting, Algeria firmly instils Islam as the state religion, leaving other religious groups' rights unprotected.

As emphasised in previous Universal Periodic Review submissions for Algeria, there have been countless occasions where minority religious groups have been mistreated and discriminated against. Anti-proselytism laws, registration of religious organisation requirements, and blasphemy laws are frequently used to violate the freedoms of minority religious groups. The Ahmadiyya<sup>1</sup> Muslim faith, a reformist movement within Islam that is often seen to have a progressive agenda, is one such group that has been subject to severe persecution by the Algerian state.

In January 2017, many followers of the Ahmadiyya faith were arrested during multiple police crackdowns in Algeria. While their names have not been released, we know that two individuals were arrested and sentenced to three years in prison in Sidi Bel Abbes, three individuals were arrested in Tipasa, seven in Algiers, and another seven in Oran. Their sentences are not yet known.<sup>2</sup>

Unfortunately, there has been a pattern of such arrests of Ahmadis over the past year. In November 2016, six Ahmadis were arrested and their belongings seized when they were found performing prayers. In September 2016, twenty Ahmadis were arrested during prayers under the pretext of 'public security'; subsequently, the Imam was fined and sentenced to eight months in prison, and the others were handed fines and three months in prison. Additionally, in June 2016, the Research Division of the National Police (SRGN) shut down the community's main headquarters in the city of Bilda and arrested six people. Soon after, the National President of the Ahmadiyya Community in Algeria was also arrested alongside two other individuals. Overall, nine individuals were charged with endangering state security and undermining social integrity.

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<sup>1</sup> See Annex B for more information.

<sup>2</sup> See Annex A for a list of current Freedom of Religion or Belief prisoners in Algeria.

The Ahmadiyya Muslim faith has been systematically repressed in Pakistan for decades. A 1974 amendment to the Pakistani Constitution declared that the Ahmadis cannot be considered Muslim. An ordinance passed in 1984 made it illegal for Ahmadis to 'pose' as Muslims, prohibiting them from using Islamic greetings in public places or calling their places of worship 'mosques.' To obtain a passport, Ahmadis must declare that their founder is a false prophet. The 1986 blasphemy law has likewise become a tool of repression of the Ahmadiyya community. Anyone convicted of defiling the name of Prophet Muhammed is subject to the death penalty. Life imprisonment can be imposed on anyone found guilty of insulting the Quran.

It is apparent that the rights of the Ahmadiyya Community are not being respected in Algeria. We call for Algeria to respect the rights of all religious movements in the country, and to release those who have been unlawfully imprisoned because of their faith.

**Annex A.** Human Rights Without Frontier's 2017 Prisoner's Database: Algeria

## ALGERIA

### Christian

**Slimane BOUHAFS**

**Age:** 49 years

**Date and place of arrest:** On 31<sup>st</sup> July 2016, in Setif, Kabylie Region

**Charges:** Blasphemy against Islam and Muhammed

**Statement of the defendant:** He claims that the message and the pictures he posted on social media about the light of Jesus that overcomes the 'lie' of Islam and on the execution of civilians by the Islamic terrorists referred only to radical Islam and terrorism.

**Article of the criminal/ civil/ administrative code:** The Algerian penal code Article 144 bis (Provides that any individual who insults the prophet and the messengers of God, or denigrates the creed or prophets of Islam through writing, drawing, declaration, or any other means, will receive three to five years in prison, and/or be subject to a fine of between 50,000 and 100,000 Algerian dinars [approximately between €423 and €847 Euro])

**First court decision:** On 7<sup>th</sup> August 2016, he was sentenced to five years in prison.

**Last court decision:** On 6<sup>th</sup> September 2016, his sentence was reduced to three years in prison.

**Other information:** Bouhaf's health conditions are precarious. The Algerian League for Human Rights (LADDH) said it will take this case to the Supreme Court. The sentence could be a way to silence Bouhaf's because of his political activism. He is a member of the self-determination Kabylie movement (MAK), a separatist group.

**Source:** <https://www.worldwatchmonitor.org/2016/08/4582070/>

### **Ahmadis: 35 cases**

#### ***Arrests of six (unnamed) Ahmadis in November***

On 25<sup>th</sup> November 2016, **nineteen** Ahmadis were arrested in Béni Saf and subsequently sentenced to unknown prison terms.

#### ***Arrests of twenty (unnamed) Ahmadis in September***

In early October, **twenty** Ahmadis were arrested in the city of Skikda on 30<sup>th</sup> September for performing Friday prayers at a private villa. In November, Skikda's circuit court sentenced the (unnamed) Imam of Ahmadiyya community to 8 months in prison and fined him 300,000 Algerian Dinars (USD 2,800). While the other arrested individuals were sentenced 3 months in prison and fined 30,000 Algerian Dinars (USD 270).

#### ***Arrests of nine (unnamed) Ahmadis in June***

In June, the Research Division of the National Police (SRGN) shut down the community's main headquarters in the city of Bida and arrested six Ahmadis from Blida. Soon after the security forces also arrested the National President of Ahmadiyya Community in Algeria from Bou-Ismaïl (Tipasa) and two other individuals from the capital Algiers. The nine individuals were charged with endangering state security and undermining social integrity. Sentences are not known.

**Annex B.** Human Rights Without Frontiers 2015 Annual Report: The Ahmadis

## **The Ahmadis**

The Ahmadiyya Muslim community, also known as Ahmadis, is a reformist movement within Islam that has at least 12 million adherents in more than 20 countries. It draws its name from its founder, Hazrat Mirza Ghulam Ahmad, a Punjabi religious teacher of the 19<sup>th</sup> century who claimed to be the Mahdi, the promised Messiah who would come to establish universal peace.

Ahmad wanted to recover what he believed to be Islam's peaceful and tolerant origins. He also appealed for reason and critical thinking to be exercised when reading the Quran. In particular, he cautioned against irrational interpretations and the misapplication of Islamic law. Such pronouncements would evidently run into conflict with the established religious authority in many countries. Indeed, Ahmadiyya has been condemned as blasphemous and non-Muslim by many mainstream Muslims.

Six years after the death of Ahmad, the movement divided into two streams: the Lahore

branch, which regards Ahmad as a reformer and not a prophet, and the Qadiani branch, which believes he was indeed a prophet from God. Today the Lahore Ahmadis are a small minority group within the Ahmadiyya community, meaning that the vast majority of Ahmadis would not consider the Prophet Muhammed to be the last prophet, a major point of contention in view of wider acceptance within the Muslim world.

Ahmadiyya is an international movement with large numbers in Pakistan, Indonesia, America, Britain, and Nigeria. There are also significant communities in Bangladesh, Malaysia, Tanzania, Niger, Cameroon, and Ghana.

### Teachings

Ahmad claimed to be God's appointed Prophet and Mahdi, appearing in the likeness of Jesus (Isa) in fulfilment of ancient prophecy. He declared that his was an Islamic movement, although his teachings differ from traditional Islamic doctrine on several key points. He

The Ahmadiyya also have a distinctive narrative concerning the death of Jesus. Within Islam there are varying interpretations of Jesus' crucifixion. The mainstream view is that he did not die on a cross but was lifted bodily to heaven and will physically return before the end of time. In contrast, Ahmadis believe that Jesus escaped crucifixion and then later died a natural death. Now in the modern era, Ahmad has come in the likeness of Jesus to restore Islam's true and essential nature, to end all wars and to establish God's reign of justice and peace.

Ahmadis promote an overtly non-violent understanding of *jihad*. They underscore the Quranic principle that there must be no compulsion in religion, strongly rejecting the use of violence and terrorism in any form and for any reason. For the Ahmadiyya community, violent jihadism is an affront to the peaceful nature of Islam.

The group also endorses a clear separation of state and religion. In fact, Ahmad taught his followers to protect the sanctity of both religion and government by becoming 'righteous souls as well as loyal citizens.' Today, the Ahmadiyya Muslim Community is a strong advocate for universal human rights and protections for all religions and other minority groups.

### Controversies

Ahmadis have faced stiff opposition in several predominantly Muslim countries, primarily for their reformist views on traditional Islam and the need for a more progressive interpretation of Islamic sources. They have been especially targeted in **Pakistan, Indonesia** and **Bangladesh**, where openly professing their religious identity could lead to threats to their personal security, and legal restrictions on their rights to basic freedoms of expression, peaceful assembly, and participation in public life.

In **Pakistan**, Ahmadiyya have been systematically repressed for decades. A 1974 amendment to the Pakistani Constitution declared that the Ahmadis cannot be considered Muslim. An ordinance passed in 1984 made it illegal for Ahmadis to 'pose' as Muslims, prohibiting them from using Islamic greetings in public places or calling their places of worship 'mosques.' To obtain a passport, Ahmadis must declare that their

founder is a false prophet. The 1986 blasphemy law has likewise become a tool of repression of the Ahmadiyya community. Anyone convicted of defiling the name of Prophet Muhammed is subject to the death penalty. Life imprisonment can be imposed on anyone found guilty of insulting the Quran.

This legal framework, together with the strong influence of religious extremists within the political system, and a culture of intolerance towards religious diversity, creates a permissive environment for extremist attacks in Pakistan. While violence is generally perpetrated by non-state extremist groups, the police and judiciary are routinely accused of complicity in maintaining a system of discrimination and violence towards the Ahmadiyya community.

Ahmadis in **Indonesia** face similar legal and social hurdles, fuelled by ongoing resistance to Ahmadiyya's teachings from conservative Islamic groups. The repression of religious freedom for Ahmadis was institutionalised by the government's 2008 Joint Ministerial Decree, which explicitly bans Ahmadis from engaging in any activity that spreads or promulgates their teachings or doctrine. Violators are subject to imprisonment of up to five years. Regional and administrative strictures followed, further narrowing the scope of legal protections provided to Ahmadis in Indonesia.

In **Indonesia**, regional regulations and administrative decisions banning the activities of Ahmadiyah have not only increased in number since the introduction of the Joint Ministerial Decision 2008, but they have also grown in intensity and scope. Such regulations issued by regional authorities reflect the increasingly conservative positions of local governments on the issue of Ahmadiyah. In the absence of initiatives from the national government to protect the rights of Ahmadis, local governments are free to restrict religious freedom, leaving Ahmadis without the protection of the legal system.

Indonesian law forbids the Ahmadiyya from giving deviant interpretations of Islamic teachings and proselytizing their beliefs, but it is often more widely interpreted such that Ahmadis can observe their religion only in their private houses but cannot hold religious gatherings and appear in public showing their beliefs.

Speeches held by mainstream Islamic religious leaders clearly denouncing Ahmadiyah and its teachings as deviant have fomented attacks against the group, frequent and well documented by NGOs. There are many cases in which Ahmadis victims of persecution were jailed, while the perpetrators were left unpunished.

Although the right to religious freedom in theory also applies to religious minorities, in Indonesia it is often used to justify the protection of the rights of the religious majority.

Ahmadis are also harshly persecuted in other countries such as **Bangladesh**, where the Ahmadiyya community is perceived as a conflicting identity with the majority Muslim population. Sporadic violence against them has taken place for some years; however, since 2004 anti-Ahmadiyya extremists have been publicly demanding that the government pass legislation to contain their activities and restrict their daily lives. For instance, doctors and healthcare providers have been pressured to not provide treatment to Ahmadis. Also, many Ahmadiyya families have lost their profession and livelihood due to their religious commitment.

The explanations for Ahmadiyya's persecution and discrimination are multifaceted although interrelated. Some are more related to 'religious unity,' others to 'political interests,' but the reasons converge and are used to gain legitimacy in political and religious discourse.

The Ahmadiyya community has been symbolically constructed by some mainstream Muslims to be not only heretical but also disloyal and traitorous, 'the enemy within' and a threat to the moral stability of the nation. The Ahmadis, even if a relatively small community, threaten the perceived unity of Islam and introduce values and teachings which distort the 'true' religion of Islam. The suppression of Ahmadiyya has therefore become for some Muslims justifiable, as it is done in defence of Islam itself.

In **Indonesia** the persecution of Ahmadis can be linked to the country's history of struggle for legitimacy by various political actors since 1998. The mass riots and subsequent regime change of 1998 opened the possibility for the democratisation of Indonesian society, including a strengthened role for Islam in the social and political affairs of the state. A number of radical Muslim movements have proliferated since this period and have grown in numbers and influence along with increased intolerance toward the Ahmadiyya community and even incidents of violence. The government response to such incidents has been tepid at best.