

## Shias

Shortly after the death of the Prophet Muhammad in 632 CE, Islam split into two main branches, a division that persists to this day. A disagreement arose concerning the legitimate successor (*caliph*) of the Prophet. Some supported Muhammad's cousin and son-in-law, Ali ibn Abi Talib as the caliph, and others Abu Bakr, the Prophet's father-in-law. Those who consider Ali to be the divinely-appointed first *Imam* after Muhammad and his descendants became known as the Shias (from the Arabic word for 'partisan'). The opposing group, who holds Abu Bakr as caliph, are known as Sunnis.

The chief difference between Shias (who number just about ten to thirteen percent of all Muslims globally) and the much larger majority of Sunni Muslims is therefore a matter of authority. This is expressed not only in the question of succession to the Prophet but also in the literary sources from which authority is derived and the manner in which Islamic law is interpreted.

Although they account for a small percentage globally, Shias represent majority populations in Iran, Azerbaijan, Bahrain, and Iraq. Four countries – Iran, Pakistan, Iraq, and India – account for sixty-eight to eighty percent of Shias worldwide. There are altogether about 120 million Shias in the world.

There are many subgroups within Shia, the most prominent being the Twelvers, so called because of their belief in the Twelve Imams that have been chosen to bear the true message of Islam. For this group the last Imam is the promised *Mahdi*, who will appear one day to establish justice and peace on the earth.

## Teachings

All of Islam teaches that there is no God but Allah and that Muhammad is the Prophet of God. Shia Muslims consider the *Imams* to be the rightful successors of the Prophet and therefore the authentic representatives of Islam. The Imams are exemplary individuals, free from sin and error, who interpret *sharia* and the hidden meaning of Quran correctly.

Some Shia clerics believe that the Imam should be not only a spiritual leader but should also assume the powers of government as Guardian of the Jurist (*Velayat-e-Faghih*). This notion provides a foundation for theocratic government; however, the extent of those powers is a matter of sharp debate among Muslim scholars.

In 1979, Ayatollah Ruhollah Khomeini became the first Shia cleric to establish a government based on this Shia concept, *Velayat-e-Faghih*, in Iran.

Aside from the unique politico-religious beliefs of Shia, there are particular observances that are practiced. For example, Shia Islam includes pilgrimages to the shrines of the Twelve Imams and their relatives. Many towns and villages in Iran also maintain secondary shrines (*imamzadehs*), which commemorate those who have led especially saintly lives.

The holy day of Ashura, which marks the climax of the Remembrance of Muharram, is an occasion for great devotion and recommitment to the faith for Shia. Ashura commemorates the death of Imam Husayn ibn Ali, the son of Ali and Fatima, and grandson of the Prophet. He was killed at Karbala in 680 CE, a decisive event in the historical divide between Sunni and Shia Muslims.

## Controversies

Shia Muslims are most often the victims of religious intolerance in countries where Sunni Muslims are an overwhelming majority. In Sunni dominated countries, the existence of Shia Islam can be seen as a threat to the central government, capable of challenging the political and economic power of the state.

For instance, in the Kingdom of Saudi Arabia, where Wahhabi Sunnis are the majority, the government exerts pressure on the small Shia population in an effort to strengthen its hegemony over the country's political and economic affairs. Shias in **Saudi Arabia** live mostly in the Eastern Province, a region known for its rich oil resources. The Shias are systematically marginalised and discriminated against in political, educational and vocational settings. When protests erupted in 2011 to address these inequalities, the government responded with mass arrests and even death sentences.

Even in Shiism dominant countries, such as **Iran**, the Shia population can face oppression, notably in regards to debates on theocratic models. When these political institutions are called into question on ideological bases, the government often regards these critiques as a threat to the central power and legitimacy of the state.

Other countries cite security concerns, claiming that the activities of certain religious groups must be restricted when state security has potentially come under threat. This is the reason cited by the government of **Malaysia** for the repression of Shia in that country. The sectarian conflicts in the Middle East have become justification for banning Shia for fear that similar conflicts may be imported from the region. The 1996 fatwa outlawing the Shia is currently enforced in eleven out of fourteen Malaysian states.

In **Indonesia**, violence perpetrated against Shia has escalated in recent years and generally goes unprosecuted due to the central government's preferential policies in favour of Sunni Muslims. In 2012, a mob attacked and burned Shiite homes in Sampang, forcing hundreds to relocate. In April 2014, the world's first convention of the 'Anti-Shia Alliance' was organized in the capital city of Jakarta. More than one thousand people attended the event which called for a *jihād* against Shia Muslims.

In **Pakistan**, Shias are similarly targeted for violent attacks. Prosecution of the individuals responsible for the attacks is rare.

In **Azerbaijan**, the authorities regularly target a number of Shia clerics who refuse to join the state-recognized Caucasus Muslim Board, who propagate views and practices of Iran or who actively promote the establishment of an Islamic Republic of Azerbaijan.

Finally, in **Bahrain**, where the majority population is Shia, the country is governed by a Sunnite royal family that opposes what it believes to be interference into its internal affairs by Iran. Deeply rooted discrimination has provoked protests and demonstrations in recent years, which have often been met by government repression, arrests and torture.

## **Shias in Prison**

### **Iran**

In Iran, some Shias have been sentenced for professing unorthodox or dissenting views. Six cases are documented in the **Prisoners' List** of *Human Rights Without Frontiers*. A few examples:

In 2011, **Mohammad Ali Taheri**, who professes to be a Shia Muslim, was found guilty of 'acting against national security' and 'blasphemy' for promoting alternative medical therapies. In August 2015, he was sentenced to death by the Revolutionary Court for 'corruption on earth' (*fesad fel arz*).

**Ayatollah Mohammad Kazemeini Boroujerdi** is presently serving an eleven-year sentence on multiple charges, primarily related to his defending the separation of religion from the state. Such a declaration is a denial of the cornerstone doctrine of the Islamic republic (*velayat-e-faghih*). In addition to the imprisonment, the government banned him from practicing his clerical duties and confiscated his home and belongings.

In 2013, **Soheil Arabi** was indicted for insulting the Prophet Muhammad and the Supreme Leader on his Facebook page. For the first accusation he was sentenced to death, but this was later commuted in September 2015 to reading and summarizing thirteen books on theology and Islam, and studying theology for two years. During these forced studies, Arabi was serving a separate seven-and-a-half-year prison term for insulting the Supreme Leader.

**Hesameddin Farzizadeh** was sentenced to seven years of in prison and 74 lashes and death penalty (for apostasy) for writing a book titled "From Islam to Islam" in which he examines the history of Shia Islam and raises questions about certain facets of Shia beliefs.

### **Azerbaijan**

On 5<sup>th</sup> November 2015, Baku's Sabunchu District Police arrested **Sahib Habibov** and Imam **Elchin Qasimli** in the village of Mashtaga, where Qasimli leads prayers in the Hazrat Abbas

Mosque. The police objected to a sermon Qasimli gave protesting police torture of Imam Bagirov on the 3rd of November. Angered by his arrest, approximately sixty of Imam Qasimli's supporters gathered in front of the Sanbunchu District Police Station where he was being held. About twenty persons were arrested. On 6<sup>th</sup> November, the Sabunchu District Court sentenced ten of them – including Imam Qasimli – to up to thirty days' imprisonment. The names of those arrested and sentenced during this incident are unknown.

On 26<sup>th</sup> November 2015, in Baku/ Nardaran, fourteen people were arrested in a special police operation against the Muslim Unity Movement in Baku/ Nardaran: **Taleh Bagirzade, Abulfaz Bunyadov, Rasim Bunyadov, Abbas Tagizada, Abbas Quliyev, Jabbar Amiraslanoglu, Rasim Jabrayilov, Karbalayi Etibar** (from the village of Bilgah), **Bahrüz Quliyev**, seventeen-year-old **Jihad Balahuseynoglu** (who is injured), **Alibala Valiyev, Ibrahim** (surname unknown), **Shahin Abdulaliyev** (from the village of Mushfiqabad), and **Ali Nuriyev**. At a hearing on 28<sup>th</sup> November, a Baku court ordered the fourteen to be held in pre-trial imprisonment for four months.

On 26<sup>th</sup> November 2015, in Gyanja, six people allegedly linked to the Muslim Unity Movement were arrested: **Mubariz Ibrahimov, Ramiz Sariyev, Rovshan Asadov, Anar Sultanov, Fuzuli Abbasov, and Ramil Abbasov**.

The **thirty-one arrested Shia Muslims** (mentioned above) are being investigated under some or all of these Criminal Code Articles and possibly others, according to the 1<sup>st</sup> December joint statement: Article 120 (Murder), Article 214 (Terrorism), Article 220 (Mass disorder), Article 228 (Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives), Article 233 (Organisation of actions promoting infringement of the social order or active participation in such actions), Article 278 (Violent attempts to seize power), Article 279 (Creation of illegal armed formations or groups), Article 281 (Public appeals for violence directed against the state), Article 283 (Inciting national, racial or religious hatred), and Article 315 (Application of violence, resistance with application of violence against a representative of authority in connection with performance of official duties by him, or application of violence not dangerous to life or health concerning his close relatives, as well as threat of application of such violence).

As of the end of December 2015, *Human Rights Without Frontiers* could not say if the arrested people had been detained on the grounds of freedom of religion or belief or for other reasons.

## Egypt

**Amr Abdullah** was sentenced in February 2014 to five years in prison for blasphemy and defamation of the Prophet Muhammad's companions. It was said that he was arrested for trying to introduce the Shia festival of Ashura in Al-Hussain Mosque the previous year.

### **Indonesia**

**Tajul Muluk**, a Shia cleric, was sentenced in 2012 to four years in prison for blasphemy, because he argued that the current version of Quran is not the original one, and he questioned the belief concerning the five pillars of Islam.

**Andreas Guntur** was sentenced to four years in prison for blasphemy in March 2012. He is the leader of Amanat Keagungan Ilahi against which the Indonesia Council of Ulemas issued a fatwah in 2009, claiming that the movement rejected conventional Islamic rituals.

### **Conclusions**

Sunni and Shia Muslims have lived peacefully side by side in many countries and for long periods of time. It was common for them to intermarry and even pray at the same mosques. However, Shias have increasingly been regarded as religious and political rivals, even in Sunni dominant regions. For this reason, Shias often find themselves in a vulnerable position; their very presence is a source of tension between the two main Islamic communities. The need for dialogue between Sunni and Shia clerics is urgently needed in our times to diffuse conflicts and counter violence.

National laws are playing a key role in protecting or violating the right to freedom of religion or belief in Muslim-majority countries. In some contexts, laws are written in a way that allows the discrimination of religious minorities. For instance, Article 98 W of the Egyptian criminal code prohibits 'ridiculing or insulting heavenly religions or inciting sectarian strife.' Egyptian officials often make reference to this article as a basis for the repression of religious groups. That is also true of Iran, where the majority of charges are rooted in very ambiguous concepts of Islamic criminal law such as 'acting against national security,' or 'blasphemy,' and 'enmity against God.' Similarly in Bahrain, peaceful demonstrations can be framed as 'plots to overthrow the regime.'

In these countries there is no article stipulating that being Shia or other religious minority is a crime; however, vague language in the law allows for the possibility for it to be interpreted that way. Criminal punishments could restrict the religious freedom of individuals, and, in some countries, even result in their execution. Consequently, the penal code should be clear and precise to avoid any such infringement of the right to freedom of thought, conscience, religion, or belief. Any broad or vague concept should be made clear and carefully scrutinised by legislatures before the laws are adopted.