

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 imported from 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 Sunni 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 to prisoner terms for professing unorthodox or dissenting views.

In January 2015, **Ayatollah Mohammad Reza Nekounam** was arrested in Qom on charges of insulting a religious figure. He was sentenced to **five years in prison** by a Special Clerical Court. Nekounam claims he criticized the fatwa that was issued by Ayatollah Makaram Shirazi against high speed internet.

In 2014, **Hesameddin Farzizadeh** was sentenced to **seven years of prison, seventy-four 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. He was charged with insulting the prophet Mohammed and Ayatollah Khomeini and was sentenced by the Criminal Court of Meshkinshahr in Ardabil province.

Ayatollah Mohammad Kazemeini Boroujerdi was sentenced to an **eleven-year prison term** in 2006 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.

On 20th August 2013, **Amir Golestani** was sentenced to **twenty years and one day in prison** by Branch 28 of the Revolutionary Court. He was charged with propaganda against the regime, insulting the Supreme Leader, publishing obscene photographs, conspiracy, and blasphemy. His verdict was upheld by an appeals court.

On 23rd November 2013, **Seyed Masoud Seyed Talebi** was arrested and charged with collusion against national security, propaganda against the regime, and blasphemy. He was originally sentenced to fifteen years and one day in prison but in a revised sentence by Branch 28 of the

Islamic Revolutionary Court, he received **twenty years and one day in prison** due to an additional blasphemy charge.

Azerbaijan

On 22nd February 2017, **Sardar Babayev** was arrested in the Masalli District and charged with leading worship after gaining theological education outside of Azerbaijan. Babayev was tried in accordance with penal code article 168-1.3.1, which mandates internal religious education for Muslim leaders, and was sentenced to **three-year prison term** in July 2017. He was held at the Justice Ministry Investigation Prison in Kurdakhani in Baku and awaits a date for his appeal.

In December 2014, **Elshan Mustagaoglu Mustafayev** was arrested in Baku and charged with treason and spying for Iran. He rejected the accusations but was tried under article 274 of the criminal code, which punishes espionage with property confiscation and twelve years to life imprisonment. Mustafayev was originally sent by Azerbaijan's Education Ministry to study in Iran in the 1990s and had worked with state-backed organizations before his arrest.

The Muslim Unity Movement in Azerbaijan

On 5th February 2016, General Prosecutor Zakir Qaralov announced that sixty-eight Shias had been arrested as part of the crackdown on the Muslim Unity Movement, fifty-seven of which were arrested in and around Baku, and another eleven in Gyanja and elsewhere. The Muslim Unity Movement is not a religious association but a socio-political organization.

Since the movement started in November-December 2015, authorities have repeatedly claimed that supporters of the movement have been preparing to overthrow the government and have been storing weapons and ammunition. This could not be confirmed by third parties.

This signals that the movement is a civil society organization and not a religious entity likely to enjoy the protection of Article 18 of the ICCPR, Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) or Article 9 of the European Convention in case an application would be filed with the European Court of Human Rights.

Consequently, HRWF does not recognize those members of the Muslim Unity Movement as FoRB prisoners but considers that they have the right to a fair trial and not to be tortured or subjected to inhumane treatment. See more details at <http://bit.ly/2ccqOgL>.

The Muslim Unity Movement is mainly based in Nardaran, a stronghold of conservative Shia Islam on the outskirts of Baku, where about 8,000 residents follow and share the teachings of Imam Taleh Bagirzadeh. They regard Iranian Ayatollah Ali Khamenei as their supreme religious

leader, and reject the authority of the state-recognized Caucasian Muslim Board of Azerbaijan (CMBA) and its chairman, Sheikh-ul-Islam Allakh-Shukur Pashazade. They often criticize the CMBA for its subservience to the political authorities.

Saudi Arabia

On 3rd August 2011, Sheik Tawfiq al-Amr was arrested and charged with defaming the country's ruling system, defaming its leaders, inciting sectarianism, and apostasy. He denied the charges and claims he was criticizing discrimination against Saudi Arabia's Shia population. On 17th December 2012, he was sentenced to **three years in prison**, with a five-year travel ban and a ban on sermons. In February of 2016, a Saudi court imposed an eight-year prison term and eight-hundred lashes, along with an official statement of repentance in state media.

Conclusions

Iran and Azerbaijan are Shia majority countries but the Shias who profess dissenting opinions about the official doctrines and practices of their faith risk various sorts of punishment, including imprisonment. Moreover, **Azerbaijan**, a secular country, suspects Shia clerics who have studied theology in Iran of wanting to overthrow the regime in order to introduce a theocratic system of governance. In **Saudi Arabia**, Shias are in the minority and may also be convicted for the peaceful exercise of one's right to freedom of thought and conscience, and freedom of expression in religious matters.