

In Prison for Their Faith 2020



**A report about FoRB prisoners
that covers 13 religious communities
in 14 countries**

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Human Rights Without Frontiers



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that covers 13 religious communities in 14 countries*

Willy FAUTRÉ

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Acronyms

ADDD: An Dan Dai Dao
BSV: Buddhist Sangha of Vietnam
CAG: Church of Almighty God
CCC: China Christian Council
CCP: Chinese Communist Party
CCPA: Chinese Catholic Patriotic Association
CPC: Countries of Particular Concern
CRA: Vietnam's Government Committee for Religious Affairs
CSW: Christian Solidarity Worldwide
CQRS: China Qigong Research Society
DPRK: Democratic People's Republic of Korea
ECtHR: European Court of Human Rights
EP: European Parliament
EU: European Union
FoRB: Freedom of Religion or Belief
HRWF: Human Rights Without Frontiers
ICCPR: International Covenant on Civil and Political Rights
ISIS: Islamic State of Iraq and Syria
MEP: Member of the European Parliament
MSS: Ministry of State Security
NGO: Non-governmental organization
NKDB: Database Centre for North Korean Human Rights
NSC: National Security Committee
OSCE: Organisation for Security and Co-operation in Europe
PCA: Partnership and Cooperation Agreement
ROK: Republic of Korea
SARA: China's State Administration for Religious Affairs
SCC: Evangelical South China Church
SPC: Supreme People's Court (of China)
SWL: Special Watch List
TSPM: Three-Self Patriotic Movement
UBSV: Unified Buddhist Sangha of Vietnam
UDHR: Universal Declaration on Human Rights
UK: United Kingdom
UN: United Nations
UNHCR: United Nations High Commissioner for Refugees
USCIRF: United States Commission on International Religious Freedom
US: United States
XUAR: Xinjiang Uygur Autonomous Region

Foreword: Who is (not) a FoRB Prisoner?

There is often much confusion around the concept of the freedom of religion or belief (FoRB) in respect to the identification of groups and persons who are victims of FoRB violations.

Clarification is needed to distinguish **FoRB prisoners** from **religious prisoners of conscience**, **FoRB defenders** and **human rights defenders**.

A **FoRB prisoner** is someone whose rights, protected by **Article 18 of the International Covenant on Civil and Political Rights (ICCPR)**¹ and **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**,² were violated by state institutions. Additionally, he/she must be deprived of his/her freedom of movement, put in pretrial detention or sentenced to a prison term for the legitimate exercise of these two articles.

The European Court of Human Rights in Strasbourg has been referred to in a large number of alleged cases of violations of Article 9 of the European Convention on Human Rights³ (equivalent to Article 18 of the ICCPR) in the 47 member states of the Council of Europe. A substantial number of complaints were declared inadmissible while others were not found to be violations of Article 9. Those that were successful are on the website of the Strasbourg Consortium.⁴

In the construction of its FoRB Prisoners' Database and the drafting of this report **'In Prison for Their Faith 2020'**, *Human Rights Without Frontiers* (HRWF) has found its inspiration in the methodology and the jurisprudence of the European Court to identify cases where a prisoner was a victim of violations of **Article 18 of the ICCPR** and **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)**.

¹ "International Covenant on Civil and Political Rights," entry into force March 23, 1976, *United Nations Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

² "Declaration on the Elimination of All Forms of Intolerance," publication November 25, 1981, *United Nation Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx>.

³ "European Convention on Human Rights," entry into force September 3, 1953, *European Court of Human Rights, Council of Europe*. https://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁴ "Strasbourg Consortium," Strasbourg Consortium: Freedom of Conscience and Religion at the European Court of Human Rights, 2020. <https://www.strasbourgconsortium.org/index.php?pageId=9>.

FoRB Rights and Activities

According to **Article 18 of the ICCPR**, the individual right to FoRB includes:

- the freedom to have (or not have) a religion or beliefs,
- the freedom to change or to retain one's religion or beliefs,
- the freedom to share one's religion or beliefs,
- the freedom of association,
- the freedom of worship and assembly,
- and conscientious objection to military service.⁵

In this regard, a number of cases are clearly protected by the aforementioned international standards such as:

- a Baha'i or an Ahmadi identifying themselves as such in Iran or in Pakistan,
- a Muslim or a Hindu converting to Christianity in Morocco or in India,
- an Evangelical Protestant trying to share his/her beliefs in public or in private in Uzbekistan,
- Said Nursi Muslims or Pentecostal Protestants meeting in a private home or a public place for worship or any other religious purposes whether their group is registered by the state or not,
- and a Jehovah's Witness refusing to perform military service in South Korea or Eritrea.

If such people are arrested, fined or imprisoned for such activities, they are victims of **FoRB violations**.

According to **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**, the right to freedom of thought, conscience, religion or belief includes, inter alia, the following freedoms:

⁵ In its General Comment 22, par. 11, the United Nations Human Rights Committee said in 1993 that the right to conscientious objection falls within the scope of Article 18:

'(...) The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service (...).'

See the full text of Human Rights Committee, *Compilation of General Comments and General Recommendations, Comment 22, Article 18* (U.N. Doc. HRI/GEN/1/Rev.1 at 35) 1994.
<http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.⁶

Anyone who is arrested and deprived of his/her freedom for one of these activities is, without any doubt, to be considered a **FoRB prisoner**.

Additionally, it is important to note that the list in Article 6, which is almost 40 years old now, is not exhaustive. For example, freedom of expression on religious or belief issues online is a right that could not exist in 1981, but that is now considered part of FoRB. This development has become very important as a number of states have reacted to the new freedom in cyberspace by introducing and/or strengthening penal laws against blasphemy, contempt of religion, hurting the feelings of the believers of the dominant religion or insulting the Prophet.

In some cases, believers and clerics resist their government's attempts to restrict or violate FoRB by petitioning the authorities or filing complaints with international institutions. This is another dimension of their freedom of expression on religious or belief issues. If they are repressed by their governments for such activities, they are victims of **FoRB violations** and are protected by the aforementioned human rights instruments.

⁶ “Declaration on the Elimination of All Forms of Intolerance,” publication November 25, 1981, *United Nation Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx>.

FoRB Defenders as Human Rights Defenders

There is no set definition of who is or can claim to be a **human rights defender**. The UN Declaration on Human Rights Defenders⁷ (1998) first addressed this issue. In another UN document titled *Who is a defender*, it is written:

There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to ‘individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals’ (fourth preambular paragraph).⁸

In accordance with this broad categorisation, they can be any person or group of persons working to promote human rights, ranging from intergovernmental organisations to individuals working within their local communities. Defenders can be of any gender or age, from any part of the world and from professional or informal backgrounds. In particular, it is important to note that human rights defenders are not only exclusively found within NGOs and intergovernmental organisations.

FoRB defenders make up a subdivision of human rights defenders.

A number of non-state actors occasionally or regularly defend the rights of believers, clerics and religious associations whether they are one of them or not. Some human rights organisations place FoRB on their agenda among other topics. Some lawyers defend prisoners arrested for evangelising in the public space. Additionally, there are journalists and bloggers who report on blasphemy laws, FoRB restrictions or violations. They are all FoRB defenders.

If they are arrested and/or imprisoned, it is due to their work as human rights defenders. Consequently, **they are not FoRB prisoners** since, in their case, imprisonment is **not a violation of Article 18 of the ICCPR or Article 6 of the 1981 UN Convention**, detailed above.

⁷ General Assembly, *Declaration on Human Rights Defenders* (Resolution A/RES/53/144) March 8, 1999. <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>.

⁸ “Who Is a Defender,” United Nations Human Rights Office of the High Commissioner, accessed May 2020. <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>.

Believers and Clerics as Non-violent Social or Political Activists

In the 1970s and 1980s, a number of Catholic priests in Latin America who engaged in non-violent social activities were arrested or victims of extra-judiciary killing.

During WWII, clerics were engaged in non-violent resistance movements against the German occupying forces.

In Northern Ireland, priests and pastors were involved in the political violence until the 1998 Good Friday Agreement.

In Thailand, Buddhist priests were arrested and beaten by the police for demonstrating against the government in the last decade.

In China, Tibetan Buddhist monks have regularly protested against the annexation and occupation of their country by China since the 1950s.

In Tajikistan, the Islamic Renaissance Party was banned and their members were sentenced to lengthy prison sentences in the last few years. Some of their political meetings were taking place in mosques, which is forbidden by law.

In Azerbaijan, imams organised demonstrations to denounce the corruption of the regime and to advocate for democracy, but they were placed in prison.

State repression against activists such as the ones listed above cannot be labelled as religious persecution or violations of religious freedom because these activists are not protected by **Article 18 of the ICCPR or Article 6 of the 1981 UN Convention**, but by other UN instruments. Therefore, such prisoners could be characterised as political prisoners, victims of politically motivated imprisonment, Christian prisoners of conscience, or Muslim prisoners of conscience, but **not as FoRB prisoners**.

Introduction

Freedom of religion or belief (FoRB) is a universal human right guaranteed by Article 18 of the Universal Declaration on Human Rights (UDHR) and the UN International Convention on Civil and Political Rights (ICCPR).

Victims of FoRB violations are often:

- members of minority religious communities perceived as a threat by the state or considered heretical groups;
- members of majority religions having dissenting theological opinions;
- or individuals accused of vague blasphemy charges.

State Repression of Legitimate Activities of Members of Religious or Belief Groups

Quite a number of UN member states fail to abide by UN standards, with some criminalising individual and collective rights related to FoRB.

State repression may include various forms of **physical punishment, prison terms and exorbitant fines**, sometimes of up to 100 times the minimum monthly salary, or even the **death penalty**.

Physical punishments, such as lashing, flogging, and caning, are forms of torture and inhumane and degrading treatment. Some Muslim majority countries apply them in cases of religious conversion, blasphemy or allegedly offensive statements related to FoRB issues.

Imprisonment is another form of state repression that is often used based on laws criminalising:

- the affiliation or identification with a specific religious or belief group that may be banned or ostracised;
- the public expression of atheism and agnosticism;
- the questioning of official religious teachings;
- the conversion to a minority religion or a new religious movement;
- proselytising by minority religious or belief groups;
- worship and religious meetings by peaceful groups that are not allowed to operate because they are either not state-sanctioned or have been arbitrarily denied state registration;

- or conscientious objection to military service.⁹

Victims of imprisonment are usually:

- members or leaders of banned or unregistered religious or belief groups for any of their activities;
- members or leaders of registered religious or belief groups who have been found to violate laws restricting the individual freedom to change religion or belief, to carry out missionary activities or the collective freedoms of association, worship and assembly;
- members or leaders of religious groups arrested and kept in detention without any charges or court decisions;
- people exercising their freedom of thought and conscience and accused of blasphemy;
- or conscientious objectors to compulsory military service.

The **death penalty** is a violation of the right to life. A number of Muslim majority countries use the death sentence in cases where there has been a change of religion or alleged blasphemy, such as in Pakistan. People sentenced to death under blasphemy laws are usually kept on death row but never executed, and instead serve life sentences in prison.

What Are the Charges?

A specific difficulty concerning the identification of FoRB prisoners is related to the official charges against them.

The reasons advanced by some states for various prison sentences can be divided into two categories:

- a breach of laws on religion that unduly restrict the rights guaranteed by international instruments such as Article 18 of the UDHR and the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

⁹ In its General Comment 22, par. 11, the United Nations Human Rights Committee said in 1993 that the right to conscientious objection falls within the scope of Article 18:

‘(...) The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service (...).’

See the full text of Human Rights Committee, *Compilation of General Comments and General Recommendations, Comment 22, Article 18* (U.N. Doc. HRI/GEN/1/Rev.1 at 35) 1994.

<http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

- or a violation of other laws, which are often purposefully misapplied by state actors.

A number of official charges, abused and misused for the purpose of repressing religious or belief minorities, clearly challenge the rights protected by Article 18 of the ICCPR: the right to change one's religion, the individual right to share one's beliefs in private and in public, the collective right to worship and assembly without state permission, and so on.

However, a wide range of other charges are politically motivated to stop the activities of leaders and activists of minority religious or belief groups, to deter others, and to reduce or eliminate minority religious or belief communities. This is particularly the case of the Baha'is in Iran, the Tibetan Buddhists and Uyghur Muslims in China, the Montagnard Christians in Vietnam and certain Muslim denominations in Central Asia and Russia.

For example, in **Iran**, Evangelical and Pentecostal Protestants have been indicted for: membership in organisations that aim to disrupt national security; assembly and collusion against national security; undermining national security; propaganda against the system; organising a group to overthrow the regime; enmity against God (Moharebeh); and other crimes.

Sufi Muslims have been accused of: violations of public order; involvement in a skirmish causing physical harm; carrying illegal weapons; participating in gatherings with the aim of overthrowing the Islamic Republic; enmity against God; and corruption on earth.

Baha'is have been sentenced for: organising an illegal group with the goal of aiding the Islamic Republic's enemies; membership in an illegal and perverse sect with the goal of attracting Muslims and preaching against the Islamic Republic; organising assemblies with the intention to disturb the national security; use, possession and distribution of illegal compact discs containing appalling and offensive material; and using falsely obtained degrees, illegal counselling, or running illegal classes.

In **China**, the charges against Falun Gong practitioners usually concern membership in a banned group, spreading lies about organ harvesting or trying to overthrow the regime. However, most of the time the charges are not publicised.

Report “In Prison for Their Faith 2020”

This report covers cases of FoRB prisoners belonging to 13 religious or belief communities: Ahmadis – Baha’is – Buddhists – (Roman) Catholics – Church of Almighty God members – Falun Gong practitioners – Jehovah’s Witnesses – (Oriental) Orthodox Christians – Protestants – Said Nursi followers/ Muslims – Sufis/ Muslims – Sunnis/ Muslims – Tabligh Jamaat/ Muslims. These groups and their members are specifically targeted by various states.

There are also some prisoners who belong to minority religious groups, but whose prison sentence was not necessarily related to their religious affiliation. This is the case for:

3 Anglicans: 2 in Pakistan and 1 in Iran

2 Shias: 1 in Pakistan and 1 in Iran

1 Hindu in Pakistan

They were all imprisoned on blasphemy related charges.

Additionally, an unknown Muslim group (Faizrakhman) in Russia has five people in prison. Due to a lack of information, they have not been included.

In our most recent FoRB report published in 2017, there were Scientologists in prison in Russia, Erfan-e-Halghe followers imprisoned in Iran, Milah Abraham/ Gafatars in prison in Indonesia, and Shias imprisoned in Azerbaijan, Iran and Saudi Arabia.

They have all been released.

Since many of the groups discussed in this report are unknown or not well known to the general public and are often mischaracterised by the oppressing powers or the media, HRWF has briefly presented each of them according to the same structure. First, general information about each group is presented, followed by their teachings and then country-specific information. For example, each country is structured as follows:

- Reasons for the persecution of the Baha’is in Iran
- Baha’is in prison in Iran
 - Baha’is behind bars: some statistics
 - Articles of the penal code
 - International advocacy
 - Case studies

Finally, each section ends with concluding comments.

Database of FoRB Prisoners: About 5,900 documented cases

This report is based on HRWF's **Database of FoRB Prisoners** which started in 2013. It is available on our website at <https://hrwf.eu/prisoners-database/> and is updated every month.

At the time of writing, it was comprised of about 5,900 documented individual cases filed by country and denomination. Data collection covers:

Country
Affiliation
Last name
First name
Sex
Date of birth
Age at the date of arrest
Date of arrest
Place of arrest
Charges
Related legal code
Statement of defence
Estimated date of detention
Prison term
Place of detention
Estimated date of release
Other information
Sources

Many individual cases could not be included in our Database of FoRB Prisoners due to the secrecy of certain political regimes, such as in North Korea. This was also the case for Uyghur Sunnis and Tibetan Buddhists in China.

Another challenge to the construction of the Database has been an imbalance in reporting. On one hand, the Western media and Christian agencies tend to meticulously report on prisoners from Christian minorities in the world, even from obscure religious groups. However, on the other hand, FoRB prisoners belonging to non-Christian minorities often go unreported or are poorly represented in open sources.

Lastly, there is much difficulty in isolating FoRB violations from other human rights violations in cases of ethno-religious groups such as Tibetan Buddhists and

Uyghur Sunnis in China, Montagnard Protestants in Vietnam and others. Moreover, the staggering numbers of detained Falun Gong practitioners, members of The Church of Almighty God and Uyghur Sunnis (1-2 million are in various detention facilities for political and religious ‘re-education’) make it impossible to cover individual cases.

The purpose of the **Database of FoRB Prisoners** is to:

- identify non-violent individuals who are detained for the peaceful exercise of their freedom of religion or belief;
- place them (back) on the advocacy agenda of local and international human rights NGOs, institutions and religious or belief groups with which they identify;
- and focus attention on individuals who were sentenced to lengthy prison terms, forgotten and abandoned by all, and to people who ‘disappeared’ after being arrested and might still be alive.

Many of these individuals have never been on the radar of human rights organisations and institutions. Those that are, are often only top of mind for a limited period of time before being forgotten.

HRWF’s **Database of FoRB Prisoners** is an essential tool to map the magnitude of one of the worst forms of FoRB repression: imprisonment. This instrument can be used to analyse the roots of this oppression and to orient advocacy for the release of religious prisoners.

In Prison for Their Faith 2020
HRWF Chart of FoRB Prisoners as of June 2020

	Total	Ahmads	Anglicans	Bahais	Buddhists	Church of Almighty God Believers (x/e J/oo)	Catholics	Fazrahman (Muslims)	Faun Gong Practitioners (x/e J/oo)	Hindus	Humanists	Jehovah's Witnesses	(Oriental) Orthodox	Protestants	Said Nursi (Muslims)	Shias (Muslims)	Sufis (Muslims)	Sunnis (Muslims)	Tabligh Jamaat Muslims	
China	5515				20	4020	3		1436					19					17	
Egypt	2																		1	
Eritrea	63											55		4						
Indonesia	2													1					1	
Iran	85		1	57										19		1	7			
Kazakhstan	34																		26	8
Kyrgyzstan	1																		1	
Nigeria	1									1										
North Korea	4													4						
Pakistan	56	5	2				1			1				31		1			15	
Russia	61							5				34			4					18
Saudi Arabia	2																		2	
Singapore	8																			
South Korea	2																			
Tajikistan	18																		15	1
Turkmenistan	15																			
Uzbekistan	26																			26
Vietnam	44				28		2							14						
Yemen	5			5																
TOTAL	5944	5	3	62	48	4020	6	5	1436	1	1	110	5	92	10	2	7	104	27	

All country statistics come from reliable sources and it can be assumed that they reflect reality, except for:

- North Korea where there is no access to information about individual prisoners,
- and China where access to information about prisoners of all faiths is very limited and partial.

In China, our statistics fail to include:

- 1-2 million anonymous Uyghur Muslims interned in various types of detention facilities for the purpose of political and religious ‘re-education’ for indefinite periods,
- an unknown number of Tibetan Buddhists and Uyghur Sunnis for whom an exclusive link to the exercise of freedom of religion could be established,
- and an unknown number of believers affiliated to banned *xie jiao* movements (Church of Almighty God believers, Falun Gong practitioners and others).

Conclusions

Members of communities and groups who live in a different majority culture are often the targets of FoRB violations. Their otherness may be perceived, wrongly or not, as a threat to the identity and security of the majority.

When FoRB is violated, we typically think of actions that have been taken against *individuals*. This is the lens through which Western cultures tend to view human rights, since individuals are normally regarded as the primary right holders in society. It is also often individuals who are held accountable for infractions of the law or for criminal offenses.

However, many people are in prison or are otherwise sanctioned for something that they have not personally done, despite the charges that have been made against them. They are there because of their religious or belief *identity* and association with a group.

The freedom of association is a hallmark of any democratic system. FoRB is understood to include the freedom to practice one’s religion ‘either individually or in community with others’, as it is stated in Article 18 of the ICCPR. It is this *community dimension* present in most religions and which profoundly shapes religious identity that can make governments and authorities uneasy. It can trigger

actions to monitor, control, ban and even violently suppress that community and, consequently, anyone who is *associated* with that community.

Religious identity can be viewed as dangerous. Much like ethnic, cultural or national identity, religious identity influences one's worldview, ideas, ethics, and political perspective. Moreover, a religion or a belief is not always politically correct and submissive — and this does not escape the notice of those who hold power.

Groups with a particular ethno-religious identity are sometimes considered a more serious threat than purely religious minorities. They are that much more different from the majority and some of their members may have a political agenda that threatens the territorial integrity of the country.

Consequently, the repression of religion and belief groups is often as much about power as it is about the doctrine propagated by the group itself. Governments tend not to be overly concerned with religious teachings; however, governments become quite concerned regarding any threat to their power or influence. Here is where religious identity and group politics become very important in understanding the restrictions that are placed on religion or belief groups. It is precisely because they are groups – and therefore perceived as potentially dangerous – that they can come under fire.

Ahmadis

The Ahmadiyya community, also known as Ahmadis, is a reformist movement within Islam that has at least 12 million adherents in over twenty countries. It's named after its founder, Hazrat Mirza Ghulam Ahmad, a Punjabi religious teacher from the 19th century. He claimed to be the Mahdi, the promised Messiah who would establish universal peace.

Ahmad aimed to restore what he believed to be Islam's peaceful and tolerant origins. He also advocated 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 a prophet from God. Today the Lahore Ahmadis are a small minority within the Ahmadiyya community. Since the vast majority of Ahmadis are Qadiani, they do not consider the Prophet Muhammad to be the last prophet. This is a major point of contention and a significant reason why they are not widely accepted within the Muslim world.

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

While Ahmadis consider themselves to be Muslims, the Organisation of Islamic Cooperation declared in 1973 that the Ahmadiyya community was not linked to Islam.

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.

Ahmadis face stiff opposition in Pakistan, primarily for their alternative theology,

their reformist views on traditional Islam and their more progressive interpretation of Islamic sources.

The Ahmadis 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.

Additionally, the group 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 peace, universal human rights and protections for all religions and other minority groups.

Ahmadis promote an overtly non-violent understanding of *jihad*. They underscore the Quranic principle that there must be no coercion 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 Ahmadiyya community has been constructed by some mainstream Muslims as not only heretical but also disloyal and traitorous. They are portrayed as '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 that are seen as distorting the 'true' religion of Islam. The suppression of Ahmadiyya is therefore justifiable for some Muslims, as it is done in the defence of Islam itself.

Reasons for the Persecution of Ahmadis in Pakistan

In July 2018, the US government estimated the total population of Pakistan to be 207.9 million. According to the provisional results of a national census conducted in 2017, 96% of the population is Muslim. Government figures indicate that the remaining 4% includes Ahmadis, Hindus, Christians, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, Kalash, Kihals, and Jains. Most of the historic Jewish community has emigrated.¹⁰

¹⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Pakistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/pakistan/>.

In 1956, Pakistan was established as an Islamic Republic. Islam is still the official state religion, but the Constitution protects religious freedom, at least nominally.

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 legislation has likewise become a tool to repress the Ahmadiyya community. These blasphemy laws have created a hostile environment and incited mob violence that targets members of minority religious groups such as Ahmadis.¹¹ If an Ahmadi declares to be a Muslim, they risk being charged with blasphemy.

Blasphemy laws have indirectly created ‘a culture of impunity for violent attacks following accusations’,¹² as some religious fanatics believe that they are entitled to take the law into their own hands. There have been many instances where the local administration, the police and the judiciary have either colluded with perpetrators or have stood by and done nothing to assist the accused out of fear of the crowd.

Additionally, the use of blasphemy laws has become a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property. These laws have been instrumentalised for private settlements of scores in many cases. The accused are often lynched or killed by mobs before authorities can place them under arrest. If, by chance, they are acquitted, they bear the stigma of ‘heretic’ for life and are often forced to move to avoid being killed.

Ahmadis in Prison in Pakistan

All Ahmadis in prison at the time of writing this report have been victims of Pakistan’s blasphemy laws. This legislation is used and abused to serve as an outlet for pervasive anti-Ahmadi hostility and to settle private disputes.

Ahmadis behind bars: some statistics

¹¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF- Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Pakistan.pdf>.

¹² Ibid.

As of 1 June 2020, HRWF documented **five cases** of Ahmadis in its Prisoners' Database.¹³ All of these individuals were either convicted of or charged with blasphemy. Three of them were sentenced to death for allegedly insulting the Prophet when in fact they were tearing down a poster with an anti-Ahmadi slogan. Two others are still under trial for sharing Quranic material on social media.

It is difficult for Ahmadis to find lawyers who will defend them. This is unsurprising considering the pressure placed by radical and violent religious groups on judges to convict, and the hostile targeting of lawyers and politicians alike.¹⁴ In the past, judges and lawyers have been attacked by mobs and sometimes killed, and two politicians who discussed reforming the legislation have been shot dead.

Articles of the Penal Code

Prisoners are typically charged under the blasphemy laws in the Pakistani Penal Code:

Section 295-A: 'Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both'.

Section 295-B: 'Defiling the Holy Qur'an. Whoever willfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract there from or used it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life'.

Section 295-C: 'Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death and shall also be liable to fine'.¹⁵

¹³ Our Database is updated on a regular basis. For more details about imprisoned Ahmadis, see <https://hrwf.eu/prisonersdatabase/>.

¹⁴ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

¹⁵ Pakistan Penal Code <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> & <https://www.refworld.org/pdfid/49b920582.pdf>.

In the last 20 years, Pakistani authorities have not executed individuals sentenced to death on blasphemy charges;¹⁶ instead they are incarcerated indefinitely.

International advocacy

In a resolution dated 15 June 2017 concerning human rights defenders and the death penalty in Pakistan, the **European Parliament** stated that it:

Is deeply concerned at the continued use of the ‘blasphemy law’, and believes this is heightening the climate of religious intolerance; notes the findings of the Supreme Court of Pakistan that individuals accused of ‘blasphemy’ ‘suffer beyond proportion or repair’ in the absence of adequate safeguards against misapplication or misuse of such laws; calls, therefore, on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of ‘blasphemy’ charges; calls also on the government to take a stronger position in condemning vigilantism towards alleged ‘blasphemers’.¹⁷

On 19 January 2018, the **European Commission** released a report for the European Parliament and Council regarding *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 – 2017*. In this report, the European Commission raised concerns about Pakistan’s blasphemy laws being used to persecute individuals on religious grounds several times, and the state of religious freedom in Pakistan more broadly. The European Commission stated that:

Pakistan is requested to follow up on the recommendation to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant; and to ensure the investigation and prosecution of those involved in incitement of or engagement in violent acts against others based on allegations of blasphemy.¹⁸

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US State Department

¹⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Pakistan.pdf>.

¹⁷ European Parliament, Resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP)) June 15, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0268_EN.html.

¹⁸ European Commission, *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 -2017*, High Representative of the Union for Foreign Affairs and Security Policy (SWD (2018, 29 final), January 1, 2018. https://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156544.pdf.

designate Pakistan as a Country of Particular Concern (CPC) for ‘engaging in systematic, ongoing, and egregious violations of religious freedom’. Despite being listed as a CPC in 2019, the US State Department waived Pakistan from any sanctions due to “‘important national interest of the United States’”. USCIRF recommended that this waiver is rescinded in 2020 in light of the extreme abuses of religious freedom in Pakistan.¹⁹

USCIRF also recommended that the US government:

- release blasphemy prisoners and other individuals imprisoned for their religion or beliefs;
- and repeal the blasphemy and anti-Ahmadiyya laws. Until repeal is accomplished, enact reforms to make blasphemy a bailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dismiss unfounded accusations, and enforce existing Penal Code articles criminalising perjury and false accusations.²⁰

CASE STUDIES

Three Ahmadis on death row since 2017

In mid-October 2017, **Mubasher Ahmad**, **Ghulam Ahmed** and **Ehsan Ahmed** were found guilty of insulting the prophet of Islam and sentenced to death by a court in Punjab. They were convicted of blasphemy under Section 295-B, which is punishable with life imprisonment or the death penalty.

The men were arrested in May 2014 in a remote village in Punjab province after residents filed a complaint accusing them of tearing down a religious poster with anti-Ahmadi slogans.

Four men were arrested at the time. The fourth man, Khalil Ahmad, was shot dead by an angry man while in police custody just a few days after the incident.

This judgement came a few days after Muhammad Safdar, a prominent member of the ruling party and the son-in-law of ousted Prime Minister Nawaz Sharif, publicly denounced Ahmadi community members as a threat to Pakistan. Furthermore, he urged the country’s institutions not to hire them in the military or the civil service.

¹⁹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

²⁰ Ibid.

Shortly after, Pakistan's Minister of the Interior Ahsan Iqbal denounced anti-minority rhetoric coming from politicians without mentioning Muhammad Safdar by name.

In 2017, the Human Rights Commission of Pakistan published a report documenting 15 people arrested on charges of blasphemy in 2016, including 10 Muslims and five members of religious minorities.²¹

Conclusions

Ahmadis are a marginalised community in several Muslim majority countries. They have been stigmatised and depicted as infidels, not only by society at large but also by the state apparatus. Pakistan is at the forefront of this anti-Ahmadi persecution. Political interests are at stake, bolstered by extreme religious conservatism and an overall culture of intolerance. This all contributes to the creation of a toxic environment in which Ahmadis are forced to live.

Extremist Islamist forces especially target Ahmadis, as they are viewed as an offshoot religion, a reformist doctrine that challenges the official understanding of Islam. Authorities have been pressured by extremists to adopt policy demands that suppress Ahmadi activities so as to stay in power.

Ahmadis have endured persecution for many years. Their mosques have been burned, their graves desecrated, and their very existence criminalised. As a result, thousands of Ahmadis have fled their countries and sought asylum abroad.

Blasphemy laws are the main legal weapon of radical Islamist forces, as they abuse and misuse them to fulfil their anti-Ahmadi agenda.

Repealing the blasphemy laws, which cause harm to both religious minorities as well as the Sunni Muslim majority, is the only solution. Until repeal is accomplished, the government should 'enact reforms to make blasphemy aailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dis- miss unfounded accusations, and enforce existing Penal Code articles criminalizing perjury and false accusations'.²² However, steps in that direction should not appear as a move pushed by 'the West' as it would trigger strong resistance by the extremist Islamists.

²¹ Madeeha, Anwar, "3 Ahmadi Men Sentenced to Death in Pakistan on Blasphemy Charges," VOA News, 14 October 2017, accessed 25 June 2020, <https://www.voanews.com/extremism-watch/3-ahmadi-men-sentenced-death-pakistan-blasphemy-charges>

²² United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>

During a visit to Brussels in late June 2019, Pakistan's foreign minister dismissed accusations of Christian persecution, claiming that there were 'individual incidents' comparable to the rate of and motivators behind knife crime in the UK. Shah Mahmood Qureshi then said that reports of religious minorities being targeted in Pakistan did not constitute a trend and the recent claims of Christian persecution relating to the case of Asia Bibi were an example of 'western interests' that 'want to paint Pakistan in a particular way'.²³

The persecution of Ahmadis is also proving to be increasingly counter-productive for Pakistan's national interests as the Ahmadiyya movement has recently garnered more support from the international community. It has a growing reputation as a peace-loving community in a progressively hostile and violent world, typified by stark polarisation within Muslim communities. Governments that propagate or tolerate hostility towards Ahmadis may soon find themselves increasingly isolated.

²³ Boffey, Daniel, "Pakistan: Islamabad plays down accusations of Christian persecution," Times of Ahmad, 25 June 2019, accessed 28 June 2010. <http://timesofahmad.blogspot.com/2019/07/pakistan-islamabad-plays-down.html#more>.

Baha'is

A history of the Baha'i movement begins in Iran with the self-proclamation of Ali-Muhammad in 1844 as the 'Bàb', the messianic figure that was anticipated by the Shaykhi School of Twelver Shi'ism. Many Shaykhis joined the new religious movement during this period, triggering conflict with the ruling Shi'a clerical government. The Bàb and his followers were violently repressed from the outset, leading to his exile and, ultimately, to his execution in 1850.

The Bàb was succeeded by Baha'u'lláh, who declared himself in 1863 to be the Manifestation of God that was foreseen in the Bàb's writings. Baha'u'lláh was in turn succeeded by his eldest son, Abdul'l-Bahá, who was then followed by his eldest grandson, Shoghi Effendi, in leading the movement. It was under their leadership that the Baha'i faith spread considerably and established itself as a global religion.

Today the Baha'i community is governed by the Universal House of Justice, a nine-member administrative body that is elected by all national Baha'i assemblies every five years. The community numbers between five and seven million members worldwide. Although Baha'is do not currently make up the religious majority in any single country, they do represent the large religious minorities in several countries. For example, in **Iran**, there are currently about 300,000 Baha'is, mostly concentrated in Tehran and Semnan.

Teachings

Baha'i religion bears the traces of its predecessor movements, 19th-century Shaykhism and Bábism, in its belief that there is one God who has been revealed progressively through a series of Manifestations throughout history for the uplifting of humanity and the advancement of civilisation. These have included the great teachers of religion, such as Moses, Zoroaster, Buddha, Jesus, and Mohammed, all pointing to the one and same world religion, originating from God. Thus, the world religions represent subsequent chapters of the same religion, as opposed to separate irreconcilable belief systems.

Central to the teaching of Baha'i is the oneness of God, the inherent harmony of all religions and the unity of humankind. Consequently, Baha'i anthropology places strong emphasis on the equality of all humans, who are each made in the image of God and deserving of the same just and equal treatment. Individual conscience is respected, all forms of prejudice are rejected, the equality of women and men is upheld, and human diversity is valued.

Baha'u'lláh is especially revered by the Baha'i, who regard his teachings as foundational to the covenant that God has established through him. These teachings were subsequently passed down through the line of succession which followed him. Baha'u'lláh is believed to be a messenger from God, proclaiming a coming age when all of humanity would be united into a single global society. It is this message that often draws heavy opposition from state authorities.

Reasons for the Persecution of Baha'is in Iran

US government estimates in July 2018 approximate the population of Iran at 83 million people. 99.4% of Iranians are Muslim, with 90-95% of them identifying as Shia and 5-10 % as Sunni (mostly Turkmen, Arabs, Baluchis, and Kurds living in the northeast, southwest, southeast, and northwest, respectively).²⁴

The persecution of the Baha'is in Iran dates back to the 19th century.

In 1848, 81 prominent Bábís met in the village of Badasht to discuss the nature of their community and the revelation they had received from the Báb. Did it constitute a new sect within Islam? Or was the revelation an entirely separate religion? The latter position was adopted. The beginning of a new Dispensation was announced, and the Baha'i faith was born.

Violence erupted almost immediately between the Bábís and the Qajar government. The Báb publicly claimed to be a Manifestation of God, which is a direct affront to official Islamic teaching since it was a denial of the finality of Prophet Muhammad's mission. Baha'i adherents were therefore considered to be apostates and 'enemies of God'.

Aside from religious doctrine, the rapid growth of the early Baha'i movement was perceived to be a threat to clerical and governmental authority. From the beginning, the repression by Iranian authorities has been singularly cruel. Following a failed assassination attempt in 1852 of the Shah by a small group of Baha'is, several thousands of Baha'is were killed in retaliation.

The Qajar dynasty was replaced by the Pahlavi dynasty in 1925, during which the repression of Baha'is became more institutionalised. The central government presided over a series of measures which would more firmly anchor discrimination against Baha'is as a matter of policy.

²⁴ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Iran*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/iran/>.

Baha'i centres and schools were closed, Baha'i individuals were expelled from the military as well as governmental posts, and the printing of Baha'i literature was officially banned. The primary instrument of repression shifted from mobs to the courts. Many Baha'is served long jail sentences during this period for altogether mundane activities.

The last Shah of the Pahlavi dynasty was overthrown by the 1979 Revolution and the establishment of the Islamic Republic of Iran. The persecution of Baha'is intensified early on and continues to this day.

Since 1979, more than 200 Baha'is have been executed. Others have been and remain in Iranian prisons for their faith, including five members of the former leadership team for the Baha'is in Iran. They were arrested in 2008 and sentenced in 2010 to twenty years of imprisonment each.

The charges for which the Baha'is are typically convicted include 'disturbing national security', 'spreading propaganda against the regime', and 'engaging in espionage'. It is also common for Baha'is to be told before their conviction that if they deny their Baha'i faith all charges will be dropped, and they will be set free. It is clear that the basis for the imprisonment of Baha'is in Iran is not due to any genuine criminal activity, but instead directly related to their religious conviction as Baha'i believers.

The post-Revolutionary government of Iran has been especially repressive toward the Baha'i and other religious minorities. This is because their very existence poses a challenge to the legitimacy of the current regime, which is largely based on its interpretation of Twelver Shi'ism. Individuals who identify themselves with groups outside of this interpretation are considered a threat to the security of the state and are dealt with accordingly. This is particularly true for the Baha'i community, as it is the largest non-Muslim minority in the country and has historically shown potential for rapid growth within the population.

There were hopes that the 2013 election of President Hassan Rouhani would help to improve the treatment of the Baha'i and other religious minorities. During his campaign he promised to ease religious discrimination and develop a Citizens' Rights Charter that would establish equality for all citizens without discrimination based on religion, race, or sex. The Charter has now been published, but the final version has been disappointing. Moreover, the level of human rights violations has not diminished and has even increased by some accounts. For instance, one measurable increase has been the amount of anti-Baha'i propaganda that is disseminated by the government. During the first six months of Rouhani's presidency, the instances of anti-Baha'i propaganda in government-run media grew exponentially.

Ahmed Shaheed, the then UN Special Rapporteur on the situation of human rights in Iran, reported in 2015 that the persecutions and prosecutions against Baha'is 'appear to be mainly rooted in the unrecognized status of the faith, as well as a pervasive view held within the Government that Baha'is represent a heretical sect with ties to foreign enemies'.²⁵

This was illustrated by a statement in 2014 by a high-ranking Iranian cleric and former member of the Supreme Judicial Council, Ayatollah Bojnourdi, that Baha'is have no right to education, as they 'don't even have citizenship rights'.²⁶ After negative reactions, he later backtracked, saying that Baha'is who cooperate with Israel or advocate against Islam are not entitled to certain citizenship rights, such as going to university in Iran.²⁷ Regardless of attempts by Iranian officials to position themselves positively in respect to the treatment of Baha'is in their country, it is clear that Baha'is continue to face discrimination, arrest and arbitrary detention in connection with their religious identity and activities.

Baha'is in Prison in Iran

Over the past 40 years, the Baha'i community, which is considered the largest non-Muslim and unrecognised religious minority in the Islamic Republic of Iran at about 350,000 members, have suffered egregious forms of repression, persecution and victimisation.²⁸ Since 1979, more than 200 Baha'is have been killed or executed solely because of their religious beliefs.

Fortunately, Iran no longer executes Baha'is for their religion.²⁹ However, Baha'is still frequently receive lengthy prison sentences because of their religious identity, or activities related to their faith and community life.

In 1991, the Supreme Revolutionary Cultural Council of the Islamic Republic of Iran wrote a secret official document with the goal of the elimination of the Baha'is as a recognisable entity in Iran. The document was approved by the Supreme Leader of Iran and remains in force.³⁰

²⁵ Digital Library of United Nations, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Ahmed Shaheed (Report A/HRC/28/70) May 28, 2015. <https://digitallibrary.un.org/record/795162?ln=en>

²⁶ "ندارد شهورندی حق اصلا بهاییان: بجنوردی موسوی محمد الله آیت", International Campaign for Human Rights in Iran, accessed May 2020. <http://persian.iranhumanrights.org/1393/09/bojnoordi-bahais/>

²⁷ "توضیح آیت الله بجنوردی درباره حقوق بهایی ها- اخبار رسانه ها - اخبار تسنیم", Tasnim. تسنیم خبرگزاری. December 17, 2014, accessed April 2020. <http://www.tasnimnews.com/Home/Single/592485>.

²⁸ General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019, <https://undocs.org/pdf?symbol=en/A/74/188>.

²⁹ "Situation of Baha'is in Iran: Current situation," Bahá'í International Community, February 26, 2019. <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>.

³⁰ "The Bahá'í question: Cultural Cleansing in Iran," Bahá'í International Community, September 2008.

Baha'is behind bars: some statistics

As of 1 June 2020, HRWF documented **57 cases** of Baha'is in its Prisoners' Database.³¹ As of December 2019, 123 Baha'is were either in pretrial detention for some time before being released on bail or were serving a prison term.³²

As of February 2019, 97 Baha'is were in prison according to a report of the Baha'i International Community.³³

In 2015, the *Report of the UN Special Rapporteur on the situation of human rights in Iran* published a list of 74 Baha'is in prison, all on false or fabricated charges.³⁴

Articles of the Penal Code

The articles of the Iranian Penal Code used to prosecute Baha'is are:

Article 498 – Anyone, with any ideology, who establishes or directs a group, society, or branch, inside or outside the country, with any name or title, that constitutes more than two individuals and aims to perturb the security of the country, if not considered as *mohareb*, shall be sentenced to two to ten years' imprisonment.

Article 499– Anyone who joins, as a member, any of the groups, societies, or branches aforementioned in article 498, shall be sentenced to three months to five years' imprisonment, unless it is proved that he had been unaware of its aims.

Article 500– Anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations, shall be sentenced to three months to one year of imprisonment.³⁵

The charges against Baha'i prisoners are typically: forming an illegal cult, acting against national security, espionage, propaganda against the regime, posing a

<http://dl.bahai.org/bwns/assets/documentlibrary/TheBahaiQuestion.pdf>.

³¹ Our Database is updated on a regular basis. For more details about imprisoned Baha'is, see <https://hrwf.eu/prisonersdatabase/>.

³² "FoRB and Blasphemy Prisoners Lists Archive," Human Rights Without Frontiers, 2020. <https://hrwf.eu/prisonersdatabase/>.

³³ "Situation of Baha'is in Iran: Current situation," Bahá'í International Community, February 26, 2019. <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>.

³⁴ Digital Library of United Nations, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Ahmed Shaheed (Report A/HRC/28/70) May 28, 2015. <https://digitallibrary.un.org/record/795162?ln=en>

³⁵ This source has since been redacted but was originally found at: "Islamic Penal Code of the Islamic Republic of Iran – Book Five," Iran Human Rights Documentation Center, March 18, 2019. <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>.

threat to the regime by sharing Baha'i ideas with Israel, plotting to overthrow the regime, membership in an anti-Islamic group, membership in illegal groups and assemblies, and jeopardising the security of the country to further the aims of the Baha'is and international organisations.

International advocacy

On 18 July 2019, a report presented to the **UN General Assembly** by the Special Rapporteur on Iran, Javaid Rehman, titled *Situation of human rights in the Islamic Republic of Iran* stated that:

48. [...] Since August 2005, more than 1,168 Baha'is have been arrested and charged with vaguely worded offences. Given that the Baha'i faith is regarded as a 'misguided sect' and Baha'i worship and religious practices are deemed heresy, they frequently face charges such as 'breaching national security', 'propaganda against the holy regime of the Islamic Republic of Iran' or 'propaganda activities against the regime in the interests of the Baha'i sect'. The Government, in its comments, noted that 'all Baha'is can freely perform their personal rituals'.

49. As of the end of June 2019, there were reportedly 49 Baha'is arbitrarily detained in the Islamic Republic of Iran. There was a total of 95 Baha'is reportedly arrested in 2018, compared with at least 84 in 2017 and 81 in 2016. This suggests that, while the number of such arbitrary arrests each year may fluctuate, the persecution is not subsiding.³⁶

This report references concrete cases of arrests and imprisonment, such as:

55. On 1 January 2019, the court of appeal of Isfahan reportedly condemned, in separate judgments, nine Baha'i citizens to a total of 48 years of prison. They had been charged with 'membership of the illegal Baha'i community and propaganda against the regime by spreading the Baha'i faith in the society'.³⁷

On 29 November 2019, Gary Bauer, the Commissioner for the **United States Commission on International Religious Freedom (USCIRF)**, reported on the Iranian government's relentless persecution of Baha'is and called for an immediate end of this systematic violation of freedom of religion.³⁸

³⁶ General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019. <https://undocs.org/pdf?symbol=en/A/74/188>.

³⁷ Ibid.

³⁸ "USCIRF Condemns Iranian Government Measures Targeting Baha'is," United States

On 18 December 2019, the **U.S. State Department** re-designated Iran as a Country of Particular Concern (CPC) for having engaged in or tolerated particularly severe violations of religious freedom. Additionally, it re-imposed existing ongoing travel restrictions on Iranian individuals connected with serious human rights abuses.³⁹

In its 2020 Annual Report, USCIRF recommended that the US Government:

- reauthorize and ensure implementation of the Lautenberg Amendment, which aids persecuted Iranian religious minorities seeking refugee status in the United States;
- impose targeted sanctions on Iranian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the United States under human rights-related financial and visa authorities, citing specific religious freedom violations.⁴⁰

CASE STUDIES

Ali Ahmadi's 11-year sentence confirmed

On 15 January 2020, the Review Court for Mazandaran Province upheld the 11-year sentence of **Ali Ahmadi**, a Baha'i from Qaemshahr. He was charged with propaganda against the regime and administering Baha'i activities. The Court considered the possession of Baha'i religious texts sufficient to justify the sentence.

Ali Ahmadi was arrested on 20 November 2018 by agents who insulted his religious beliefs, calling him 'unclean' and 'Baha'i dog'. They also seized some religious books, a mobile phone and a computer. He was held in solitary confinement at the Kachou'i Detention Centre in Sari until being released on bail on 2 January 2019 (bail was 150 million tomans,⁴¹ about 31,000 EUR).

This was the fifth time he was arrested in the past ten years. On the first occasion he was sentenced to 10 months in prison, and on the second occasion he was

Commission on International Religious Freedom, January 29, 2020. <https://www.uscirf.gov/news-room/press-releases-statements/uscirf-condemns-iranian-government-measures-targeting-baha>.

³⁹ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, Report on international Religious Freedom: Iran, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/iran/>.

⁴⁰ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Iran*, 2020. https://www.uscirf.gov/sites/default/files/Iran_2.pdf

⁴¹ The toman is a superunit of the official currency of Iran, the rial. One toman is equivalent to ten rials. Although the rial is the official currency, Iranians use the toman in everyday life.

acquitted. In 2011, he was arrested with two others and charged with participation in Bahai activities. In 2017, he was held in custody for 43 days before being released on bail for 150 million tomans (about 31,000 EUR) on 21 July 2017.

Ali Ahmadi is 60 years old. He worked as a rice trader.⁴²

Three Baha'is in Semnan given lengthy sentences

Three Baha'is were arrested by masked agents from the Ministry of Intelligence in Semnan during simultaneous raids on their homes on 30 April 2019. On 20 October 2019, the Revolutionary Court in Semnan sentenced these three men to lengthy prison terms. They were found guilty of 'membership of illegal groups acting against national security' and 'acting against national security through propaganda and organisational activities'.

Ardeshir Fena'eyan, who is 30 years old, was sentenced to ten years in prison and one year of exile in the town of Khash in Sistan and Baluchestan Province. **Behnaam Eskandreyan** and **Yalda Firouzeyaan**, both aged 20, were sentenced to five years in prison and two years' exile from the city of Semnan.⁴³

Veteran sentenced to 1 year in prison despite serious health concerns

Ruhollah Zibaa'i was arrested on 3 August 2019 and released on bail on 2 September 2019. Media outlets sponsored by the state reported that his arrest was due to his alleged affiliation with 'a scheme to tighten the economic sanctions against Iran'.

On 26 January 2020, Ruhollah Zibaa'i was found guilty of 'propaganda against the regime and supporting the Bahai Faith' and sentenced to one year in prison. He was not allowed a defence lawyer during the trial and was notified of his sentence by text message.

He served in the military during the Iran-Iraq War and, due to injuries, has had one foot amputated and has lost a kidney and part of his liver. Consequently, he has many medical issues that require constant supervision.⁴⁴

⁴² "Ali Ahmadi's 11-Year Sentence Confirmed," Sen's daily, January 15, 2020.
<https://sensday.wordpress.com/2020/01/15/ali-ahmadis-11-year-sentence-confirmed/>.

⁴³ "Three Bahais in Semnan given Long Sentences," Sen's daily, October 28, 2019.
<https://sensday.wordpress.com/2019/10/29/three-bahais-in-semnan-given-long-sentences/>.

⁴⁴ "Four Bahais in Karaj sentenced to one year in prison," Sen's daily, January 27, 2020.
<https://sensday.wordpress.com/2020/01/27/four-bahais-in-karaj-sentenced-to-one-year-in-prison/>.

Reasons for the Persecution of Baha'is in Yemen

US government estimates in July 2018 approximate the total population of Yemen at 28.6 million people. In 2010, it was estimated that more than 99% of the population was Muslim, belonging either to the Shafi'i order of Sunni Islam or the Zaydi order of Shia Islam.⁴⁵

For years, Yemen has been a battlefield where Saudi Arabia and Iran wage a proxy war to extend their influence on that part of the Arabic Peninsula. It is within this context that Iran has exported its anti-Baha'i ideology.

Baha'is in Prison in Yemen

For several years, a number of Baha'is have been on death row in Yemen because of their religious identity.

Baha'is behind bars: some statistics

As of 1 June 2020, HRWF documented **five cases** of Baha'is in its Prisoners' Database.⁴⁶ All five are being held on death row, one of whom has been in detention for 7 years.

Articles of the Penal Code

Charges against Baha'is are often based on these articles of the Yemeni Criminal Code:

- **Article 125:** violating the independence, unity or territorial integrity of the Republic, punishable by death.
- **Article 128:** working in the interests of a foreign state, or the provision or exchanging of information with a foreign government, punishable by death.
- **Article 195:** ridicule, contempt or claiming inferiority of the Islamic religion, punishable by imprisonment of five years or a fine.
- **Article 259:** leaving or denouncing the religion of Islam after being given the opportunity for repentance three times and a respite of thirty days,

⁴⁵ For more religious statistics, see United States Commission on International Religious Freedom, Office of International Religious Freedom, *2018 Report on International Religious Freedom: Yemen*, 2020. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/yemen/>.

⁴⁶ Our Database is updated on a regular basis. For more details about imprisoned Baha'is, see <https://hrwf.eu/prisonersdatabase/>.

punishable by death. Apostasy in public by speech or acts is considered contradictory to the principles of Islam.⁴⁷

International advocacy

On 4 October 2018, the **European Parliament** adopted a resolution on the situation in Yemen that condemned the systemic campaign of harassment, arbitrary and abusive detentions, and forced disappearances and torture against religious minorities. At that time, twenty-four Baha'is, including one child, were facing charges that could result in the death penalty due to their beliefs.⁴⁸

A Report on the Situation of human rights in Yemen presented to the **UN General Assembly** on 9 August 2019 highlighted the authorities' continued persecution of the Baha'is on the basis of their beliefs. This includes detaining and charging them with apostasy, openly deriding and demonising the Baha'i faith in legal filings, issuing death sentences and threatening their supporters.⁴⁹

On 26 September 2019, the **UN Human Rights Council** adopted a resolution expressing its concerns about the egregious violations of international humanitarian law and human rights law in Yemen, including the severe restrictions of freedom of religion or belief for minorities such as the Baha'i faith.⁵⁰

Additionally, the persecution of Baha'is in Yemen was outlined in a press release published by the **Baha'i International Community**.⁵¹

CASE STUDIES

Death penalty upheld in January 2020 despite international appeals

Hamed Kamal Bin Haydara was arrested in 2013 and sentenced to death. This conviction was on the grounds that he entered Yemen illegally in 1991 from Iran to allegedly establish a Baha'i homeland in collaboration with Israel, for apostasy,

⁴⁷ "Republican Decree for Law No 12 Concerning Crimes and Penalties, of the Republic of Yemen – Book One," issued October 12, 1994, *Presidency of Yemen*, 1994.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83557/92354/F1549605860/YEM83557.pdf>.

⁴⁸ European Parliament, Resolution on the situation of Yemen (2018/2853 (RSP)) October 4, 2018, https://www.europarl.europa.eu/doceo/document/TA-8-2018-0383_EN.html?redirect.

⁴⁹ "Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Report of the Group of Eminent International and Regional Experts as Submitted to the UN High Commissioner for Human Rights (A/HRC/42/17) (Adv. Edited Ver.) [EN/AR] – Yemen," ReliefWeb, September 2019. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/240/87/PDF/G1924087.pdf?OpenElement>.

⁵⁰ United Nations General Assembly, Resolution adopted by the Human Rights Council (A/HRC/RES/42/2) October 2, 2019. <https://undocs.org/A/HRC/RES/42/2>.

⁵¹ Baha'i World News Service, "Baseless Charges in Yemen Signal Intensified Persecution: BWNS," Bahá'í World News Service (BWNS), September 18, 2018. <https://news.bahai.org/story/1285/>.

and for compromising the independence of the Republic of Yemen by spreading the Baha'i faith.

According to the Baha'i community, he has suffered beatings and electric shocks during his time in prison. In January 2020, seven years after his arrest, a court run by Yemen's Houthi rebels upheld the death sentence.⁵²

Numerous members of the international community have critiqued this unjust decision.

On 23 March 2020, Johnnie Moore, the Commissioner of USCIRF decried the verdict and stated: 'We condemn this verdict and urge Democrats and Republicans to press the Houthis to release Bin Haydara and drop the spurious charges against members of Yemen's Baha'i community'.⁵³

'At a time when the international community is battling a global health crisis [referring to COVID-19], it is incomprehensible that the authorities in Sanaa have upheld a death sentence against an innocent individual solely because of his beliefs', said Diane Ala'i, the Baha'i community's representative to the United Nations in Geneva.⁵⁴

Mass arrest of Baha'is

In April 2017, authorities called for the arrest of over twenty-five Baha'is, many of whom were prominent members of the Baha'i community. On 10 August 2017, at least eight Baha'is - most unnamed by media reports - were arrested in Sana'a and imprisoned. Several of them were released in September 2017 while the others have remained in prison.

No further information is known about them.⁵⁵

Two Baha'is imprisoned for helping the poor

In April 2017, **Walid Ayyash**, a prominent member of a well-known Yemeni tribe, was arrested with **Mahmoud Humaid** near the city border of Hudiedah.

⁵² "Human Rights Without Frontiers FoRB Newsletter 2020: Yemen," Human Rights Without Frontiers, 2020. <https://hrwf.eu/wp-content/uploads/2020/03/Yemen2020.pdf>.

⁵³ "USCIRF Deplores Houthi Order to Execute Hamid Bin Haydara and Dissolve Baha'i Institutions in Yemen," United States Commission on International Religious Freedom, March 23, 2020. <https://www.uscirf.gov/newsroom/press-releases-statements/uscirf-deplores-houthi-order-execute-hamid-bin-haydara-and>.

⁵⁴ France 24, "Yemen Huthis Uphold Death Sentence for Baha'i, Community Says," France 24, March 23, 2020.

<https://www.france24.com/en/20200323-yemen-huthis-uphold-death-sentence-for-baha-community-says>.

⁵⁵ "Human Rights Without Frontiers FoRB Newsletter 2017: Yemen," Human Rights Without Frontiers, 2017. <https://hrwf.eu/wp-content/uploads/2017/09/Yemen2017.pdf>.

They were charged with displaying ‘rectitude of conduct in order to attract people to the Baha’i faith’ because they had been helping poor families.

At the time this report was written, their current whereabouts were still unknown.⁵⁶

Conclusions

The persecution of Baha’is continues unabated in Iran. This is especially true with a figure like Ayatollah Ali Khamenei, the Supreme Leader, at the wheel. In 2013, Khamenei issued a fatwa against the Baha’i, describing them as a ‘deviant and misleading sect’.

Historically, it has been the vitality of the Baha’i movement itself that has provoked the sharpest reaction from Tehran. Whenever the government passes through a period of instability or transition, hard-liners have tended to exert their authority by increasing pressure on perceived threats. In such times, the Baha’is become easy targets and scapegoats for the preservation of ‘national security’. Iran’s anti-Baha’i policies are largely driven by fear: the fear that the religion’s popularity could outrun the regime’s ability to maintain control.

One possible avenue for engagement could be to pressure the government to no longer require its citizens to identify their religion when seeking to enter university or starting a business. The forced disclosure that the applicant is a follower of Baha’i has been an obstacle to full participation in Iran’s higher education or economy.

Such discriminatory practices create an ongoing hostile environment for the Baha’is, who wish to live their faith freely in Iran without legal consequences.

The situation of the Baha’is who are on death row in Yemen is immensely alarming and should be prioritised by the United Nations, the US Government and the European Union.

⁵⁶ “Human Rights Without Frontiers FoRB Newsletter 2017: Yemen,” Human Rights Without Frontiers, 2017. <https://hrwf.eu/wp-content/uploads/2017/09/Yemen2017.pdf>.

Buddhists

Buddhism traces its roots to the life and teachings of Siddhartha Gautama, the ‘Awakened One’ (commonly referred to as Buddha). Although it is difficult to construct a historical record of Siddhartha’s life by modern standards, it is likely that he lived in India between the 6th and 4th centuries BCE and that he renounced his noble status to embrace an ascetic lifestyle in pursuit of spiritual enlightenment. Buddhists believe that Siddhartha achieved this state of spiritual enlightenment, and most trust that it is likewise achievable for all those determined to follow the same path toward buddhahood and liberation.

Various schools of Buddhism differ on the specific teachings and practices that lead to enlightenment. There are two major branches of Buddhism that are generally acknowledged by scholars: Theravada Buddhism (School of the Elders), which emphasises foundational texts and teachings, and Mahayana Buddhism (The Great Vehicle), which places more importance upon the experience of being on the Buddhist path. The Mahayana tradition accounts for 53.2% of Buddhists today, mostly in East Asia, compared to 35.8% for Theravada, which is found primarily in Southeast Asia. A smaller branch of Buddhism, Vajrayana Buddhism (sometimes referred to as the ‘third turning of the wheel of dharma’) is largely based upon ancient tantric teachings and comprises only 5.7%.

According to the Pew Research Center, there are approximately 488 million Buddhists worldwide, about half of which are in China. Tibetan Buddhists are repressed in China. Members of the United Buddhist Sangha, Hòa Hào Buddhists, and other Buddhist groups are also persecuted in Vietnam. In both **China** and **Vietnam**, Buddhists are in prison for exercising their freedom of religion.

Teachings

Buddhist teachings elaborate the trainings and methods necessary to overcome ignorance, achieve enlightenment, and ensure favourable *samsara*, the endless cycle of rebirth that leads to a state of buddhahood.

The Four Noble Truths are regarded as central to the teachings of Buddhism and provide a conceptual framework for Buddhist thought. They explain the nature of *dukkha* (often translated to ‘suffering’), its causes, its relation to craving, and how *dukkha* is to be overcome by following the Noble Eightfold Path.

The Noble Eightfold Path describes the interconnected practices and conditions which can lead to the cessation of *dukkha*. They are Right View (or Right Understanding), Right Intention (or Right Thought), Right Speech, Right Action,

Right Livelihood, Right Effort, Right Mindfulness, and Right Concentration. These elements are not to be understood as successive stages of Buddhist practice but rather as essential qualities to be cultivated together on the path toward buddhahood.

Reasons for the Persecution of Tibetan Buddhists in China

US government estimates in July 2018 approximated the total population of China to be 1.4 billion. In 2010, the US government estimated that Buddhists comprise 18.2% of the population. According to a February 2017 estimate by the international NGO Freedom House, there are 185-250 million Chinese Buddhists in China, including 6-8 million Tibetan Buddhists, and hundreds of millions who follow various folk traditions.⁵⁷

The status of **Tibet** as an independent state or autonomous region of China has long been the subject of controversy and sometimes violent struggle. After the establishment of the People's Republic of China in 1949, Tibet was invaded and Chinese socialism was harshly imposed. The Dalai Lama and more than 80,000 Tibetans went into exile, mostly to India and Nepal. Attempts to resolve the Tibetan issue have yet to reach a politically viable solution.

It is mainly the Dalai Lama's identification with the liberation struggle of Tibet that has led to the government's repression of Tibetan Buddhism. China tightened its control over monasteries via a campaign aimed at undermining the Dalai Lama's influence as a political and spiritual leader. Since 1949, the Chinese have destroyed thousands of Tibetan Buddhist monasteries and shrines. By 1978, only eight monasteries and 970 monks and nuns remained in the Tibet Autonomous Region. Moreover, spiritual leaders have faced ongoing difficulties in re-establishing historical monasteries that were destroyed.

In 1995, Gedhun Choekyi Nyima was selected by the Dalai Lama to succeed him and become the eleventh Panchen Lama, which is the second highest position in Tibetan Buddhism. He was six years old at that time. Three days later, he and his family disappeared and have not been seen in public since. Another child, Gyancaïn Norbu, was later named as the Panchen Lama by the People's Republic of China, but this choice was rejected by Tibetan Buddhists faithful to the Dalai Lama. The spiritual void China created with the disappearance of the legitimate Panchen Lama remains a clear example of China's attempt to suppress Tibetan culture and identity.

⁵⁷ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

Since Xi Jinping acceded to power in 2012, the believers of all religions have suffered from an increasingly repressive regime in China under the motto of ‘sinicization’.⁵⁸ Tibetan Buddhists, whose homeland was militarily incorporated into China by Mao Zedong in 1950 and whose spiritual leader had to flee abroad, are no exception. Since then, they have faced severe persecution.

In the long struggle for Tibetan self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief, and those that the Communist regime consider ‘politically motivated’.

The official objective of the Chinese Communist Party (CCP) is to allegedly ‘sinicize’ Tibetan culture, religion and identity, but its real objective is to commandeer their religion for its political project in Tibet.

The CCP seeks to gain maximum control over every aspect of societal activities that it considers a threat to its legitimacy, by using any means possible. Although the Chinese Constitution guarantees freedom of religion, the CCP’s objective is to control the lives of all Buddhists, their temples and their institutions. An official state-imposed management committee is present in every monastery and nunnery in Tibet and is involved in the internal decision-making process of the monastery. The communist regime’s religious repression includes interference in the Buddhists’ religious affairs. It monitors and bans participation at religious festivals, controls the next reincarnation of His Holiness the Dalai Lama, bans the possession of photos of the Dalai Lama, demolishes Buddhist residences, and displaces thousands of monks and nuns. This level of suppression has led to the self-immolation of 156 Tibetans since 2009.

In the case of the Tibetan identity, religious beliefs and their political struggle for autonomy are closely intertwined. An important dynamic is the central role that the Dalai Lama has played in Tibet since he fled to India in 1959. Since 2011, the Tibetan government, whose Prime Minister was directly elected, has overseen the political affairs of Tibetans from their place of exile in Dharamsala. It was the

⁵⁸ This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the CCP gives the word ‘sinicization’ a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as ‘sinicized’, they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. In Tibet and Xinjiang, the CCP pursues a politics of ‘sinicization’ in the traditional sense of the word, trying to assimilate Uyghurs and Tibetan Buddhists into Chinese culture. Source: “HOME. Sinicization,” Bitter Winter, accessed June 2020. <https://bitterwinter.org/Vocabulary/sinicization/>.

Dalai Lama's decision in 2011 to relinquish his political leadership, but Tibetans still consider him both their religious leader and key in their struggle for autonomy. They want their leader to be allowed to return to his homeland.

Due to this strong link to the Dalai Lama, the CCP considers religious beliefs in Tibet to be intrinsically opposed to socialism and the Chinese state. As a result, the CCP suppresses their Tibetan Buddhist religious identity, including any association with the Dalai Lama. Instead, the aim is to establish **Buddhism with so-called Chinese characteristics and without Tibetan characteristics**, in line with Chinese socialism. The religious laws in place allow for this state intervention into religious affairs, since religious activities must align with political goals to safeguard ethnic unity and preserve socialism.

As such, the *Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region* was entered into force in Tibet in May 2020.⁵⁹ This piece of legislation is seen as an effort to intensify the so-called 'sinicization' of Tibetan culture by imposing 'ethnic unity'. This entails forbidding a Buddhist religious identity and ensuring that all religious institutions and places of worship have 'Chinese characteristics'. It is the **politicisation** of Buddhism that drives the persecution of Buddhists in Tibet.

Buddhists in Prison in China

In the long struggle for Tibetan self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief, and those that the Communist regime consider 'politically motivated'. This is all the more so because religious practices and the political struggle for autonomy are closely intertwined for Tibetans. Moreover, Tibetans still consider the Dalai Lama their religious leader and key in their struggle for autonomy, even if he has limited his activities to spiritual since 2011.

Considering this politically complicated background, HRWF has only documented cases of Buddhist prisoners where a clear link to the sole exercise of freedom of religion could be established, such as celebrating the birthday of the Dalai Lama or keeping his picture and his writings at home.

Buddhists behind bars: some statistics

⁵⁹ "China's New 'Ethnic Unity Law' is Seen as Effort to Sinicize Tibetan Culture," Radio Free Asia, May 1, 2020, accessed May 2020. <https://www.rfa.org/english/news/tibet/law-05012020182336.html>.

As of 1 June 2020, HRWF documented **20 cases** of detained Buddhists in its Prisoners' Database.⁶⁰ These individuals are serving prison terms of seven to 18 years, except for one who was sentenced to life imprisonment. Their place of arrest varied, with several being detained in Tibetan monasteries. For example, three were arrested in November 2015 at the Kirti monastery in the northeastern Amdo Province, a place of worship and monastic complex which has seen heavy military presence in the past decade. However, the location of almost half of these detainees remains unknown, due to the secrecy of the regime.

The overwhelming majority of the detained are men, with only two women out of the twenty.

Many more Buddhists are in prison for the sole practice of their faith but, due to the secrecy of the CCP, access to such information is impossible.

Articles of the Penal Code

Freedom of religion is a constitutionally guaranteed right in the People's Republic of China. **Article 36** states that citizens enjoy 'freedom of religious belief'.⁶¹ Equally, **Article 53** stipulates that citizens 'must abide by the Constitution and other laws, keep state secrets'.

However, it is common for Buddhists to be imprisoned with no official criminal charges or convictions. Instead, they often face vague accusations such as: 'possession of banned photos of the Dalai Lama', 'praying to the Dalai Lama', 'found with books and religious audio recordings of the Dalai Lama', 'taking part in the 80th birthday celebration of the Tibetan spiritual leader', 'inciting self-immolation and sending information on self-immolations abroad', and 'leading a conspicuous protest in public against the law of the land, calling for the release of a Tibetan spiritual leader'. These accusations have no legal basis in the Constitution or the Penal Code and are often related to the Dalai Lama. As the Dalai Lama is considered to be a 'splittist' by the CCP, any affiliation with him is seen as against the communist state.

If religious prisoners are formally charged, they are typically sentenced under this article of the Chinese Penal Code:

⁶⁰ Our Database is updated on a regular basis. For more details about imprisoned Buddhists, see <https://hrwf.eu/prisoners-database/>.

⁶¹ "Constitution of the People's Republic of China - Chapter II: The Fundamental Rights and Duties of Citizens," The National People's Congress of the People's Republic of China, Full text after amendment on March 14, 2004. http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content_1372964.htm.

Article 111 concerns ‘whoever steals, spies into, buys or unlawfully supplies state secrets or intelligence of an organ, organization or individual outside the territory of China’. This is punishable with a prison term between five to ten years.⁶²

International advocacy

The **European Parliament** (EP) has been the most vocal EU institution concerning the lack of religious freedom in Tibet. Generally, China is a rather divisive issue in the EU due to divergent views of member states regarding their relations with China and Beijing. However, EP resolutions on human rights in China, including Tibet, have traditionally enjoyed a majority support within the EP.

In its 2018 resolution on the cases of human rights activists Wu Gan, Xie Yang, Lee Ming-che, and Tashi Wangchuk and the Tibetan monk Choekyi, the EP condemned the ‘anti-Buddhist campaigns carried out via the “patriotic education” approach, including measures to state-manage Tibetan Buddhist Monasteries’.⁶³

In a 2018 report on EU-China relations, the EP urged China to respect the freedom of religion and belief of Tibetans, in line with international human rights standards.⁶⁴

In its 2019 resolution on *China, notably the situation of religious and ethnic minorities*, the EP stated that the situation in Tibet had deteriorated. The text claims that ‘the Chinese Government has created an environment in Tibet in which there are no limits to state authority, the climate of fear is pervasive, and every aspect of public and private life is tightly controlled and regulated’; ‘in Tibet any acts of non-violent dissent or criticism of state policies with regard to ethnic or religious minorities can be considered as “splittist” and therefore criminalised’.⁶⁵

The resolution also notes that ‘an extremely high number of Tibetans, mostly monks and nuns, have reportedly set themselves on fire since 2009 in protest

⁶² “Criminal Law of the People’s Republic of China”, adopted July 1, 1979, and promulgated March 14, 1997 after revision, *National People’s Congress of the Republic of China*, 1997.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf>.

⁶³ European Parliament, Resolution on the cases of the human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi (2018/2514 (RSP)) January 18, 2018. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0014_EN.html.

⁶⁴ European Parliament, Resolution on the state of EU-China relations (2017/2274 (INI)) September 12, 2018. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0343_EN.html.

⁶⁵ European Parliament, Joint motion for a resolution on China, notably the situation of religious minorities (2019/2690 (RSP)) April 17, 2019. https://www.europarl.europa.eu/doceo/document/RC-8-2019-0255_EN.html#_ftn4.

against restrictive Chinese policies in Tibet, and in support of the return of the Dalai Lama and the right to religious freedom'. The document calls on the Chinese Government to 'immediately release Tibetan religious figures who face criminal charges or have been imprisoned'. It 'condemns the campaign carried out via the "patriotic education" approach, including measures to state-manage Tibetan Buddhist monasteries'. It is concerned that 'China's criminal law is being abused to persecute Tibetans and Buddhists, whose religious activities are equated with "separatism"'.⁶⁶

Furthermore, the Tibet Interest Group, formerly known as the Tibet Intergroup, is one of the oldest cross-party platforms in the EP. It has brought together MEPs from most political groups and organised conferences and seminars with experts, academics and NGOs about religious freedom in Tibet.

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) called upon the US government to impose targeted sanctions on Chinese officials responsible for severe religious freedom violations, especially Chen Quanguo, the current CCP Secretary of Xinjiang and former Secretary of Tibet.⁶⁷

Also, on 24 April 2020 which is the eve of the 31st birthday of Panchen Gedhun Choekyi Nyima, USCIRF published a press release reiterating its call for the release of Gedhun Choekyi Nyima. The Chinese authorities kidnapped him and his family on 18 May 1995, three days after the Dalai Lama chose the then six-year old Gedhun to be the 11th Panchen Lama. He has not been seen or heard from since.⁶⁸

CASE STUDIES

The Panchen Lama kidnapped by Chinese authorities and missing since 1995

Gedhun Choekyi Nyima was born on 25 April 1989 in Lhari County, Tibet. After the death of the 10th Panchen Lama, the Dalai Lama chose Gedhun Choekyi Nyima on 14 May 1995 to be the 11th Panchen Lama.

⁶⁶ European Parliament, Joint motion for a resolution on China, notably the situation of religious minorities (2019/2690 (RSP)) April 17, 2019. https://www.europarl.europa.eu/doceo/document/RC-8-2019-0255_EN.html#_ftn4.

⁶⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF 2020*, April 2020. https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf.

⁶⁸ "USCIRF Calls for Release of the Panchen Lama," United States Commission on International Religious Freedom, April 24, 2020. <https://www.uscirf.gov/news-room/press-releases-statements/uscirf-calls-release-the-panchen-lama>.

Three days after his selection, Chinese authorities kidnapped then six-year-old Gedhun Choekyi Nyima and his family. On 9 November 1995, Chinese authorities announced their chosen Panchen Lama: Gyancaïn Norbu. Most Tibetan Buddhists have rejected him.

In the more than 20 years since Gedhun Choekyi Nyima's abduction, Chinese authorities have provided little information about his whereabouts, alleging that they need to protect him from being 'kidnapped by separatists'. In May 2007, Asma Jahangir, then-US Special Rapporteur on FoRB, suggested that the Chinese government allow an independent expert to visit and confirm Gedhun's well-being. On 17 July 2007, the Chinese authorities said that he is a 'perfectly ordinary Tibetan boy' attending school and leading a normal life, and that he 'does not wish to be disturbed'. Authorities claim that the state employs both of his parents and that his brothers and sisters are either working or at university.⁶⁹

Three monastic teachers in prison since 2008

Three distinguished monastic teachers, **Jampel Wangchuk**, **Konchok Nyima** and **Ngawang Chonyi**, were arrested on 11 April 2008 in an unknown location. All three were among the principal disciples of the late Lamrim Rinpoche, a revered Drepung lama who was not appointed by the Chinese government. This suggests that Beijing perceived Rinpoche's influence as a threat to the state's control of the monastery. While no official charges were brought against the three monks, the authorities accused them of failing to prevent a protest at the monastery. However, reports indicate that they had not taken part in the protests.⁷⁰

In July 2010, the court sentenced Wangchuk to life imprisonment, Nyima to 20 years in prison and Chonyi to 15 years. It is believed that the three monks are being scapegoated due to their influence in the community.

Reasons for the Persecution of Buddhists in Vietnam

As of July 2018, the US government estimated the total population to be 97 million in Vietnam. According to statistics released by the Government Committee for Religious Affairs (CRA), 26.4% of the population is categorised as religious believers: 14.91% identify as Buddhist, 7.35% Roman Catholic, 1.09% Protestant, 1.16% Cao Dai, and 1.47% Hoa Hao Buddhist.⁷¹

⁶⁹ "Gedhun Choekyi Nyima – The Panchen Lama," United States Commission on International Religious Freedom, June 5, 2020. <https://www.uscirf.gov/gedhun-choekyi-nyima-the-panchen-lama>.

⁷⁰ "Sentenced Monks Drop From Sight," World Uyghur Congress, December 24, 2010, accessed April 2020. <https://www.uyghurcongress.org/en/sentenced-monks-drop-from-sight/>.

⁷¹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Vietnam 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>.

In Vietnam, government restrictions have greatly limited all religious activities for both registered and non-registered groups. In 1981, six years after the Communists took power, the government unified several Buddhist organisations under the umbrella group *Buddhist Sangha of Vietnam* (BSV) which was placed under its authority.

The *Unified Buddhist Sangha of Vietnam* (UBSV), which was founded in 1964 to unite 11 of the 14 Buddhist groups, refused to pledge allegiance to the Communist regime and was consequently banned. The UBSV was denied the official authorisation needed to operate. The UBSV Patriarch, Thich Quang Do, who had been under house arrest since his appointment in 1999, died in February 2020 at the age of 92.

Religious teachings are considered incompatible with communist ideology, and any form of assembly is perceived as a threat to the Communist Party's monopoly of power. Thus, the government attempts to maintain strict control over all religious groups. Buddhist leaders who refuse allegiance to the Communist Party are harassed and imprisoned while their groups are declared illegal or banned.

Two groups are particularly persecuted: An Dan Dai Dao and Hoa Hao Buddhists.

An Dan Dai Dao (ADDD) is a Buddhist group founded in 1969 that was quickly outlawed and persecuted after the Communist takeover in 1975. Most of ADDD properties have now been expropriated, and its followers were forced into hiding. The leaders of ADDD have long been treated as criminals, including Phan Van Thu — its founder and leader — who was accused of working for the US and intending to 'rebel' against the regime.⁷²

Phat Giao Hoa Hao (known as Hoa Hao)⁷³ was established on 4 July 1939 by Buddhist reformer Huynh Phu So in the southern Vietnamese province of An Giang. Hoa Hao Buddhism is described as 'an amalgam of Buddhism, ancestor worship, animistic rites, elements of Confucian doctrine, and indigenous Vietnamese practices'.⁷⁴ The government officially recognises the Hoa Hao religion, but imposes harsh controls because it is an independently organised religious group. Since they are not state-sanctioned, they are denied registration and the government cracks down hard on their gatherings and temples.

⁷² "Update on Political Prisoner Phan Van Thu from His Family, March 2020," The 88 Project, Kayleedolen, March 22, 2020, accessed March 2020.

<https://the88project.org/update-on-political-prisoner-phan-van-thu-from-his-family-march2020/>.

⁷³ Australian Government, *Country Advice: Vietnam*, Refugee Review Tribunal (VNM38054) February 3, 2011. <https://www.refworld.org/pdfid/4df9ef982.pdf>.

⁷⁴ The Editors of Encyclopaedia Britannica, "Hoa Hao," Encyclopædia Britannica, Encyclopædia Britannica, inc., June 18, 2014, accessed May 2020.

<https://www.britannica.com/topic/Hoa-Hao-Vietnamese-religious-movement>.

Buddhists in Prison in Vietnam

Two Buddhist groups are particularly persecuted because they refuse to swear allegiance to the Communist Party: **An Dan Dai Dao** and **Hoa Hao Buddhists**.

Buddhists behind bars: some statistics

As of 1 June 2020, HRWF documented **28 cases** of detained Buddhists in its Prisoners' Database.⁷⁵ Of these cases, 22 were members of the An Dan Dai Dao group and 21 of them were arrested in 2012, with prison terms ranging from 12 to 17 years. One arrest was made in 2014 with a prison term of six years, and one of these individuals was sentenced to life imprisonment. Almost all of these individuals were charged with subversion under Article 79 and accused of writing documents critical of the government.

The remaining six cases involve members of the Hoa Hao Buddhist group. Five were arrested in 2017, with one arrest in 2011. In most of these cases, the charges were 'causing public unrest' under Article 245.

Articles of the Penal Code

Buddhist followers were charged under these articles of the 1999 Vietnamese Penal Code:

Article 79 stipulates that those who carry out activities, establish or join organisations with the intent to overthrow the people's administration 'shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment'.

Article 88 states that conducting propaganda against the Socialist Republic of Vietnam, such as distorting and/or defaming the people's administration, spreading fabricated news to create confusion, is punishable with 'between three and twelve years of imprisonment'.

Article 245 outlines that those who 'foment public disorder' shall be sentenced to a fine and non-custodial reform for up to two years or between three months and two years' imprisonment. If the offender used weapons during the offence, they 'shall be sentenced to between two and seven years of imprisonment'.

⁷⁵ Our Database is updated on a regular basis. For more details about imprisoned Buddhists, see <https://hrwf.eu/prisoners-database/>.

Article 258 stipulates that those who ‘abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State’ shall be subject to a warning, non-custodial reform for up to three years or a prison term of between six months and three years.⁷⁶

In most cases, the government liberally applies Article 79, which carries the harshest sentences, as a deterrent against those it perceives to disobey its rule and to assert control. It also demonstrates that references to national security plays a central role in the detention of many religious followers. By invoking vaguely worded provisions in the Penal Code such as ‘subversion’ or ‘abuse of democratic freedoms’, the government incriminates and silences Buddhists who practice their freedom of religion or belief outside of state-sanctioned religious organisations.

International advocacy

The **European Parliament** has regularly followed Vietnam’s overall dire human rights record, in particular violations of FoRB. In its November 2018 resolution on Vietnam, the European Parliament noted that religious freedom is repressed in the country and that non-recognised religions, such as the Unified Buddhist Church of Vietnam, continue to suffer severe religious persecution. It called on the government to remove all restrictions on freedom of religion and to put an end to the harassment of religious communities. It further urged the government to bring its legislation into conformity with international human rights standards and obligations.⁷⁷

Every year since 2002, the **United States Commission on International Religious Freedom (USCIRF)** has recommended that Vietnam be designated as a Country of Particular Concern (CPC) for having engaged in or tolerated particularly severe violations of religious freedom.⁷⁸

CASE STUDIES

Founder of Buddhist group An Dan Dai Dao sentenced to life in prison

⁷⁶ “Vietnam Penal Code” (No. 15/1999/QH10) approved December 21, 1999, *National Assembly of the Socialist Republic of Vietnam, Xth legislature*, 1999. https://www.unodc.org/res/cld/document/vnm/penal-code_html/Vietnam_Penal_Code_1999.pdf.

⁷⁷ European Parliament, Joint motion for a resolution on Vietnam, notably the situation of political prisoners (2018/2925 (RSP)) November 14, 2018. https://www.europarl.europa.eu/doceo/document/RC-8-2018-0526_EN.html.

⁷⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Vietnam 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Vietnam.pdf>.

Phan Van Thu, the founder and leader of the An Dan Dai Dao Buddhist group (ADDD), was detained in 2012 together with 21 coreligionists. They were initially charged under Article 258 for allegedly abusing the right to freedom of expression with the intent of harming the state's interests. Later, this was changed to charges under Article 79, which invokes harsher sentences. In a closed trial, the 21 Buddhists were sentenced to a collective total of 299 years in prison and 105 years of house arrest, which are the highest sentences ever imposed. Phan Van Thu was given a life sentence in January 2013. Following his sentencing, he maintained that the activities of the group were purely religious and that the authorities interpreted their teachings in political terms.

The ADDD Buddhist sect, which was outlawed and persecuted after the Communist takeover in 1975, is considered a peaceful movement by human rights groups. However, all arrested members of the group have been treated as criminals. The authorities accused Phan Van Thu of working for the American CIA and of intending to 'rebel' against the regime. Since 1975, he has spent most of his life in detention centres, forced labour camps and re-education camps. In 1984 he escaped prison.

In early 2000, he decided to return to his homeland and re-establish the movement by building an eco-tourism park to serve as a pilgrimage and religious destination for ADDD followers. However, in 2012 he was arrested with 22 members, and the authorities seized all of their properties.

According to the latest updates from his family in March 2020, Phan Van Thu continues to suffer from multiple health ailments, namely diabetes, arthritis, hypertension and heart problems. The restrictive policies concerning medical care in prison have led to a deterioration in his health, and now they have further worsened under restrictions due to the COVID-19 pandemic. His family requested a suspension of his sentence on medical grounds, but the authorities denied their petition.⁷⁹

Member of An Dai Dan Dao, sentenced for 13 years for 'plotting to overthrow the government'

Do Thi Hong was arrested together with Phan Van Thu, the founder of the An Dan Dai Dao (ADDD) in 2012. She was sentenced to 13 years of prison and five

⁷⁹ "Update on Political Prisoner Phan Van Thu from His Family, March 2020," The 88 Project. March 22, 2020, accessed April 2020.

<https://the88project.org/update-on-political-prisoner-phan-van-thu-from-his-family-march-2020/>.

"Update on Imprisoned Members of An Dan Dai Dao Buddhist Sect: Lack of Medical Treatment Results in Death and Prolonged Suffering in Detention," The 88 Project, November 13, 2019, accessed March 2020. <https://bit.ly/2YMG4Fr>.

years of house arrest under Article 79. She was sentenced to five years' probation following her sentence.

Do Thi Hong suffers from poor health, like many of the other jailed members of ADDD because most of them are over 50 years old.⁸⁰ While ADDD is a peaceful organisation with thousands of followers, the authorities have repeatedly denied their right to freedom of religion or belief.

Arrested with five other Hoa Hao group members during a peaceful protest

On 9 February 2018, **Nguyen Hoang Nam**, born in 1970, was sentenced to four years in prison together with five other independent Hoa Hao Buddhists: **Bui Van Trung, Bui Van Tham, Bui Thi Bich Tuyen, Bui Van Trung** and **Le Thi Hong Hanh**. They all received sentences of between three and six years in prison. They were arrested during a peaceful gathering where they were protesting their inability to commemorate the death of a member of their community at Bui Van Trung's home.⁸¹

The charge brought against all six followers was 'causing public unrest' under Article 245. In November 2018, authorities reportedly transferred Nguyen Hoang Nam and Bui Van Trung from a detention centre in Tien Giang Province after they protested the use of forced labour in the prison.⁸² According to an NGO, Bui Van Trung was able to have a censored version of the Hoa Hao scripture in prison.⁸³

Conclusions

China's suppression of the teachings and practices of Tibetan Buddhism aims to eliminate an integral part of Tibet's cultural and national identity. In this sense, the Tibetans' claim to self-determination and independence is closely linked to the preservation of their cultural and religious identity. However, Chinese authorities assert that Tibet is a part of the People's Republic and that they are rightfully maintaining control over the region. In order to ensure their power in

⁸⁰ "Update on Imprisoned Members of An Dan Dai Dao Buddhist Sect: Lack of Medical Treatment Results in Death and Prolonged Suffering in Detention," The 88 Project, November 13, 2019, accessed March 2020. <https://bit.ly/2YMG4Fr>. <https://the88project.org/update-on-imprisoned-members-of-an-dan-dai-dao-buddhist-sect-lack-of-medical-treatment-results-in-death-and-prolonged-suffering-in-detention/>.

⁸¹ "Vietnam jails 6 more Buddhists of persecuted Hoa Hao sect," Union of Catholic Asian News, February 12, 2018, accessed April 2020. <https://www.ucanews.com/news/vietnam-jails-6-more-buddhists-of-persecuted-hoa-hao-sect/81498>.

⁸² United States Commission on International Religious Freedom, *Annual Report, USCIRF: Vietnam*, 2019. <http://www.vietnamhumanrights.net/english/documents/2019uscirfreport.pdf>.

⁸³ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Vietnam*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>.

Tibet, China polices all political and religious activities there.

Regardless of the political status of Tibet in respect to the Chinese government, FoRB is systematically curtailed by Chinese authorities in the region today. The government actively promotes atheism in an attempt to undermine the Dalai Lama's influence. Severe controls are imposed on monasteries and nunneries, religious pilgrimages are limited, and acquiring a religious education remains difficult. Freedom of speech, press, association, and religion are methodically obstructed and restricted.

Moreover, the discrimination faced by Tibetans in terms of education, employment, health care and legal representation is a consequence of the concerted campaign to marginalise, isolate, and assimilate Tibetans in ways that allow the Chinese government to control them politically. The Tibetan flag and national anthem are strictly banned. Anyone found in possession of a picture of the Dalai Lama can be subjected to arrest, torture and imprisonment.

Vietnam has repressive policies toward Buddhists refusing to swear allegiance to the Communist regime and who are seen as escaping its official control. Any threat to power, real or perceived, is swiftly suppressed.

In July 2014, UN Special Rapporteur of Freedom of Religion or Belief, Heiner Bielefeldt, undertook a country visit to Vietnam and acknowledged the tight control that the Government exercises on religious communities. He noted that the autonomy and activities of independent religious or belief communities, which are unrecognised by authorities, remained restricted and unsafe. He commented that as a result, the rights to FoRB for these communities are grossly violated by constant surveillance, intimidation, harassment and persecution. During the UN Special Rapporteur's country visit, he had to prematurely put an end to his mission because of serious incidents of intimidation and cases of blatant breaches of the principle of confidentiality.⁸⁴

⁸⁴ Human Rights Council, General Assembly of the United Nations, *Report of the Special Rapporteur on freedom or belief, Heiner Bielefeldt (A/HRC/28/66/Add.2)* January 30, 2015. <https://undocs.org/pdf?symbol=en/A/74/188>.

(Roman) Catholics

The Roman Catholic Church is the largest body of Christians with more than 1.2 billion members worldwide. The term ‘Catholic’ (from Greek καθολικισμός, meaning ‘throughout the whole’) applies broadly to the beliefs and practices of particular churches that claim continuity with the apostles. The term ‘Roman’ designates those Catholics who are in full communion with the Bishop of Rome, widely known as the Pope.

The Pope (Latin *papa* for ‘father’) is the jurisdictional head of the Catholic Church in Rome, an authority that the Church claims has been handed down in unbroken succession since apostolic times. The Gospel of Matthew (16:19) asserts that Jesus entrusted Saint Peter with ‘the keys of the kingdom of heaven’, thereby designating him the chief apostle who would eventually become the first Bishop of Rome. Roman Catholics accept the supremacy of the Pope on all matters of faith and doctrine.

However, the doctrine of papal supremacy has been vigorously contested over the course of its history, leading to conflicts, schisms, and harsh measures to contain dissent. Unsurprisingly, any claim to universal authority is bound to draw the ire of conflicting interests, whether in the religious sphere or the political. Historically, the papacy has fostered a climate that allowed the Church to amass considerable power and form unsavoury alliances with monarchs, tyrants and oppressive institutions. In effect, the Roman Catholic Church has perpetuated the culture of imperial Rome, from which it acquired its institutional character.

In modern times, the power that the Church once wielded has been sharply reduced. Regardless, its image as a powerful and influential institution persists, whether real or perceived. In fact, the ‘Holy See’ (*Sancta Sedes* in Latin) functions as a sovereign state, maintains diplomatic relations with other states and is recognised as a sovereign entity under international law. This has been problematic for governments that have Roman Catholic residents in their countries and view loyalty to the Holy See as incompatible with loyalty to the state.

Teachings

The principal teachings of the Roman Catholic Church are shared by other Catholic traditions, which are summarised in the Nicene Creed and the Apostles’ Creed. These include a belief in one God, the Holy Trinity, and the centrality of Christ as the Son of God and Redeemer of the world.

The Church also shares with other Catholic traditions a liturgical and sacramental approach to its common worship, allowing for wide variances in its cultural expression. The central celebration of all Catholics is the Holy Eucharist, the sacrament in which believers are said to share in the very life of Christ, who is believed to be present in the bread and the wine that is shared.

Catholic social teaching places great emphasis on works of mercy and justice, which finds lively and diverse expression in many countries throughout the world. The Roman Catholic Church is the largest non-governmental provider of education and medical services in the world.

However, the most clearly definable difference between Roman Catholicism and all other Christian traditions is one of authority. The Church maintains that Christ gave authority to his apostles and their successors to defend ‘the deposit of faith’, which circumscribes matters of doctrine and practice for the faithful.

The Reasons for the Persecution of Roman Catholics in China

As of July 2018, the US government estimated the total population of China to be 1.4 billion.⁸⁵ The Chinese government officially recognises five major religions: Buddhism, Taoism, Islam, Catholicism and Protestantism. The Catholic Church officially has about six million believers,⁸⁶ but some sources claim that there are many more Catholics who belong to unregistered communities in China. The Pew Research Centre estimates that there are approximately 12 to 14 million Catholics in total in the country.⁸⁷

The Roman Catholic Church is one of the oldest religious institutions in the world and has played a prominent role in the history of Western civilisation. This alone has drawn suspicion of the Church as an agent of Western influence and, consequently, a target for suppression. Moreover, the Church acts as a sovereign state entity in the form of the Holy See, which has a centralised government, diplomatic relations with other states, and even its own sovereign territory, officially known as the Vatican City State.

⁸⁵ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China, 2018*. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

⁸⁶ The Law Library of Congress, Glolal Legal Research Center, *China: Religion and Chinese Law*, June 2018. <https://www.justice.gov/eoir/page/file/1068681/download>.

⁸⁷ Immigration and Refugee Board of Canada, “Situation of Catholics and Treatment by Authorities, particularly in Fujian and Guangdong (2005 - 2010) [CHN103501.E]” [ecoi.net](https://www.ecoi.net/de/dokument/1170620.html), July 6, 2010. <https://www.ecoi.net/de/dokument/1170620.html>.

It is the Church's position as a sovereign state in international affairs that has provoked friction with some states, including China. Notably, in 1957, the Chinese government established the *Chinese Catholic Patriotic Association* (CCPA), which is a group that consolidates all Catholic Church structures under the sole authority of the Chinese state. The following year, Pope Pius XII condemned the activities of the CCPA and declared that Roman Catholic bishops participating in the consecration of CCPA-appointed bishops would be excommunicated.

Religious associations in China must be registered with the government, otherwise they face hostility and suppression. The Religious Affairs Bureau exercises supervision over the activities of the CCPA.

Since Xi Jinping acceded to power in 2012, both officially registered religions and unregistered religious movements in China have suffered from an increasingly repressive regime under the motto of 'sinicization'.⁸⁸

In 2018, the new *Regulations on Religious Affairs* came into force and, consequently, the Catholic churches that are not part of the CCPA and do not have registration certificates became illegal. 'Unpatriotic' Catholic churches are closed or destroyed across the country. Even state-approved Catholic clergy members are subjected to severe persecution if they question the Chinese Communist Party's (CCP) oppressive religious policies.

All Catholic structures that remain loyal to Rome and refuse to join the state controlled CCPA are considered to be under 'foreign influence' and, thus, outlawed. As a result, those Roman Catholic churches and their clerics have been forced underground.

On 22 September 2018, China and the Vatican signed a historic agreement concerning the appointment of bishops in China. However, they did not establish diplomatic relations despite the Vatican maintaining its diplomatic ties with Taiwan, which China does not recognise. Vatican spokesman Greg Burke described the agreement as 'not political but pastoral, allowing the faithful to have bishops who are in communion with Rome but at the same time recognized by

⁸⁸ This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the CCP gives to the word 'sinicization' a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as sinicized, they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. In Tibet and Xinjiang, the CCP pursues a politics of 'sinicization' in the traditional sense of the word, trying to assimilate Uyghurs and Tibetan Buddhists into Chinese culture.

Source: "HOME. Sinicization," Bitter Winter, accessed April 2020.
<https://bitterwinter.org/Vocabulary/sinicization/>.

Chinese authorities’.⁸⁹ The agreement states that China will recommend bishops before they are appointed by the pope,⁹⁰ but the pope has the authority to veto a bishop that the CCP recommends.⁹¹ Pope Francis then approved seven bishops who had been appointed by Beijing, including one recently deceased. All of them had received episcopal consecration without papal approval.

Catholics in Prison in China

A number of Catholic clerics and communities faithful to the Vatican refuse to swear allegiance to the CCP. In the last few decades, many priests and bishops appointed by the Vatican without the approval of the Chinese authorities have been officially imprisoned or have ‘disappeared’ for refusing to join the CCPA.⁹² For years, these ‘missing’ Catholics’ whereabouts remained unknown until they died or were temporarily released. Their incommunicado detention without trial or charges is effectively a life sentence.

Catholics behind bars: some statistics

As of 1 June 2020, HRWF documented **three cases** of detained Catholics in its Prisoners’ Database.⁹³ HRWF documented seven cases in 2017 and 2018, and six in 2019. While there has been an decline in the number of Catholic prisoners in China, it is not the result of reduced repression targeting this religious community. The main reason is that many elderly clerics have died while serving their sentence. Most cases HRWF has documented since 2013 concerned individuals who were over 80 years old, except for Father Song Wanjun, who was 39 when he was arrested in 2013.⁹⁴

⁸⁹ “Vatican and China Sign Agreement on Bishop Appointments,” The Guardian News and Media, September 22, 2018, accessed May 2020.

<https://www.theguardian.com/world/2018/sep/22/vatican-and-china-sign-agreement-on-bishop-appointments>.

⁹⁰ “Vatican Announces Deal with China on Bishop Appointments,” NBCUniversal News Group, September 22, 2018, accessed March 2020.

<https://www.nbcnews.com/news/world/vatican-announces-deal-china-bishop-appointments-n912186>.

⁹¹ Rocca, Francis X., and Eva Dou, “Vatican and China Sign Deal Over Bishops, Allowing Pope a Veto,” The Wall Street Journal. Dow Jones & Company, September 22, 2018, accessed June 2020.

<https://www.wsj.com/articles/vatican-and-china-agree-deal-over-bishops-allowing-pope-a-veto-1537613087>.

⁹² “Situation of Catholics and Treatment by Authorities, particularly in Fujian and Guangdong (2005 – 2010) [CHN103501.E],” European Country of Origin Information Network, Immigration and refugee Board of Canada, July 6, 2010. <https://www.ecoi.net/de/dokument/1170620.html>.

⁹³ Our Database is updated on a regular basis. For more details about imprisoned Catholics, see <https://hrwf.eu/prisoners-database/>.

⁹⁴ “Hebei Underground Catholic Priest Arrested,” Asia News.it, October 8, 2013, accessed March 2020. <http://www.asianews.it/news-en/Hebei-underground-Catholic-priest-arrested-28710.html>.

In 2017, Bishop Peter Shao Zhumin ‘disappeared’ for seven months, which led to a public dispute between the Vatican and China and his subsequent release in January 2018.⁹⁵

International advocacy

On 18 April 2019, the **European Parliament** submitted a *Resolution on the situation of religious and ethnic minorities in China* which stressed that ‘China is home to one of the largest populations of religious prisoners’ and called for ‘the immediate release of arbitrarily detained people, prisoners of conscience’. However, the situation of the Catholic Church and the imprisonment of its clerics has remained relatively unnoticed.

In its 2020 annual report, the **United States Commission on International Religious Freedom (USCIRF)** highlighted the detention of Agostino Tai Cui, a bishop who refused to swear allegiance to the CCPA.⁹⁶ However, in the last five years, USCIRF failed to mention the cases of other detained Catholics in its annual reports.

CASE STUDIES

Tai Cui deprived of freedom since 2007

Agostino Cui Tai, a 69-year-old priest of the diocese of Xuanhua (Hebei) was arrested in 2007 for refusing to pledge allegiance to the CCPA. Since then, he has been held in multiple detention centres or labour camps around the country.

In January 2020, the Communist authorities temporarily freed him for Chinese New Year, but he was told he would be forced to return to his incommunicado detention after those festivities.⁹⁷

Honggen Liu missing since 2015

Honggen Liu, an 85-year old priest of the diocese of Baoding (Hebei) was arrested in December 2006 for refusing to join the CCPA. He was released in August 2015 after spending eight years in prison without trial.

⁹⁵ “Peter Shao Zhumin: Detained Chinese Catholic Bishop Freed,” BBC News, January 12, 2018, accessed March 2020. <https://www.bbc.com/news/world-asia-42666663>.

⁹⁶ United States Commission on International Religious Freedom, Annual Report, USCIRF-Recommended for countries of particular concern: China, 2020, accessed 15 June 2020. https://www.uscifr.gov/sites/default/files/China_0.pdf.

⁹⁷ Eli, Bradley, “China Temporarily Frees Bishop Confined 13 Years,” Church Militant – Serving Catholics, January 22, 2020, accessed March 2020. <https://www.churchmilitant.com/news/article/china-temporarily-frees-bishop-confined-13-years>.

He was reportedly arrested again after his release and has not been seen since.⁹⁸

Bishop under house arrest since 2012

Thaddeus Ma Daqin is a Bishop of Shanghai and the former vice-chair of the CCPA. He is 45 years old. He has been under house arrest at the Sheshan Regional Seminary in a Shanghai suburb since 7 July 2012 after resigning from the CCPA. The authorities prevent him from carrying out his episcopal duties.⁹⁹

Conclusions

Over the centuries, Roman Catholics have had a long history of suffering and repression for multiple reasons. Currently, the CCP in China officially restricts the exercise of their religious activities using severe methods such as incommunicado detentions. According to Chinese officials, these measures are necessary to contain the potential threat that Catholics remaining loyal to Rome pose to the ideology and authority of the state.

Despite the signing of the Vatican-China Agreement of 2018, the persecution of the Catholic Church goes on unabated. The prospects for improving the situation of the Catholic Church under the current government are extremely low. Repression is predicted to continue and to further increase and intensify.

⁹⁸ “Hebei priest still missing despite China-Vatican deal”, Union of Catholic Asian news, October 5, 2018, accessed June 2020. <https://www.ucanews.com/news/hebei-priest-still-missing-despite-china-vatican-deal/83553>.

⁹⁹ “Bishop Thaddeus Ma Daqin - Auxiliary Bishop of Shanghai, China,” Inside the Vatican, January 1, 2014, accessed April 2020. <https://insidethevatican.com/magazine/people/bishop-thaddeus-ma-daqin-auxiliary-bishop-shanghaichina/>.

The Church of Almighty God

The Church of Almighty God (CAG), initially called ‘Eastern Lightning’, is one of the largest new religious movements that originated from Mainland China at the end of the 20th century.

The history of the CAG cannot be separated from the figure of Watchman Nee (1903–1972) who was a Chinese Christian leader. In the 1930s, he encountered a branch of the Exclusive Brethren, a fundamentalist Christian denomination, and integrated a great deal of their theology into his teachings. He established churches throughout China.

Following the Communist Revolution Watchman Nee was persecuted and imprisoned for his faith and spent the last twenty years of his life in prison. He was commemorated by Representative Christopher H. Smith of the US Congress on 30 July 2009. One of his disciples, Witness Lee (1905–1997), later founded another religious movement in China known as ‘The Shouters’.

In the early 1990s, a splinter group of The Shouters was created by Zhao Weishan (b. 1951). One of the members of Zhao Weishan’s group was later identified as the Almighty God. In 1991, this individual, a woman, began to utter words that were likened to those expressed by Jesus Christ and thus were believed to come from the Holy Spirit. Later, her followers concluded that she was Jesus Christ reincarnated and the only Almighty God. The movement of the Church of Almighty God (CAG) then came into being.

Although the CAG personifies God reincarnated as a female, her name is never mentioned. Several scholars identify her as Yang Xiangbin, a woman born in 1973 in northwest China. Zhao Weishan is referred to as the ‘Man Used by the Holy Spirit’, the ‘Priest’, or the ‘Brother’, and is the administrative leader of the Church.

In the mid-1990s, the Chinese Communist Party (CCP) began to severely persecute both the Shouters and the CAG, whose theological differences were not necessarily clear to the authorities. Since 1995, CAG members have continued to experience extreme repression in China. On 6 September 2000, Zhao Weishan and Yang Xiangbin fled to the United States (US) and, in 2001, they were granted political asylum. Since then, they have directed the movement from New York City.

In early 2009, He Zhexun, who used to oversee the work of the CAG in Mainland China, was arrested and sentenced to 15 years in prison. On 17 July 2009, Ma

Suoping (1969-2009), who took over He Zhexun's role, was also arrested. She died while in custody.¹⁰⁰

Relentless persecution is only one of the exceptional features of the CAG's history. The other is its rapid growth. According to official Chinese sources, it had reached between three and four million members in 2014, a little over two decades after its emergence. This figure is disputed by scholars, who argue that it is inflated by the government to justify the need and urgency for harsh repression. Moreover, the CAG's status as an illegal *xie jiao*¹⁰¹ makes it impossible to accurately count their members. However, it is likely that Chinese officials aren't far from the true number of CAG followers, since the Chinese police and intelligence are among the only agencies equipped to collect data on clandestine organisations in China.

In 2014, the CCP falsely accused members of the Church of being responsible for a homicide at a McDonald's in Zhaoyuan, Shandong. Consequently, all of the media outlets under the CCP's control attacked, defamed, and slandered the CAG. In 2017, Dr Massimo Introvigne investigated this criminal case and published evidence of the CCP's deliberate deception in an article in *The Journal of Cesnur*.¹⁰²

After the Zhaoyuan McDonald's murder of 2014, the CCP's repression of the CAG intensified. They attempted to eradicate the Church entirely by confiscating funds, harassing leaders, and brutally torturing members who were arrested, sometimes to death. Approximately 400,000 CAG members were arrested before the end of 2019, with 146 dying while in custody since the Church's foundation.¹⁰³

¹⁰⁰ Zoccatelli, Pier Luigi, "Anti-Cult Campaigns in China and the Case of The Church of Almighty God: An Introduction," *The Journal of CESNUR* | 2/1 (2018) 3—12, accessed 27 June 2020, https://cesnur.net/wp-content/uploads/2018/02/tjoc_2_1_full_issue.pdf.

¹⁰¹ The expression of *xie jiao* is far from clear. It is incorrectly translated in English into 'evil cult,' but in fact it means 'heterodox teachings'. This notion was born in the Ming period. What teachings were 'heterodox' was determined by the Emperor and lists of *xie jiao* were based on both theological and political grounds. For example, Christianity as a whole was classified as a *xie jiao* in 1725, but taken off the list in 1842, due to Western political and military pressure. Nowadays, the list of *xie jiao* (<https://bitterwinter.org/what-is-a-xie-jiao/>) includes any movement that the Chinese government considers hostile to the CCP. Being active in a *xie jiao* is punished with severe jail penalties under [Article 300](#) of the Penal Code. (<https://bitterwinter.org/Vocabulary/article-300/>).

¹⁰² Introvigne, Massimo, "Investigating the 2014 McDonald's 'Cult Murder' in Zhaoyuan", *The Journal of Cesnur* | 1/1 (2017) 43—60, accessed on 28 June 2020, https://cesnur.net/wp-content/uploads/2018/02/tjoc_2_1_full_issue.pdf.

¹⁰³ Introvigne, Massimo, "Inside The Church of Almighty God: The Most Persecuted Religious Movement in China", New York: Oxford University Press, 2020, accessed 15 June 2020, <https://bitterwinter.org/inside-the-church-of-almighty-god-a-new-book-tells-it-like-it-is/>.

Several thousand members have escaped abroad, leading to a CAG diaspora. They have founded churches in South Korea, the US, Italy, Canada, France, Spain, and other countries, in addition to those established in Hong Kong and Taiwan. The Church of Almighty God started converting non-Chinese, but ethnic Chinese members still form the majority of the CAG communities worldwide. Difficulties in becoming recognised refugees have occurred in several countries, as CAG members struggle to have their claims of religious persecution accepted.

Here are statistics regarding the asylum claims of CAG members as of June 2020:¹⁰⁴

COUNTRIES	Total Applications	Asylum Granted	Asylum Rejected	Departure Order	Deported
GERMANY	301	113	188	15	2
FRANCE	444	42	402	236	0
ITALY	827	186	466	0	0
GREECE	45	9	31	0	0
NETHERLANDS	67	23	23	23	0
CZECH REP.	37	3	2	0	0
FINLAND	38	36	2	0	0
SWEDEN	8	6	2	2	1
SWITZERLAND	33	3	29	25	3
PORTUGAL	11	0	9	0	0
BELGIUM	11	0	11	11	0
UK	9	6	0	0	0
IRELAND	2	0	0	0	0
AUSTRIA	8	2	6	0	0
SPAIN	559	0	0	0	0
AUSTRALIA	232	18	23	0	0
NEW ZEALAND	61	59	0	0	0
SAIPAN	304	3	0	0	0
JAPAN	264	0	94	0	0
CANADA	244	215	15	7	0
U.S.	> 1000	54	1	1	0
SOUTH KOREA	1008	0	711	178	0
TOTAL	4513	778	2015	498	6

Teachings

Holly Folk of Western Washington University in the US is one of the few religious scholars around the world that have examined this group and its teachings.

¹⁰⁴ Source: Private communication between HRWF and The Church of Almighty God in Seoul, South Korea.

In *Protestant Continuities in The Church of Almighty God* published in 2018, she explains that the CAG is a peaceful and non-threatening religious group and describes its theology, detailed below.

The Church's main belief is that the same God who manifested himself as Jehovah in the Old Testament and later as Jesus Christ has appeared again in the flesh and is called Almighty God.

Whereas the Old Testament is labelled the 'Age of Law', and the New Testament is known as the 'Age of Grace', the CAG believes that the new incarnation of Almighty God has ushered in the 'Age of the Kingdom'.

The mission of Almighty God is to express the religious truth for the last days and to purify and save humankind. This time, Almighty God incarnated as a female in China, whose name the Church's official documents never mention. Several scholars strongly believe her to be Yang Xiangbin, who was born in 1973 in northwest China. She is currently living in the US, and her messages, called utterances, are regarded by the CAG as authoritative Christian scriptures.

Holly Folk explains that the CAG teachings strongly resonate with the doctrines of Protestantism. However, differences do exist. For example, the CAG believes that both Jesus and the living person it worships as Almighty God originate from the Spirit of God, and thus are one and the same God. It recognises the importance of both The Bible as well as a book titled 'The Word Appears in the Flesh', which includes most of the utterances of Almighty God. In a final comment, Holly Folk says, 'understanding continuities with teachings of traditional Christianity supports the conclusion that The Church of Almighty God is indeed "Christian"'.¹⁰⁵

Reasons for the Persecution of the Church of Almighty God in China

In July 2019, the US government estimated the total population of China to be 1.4 billion. According to the State Council Information Office (SCIO) report *Seeking Happiness for People: 70 Years of Progress on Human Rights in China* published in September 2019, there are more than 200 million religious adherents in the country. The SCIO April 2018 white paper on religion in China stated that there are approximately 5,500 religious groups.¹⁰⁶ However, many experts believe that official estimates understate the total number of religious adherents.

¹⁰⁵ Folk, Holly, "Protestant Continuities in The Church of Almighty God", *The Journal of Cesnur* 2/1 (2018) 58—77, accessed on 28 June 2020, https://cesnur.net/wp-content/uploads/2018/02/tjoc_2_1_full_issue.pdf.

¹⁰⁶ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China (Includes Tibet,*

According to official Chinese sources, the number of CAG members had reached approximately four million members by 2014. However, this figure is disputed by scholars who argue that it is inflated. They believe this over-estimation is used by the CCP as justification for the urgent need to persecute the CAG. Due to this group being labelled as *xie jiao*, counting its members accurately is impossible.¹⁰⁷

The philosophical-political doctrine of the CCP is incompatible with the worldviews of religions. The only way for the CCP to resolve this contradiction is to keep all religions and belief systems under control or to destroy them, while simultaneously promoting atheism.

Any movement that experiences rapid growth is perceived as a threat by the CCP. This is the case with the CAG, which was declared an illegal *xie jiao* in 1995. Thousands of their members have been imprisoned in the last 25 years.

Believers of The Church of Almighty God in Prison in China

The CAG is a new religious movement that has only gained visibility outside of China due to thousands of its members fleeing and applying for refugee status in Europe and North America. It has been defamed by Chinese propaganda and, as a fast-growing movement, it is perceived as a competitor by Protestant Churches inside and outside of China, which present its theology as heresy.

The CAG releases periodic statistics on its website.¹⁰⁸ According to this source, between 2011 and 2013 more than 300,000 members were arrested. These figures are not inconceivable if one factors in the frequent references to ‘successful’ campaigns against the CAG in Chinese anti-*xie-jiao* propaganda and other official sources. The Church also reports that many of its members were tortured, and that some have died while in custody under suspicious circumstances.¹⁰⁹

Believers of The Church of Almighty God behind bars: some statistics

Xianjiang, Hong Kong, and Macau) 2018, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

¹⁰⁷ Zoccatelli, Pier Luigi, “Anti-Cult Campaigns in China and the Case of The Church of Almighty God: An Introduction,” *The Journal of CESNUR* | 2/1 (2018) 3—12, accessed 27 June 2020, https://cesnur.net/wp-content/uploads/2018/02/tjoc_2_1_full_issue.pdf

¹⁰⁸ Website in English of The Church of Almighty God : <https://www.holyspiritspeaks.org>

¹⁰⁹ Human Rights Without Frontiers & Bitter Winter, *Tortured to Death. The persecution of The Church of Almighty God in China*, 2018, accessed 27 June 2020, <https://hrwf.eu/wp-content/uploads/2018/08/CAG-Brochure-Tortured-to-Death.pdf>

As of 1 June 2020, HRWF documented **4,020 cases** of The Church of Almighty God members in its Prisoners' Database.¹¹⁰ 80% of these are female prisoners. However, this number only represents the tip of the iceberg.¹¹¹

Most of CAG members in HRWF's Prisoners' Database were sentenced to between three and seven years in prison, but some individuals received much longer sentences.

According to the American Dui Hua Foundation,¹¹² which analysed the statistics of the Supreme People's Court (SPC) of China, more than 40,000 people were prosecuted under Article 300 (see below) between 1998 and 2016. Only 96 individuals were acquitted. Most of the sentenced believers were Falun Gong practitioners and members of The Church of Almighty God. Additionally, Dui Hua stresses that those statistics do not include cases of extra-judicial detention and others that remained out of the radar of the SPC.¹¹³

Articles of the Penal Code

Members of the CAG are usually sentenced under **Article 300** of the Chinese Criminal Code,¹¹⁴ which was published in 1997 and amended in 2015. This article prohibits the formation of 'superstitious sects, secret societies and weird religious organisations'. It criminalises any activity carried out by members within groups that have been identified as '*xie jiao*'.¹¹⁵ Sentences range between three and seven years of imprisonment and may be longer in 'especially serious' circumstances.¹¹⁶

¹¹⁰ Our Database is updated on a regular basis. For more details about imprisoned members of The Church of Almighty God, see <https://hrwf.eu/prisoners-database/>.

¹¹¹ Falun Gong's website <http://en.minghui.org> publishes a high number of cases of persecution every day. HRWF only documents individual cases which have the date of arrest and the duration of the sentence available: this amounts to approximately one out of every 50 cases of arrests and detention documented by Minghui. This is a clear indication that the over 1,400 cases contained in HRWF's Prisoners' Database reflects only a small portion of the actual number of cases.

¹¹² Dui Hua, is a San Francisco-based non-profit humanitarian organisation that seeks clemency and better treatment for at-risk detainees through the promotion of universally recognised human rights in a well-informed, mutually respectful dialogue with China (*Dui hua*, is pinyin for the Chinese word meaning 'dialogue'). Focusing on political and religious prisoners, juvenile justice, women in prison, and criminal justice and death penalty reform, Dui Hua's work rests on the premise that positive change is realised through constructive relationships and exchange.

¹¹³ Dui Hua, Detailed court statistics on article 300, Part I, 28 May 2020. Dui Hua, Detailed court statistics on article 300, Part II, 4 June 2020.

<https://www.duihuahrjournal.org/2020/05/detailed-court-statistics-on-article-300.html>.

¹¹⁴ The Dui Hua Foundation, The Dui Hua Foundation's submission to the UN Universal Periodic Review of China of China in March 2018. https://www.upr-info.org/sites/default/files/document/china/session_33_-_may_2019/dhf_upr31_chn_e_main.pdf.

¹¹⁵ "HOME: Xie Jiao," Bitter Winter, accessed June 2020. <https://bitterwinter.org/what-is-a-xie-jiao/>.

¹¹⁶ Introvigne, Massimo. "Article 300: CCP's Secret Weapon of Religious Persecution." Bitter Winter, April 10, 2019. <https://bitterwinter.org/article-300-ccps-secret-weapon-of-religious-persecution/>, accessed May 2020.

<https://bitterwinter.org/article-300-ccps-secret-weapon-of-religious-persecution/>, and, The Journal of CESNUR, Volume 3, Issue 5, September-October 2019.

http://cesnur.net/wpcontent/uploads/2019/09/tjoc_3_5_full_issue.pdf.

Typical accusations against practitioners are: subverting state power, distributing religious information of a banned religious movement, and/or undermining law enforcement. It is not uncommon for members of the Church to be sentenced without any legal representation and many trials are held in secret.

International advocacy

Very few faith-based organisations take up the defence of members of the CAG. To date, none of the large, international human rights organisations have campaigned for the release of these religious prisoners.

In comparison, the **US Department of State** mentioned the CAG 10 times in its annual reports in 2018 and 2019. As a single religious movement, the CAG was named as the most persecuted group in the last report. This document states that ‘The Church of Almighty God reported authorities arrested 11,111 of its members during the year, of which 2,392 remained in custody’, and that the CAG ‘reported authorities subjected hundreds of their members to “torture or forced indoctrination”’.¹¹⁷

In its 2019 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** wrote that:

in 2018, the Chinese government harassed and arrested thousands of followers of other *xie jiao* groups, including The Church of Almighty God. Many of those detained during the year – whom The Church of Almighty God estimates to be in the thousands – suffered torture and other abuses, in some cases resulting in deaths or unexplained disappearance while in custody.¹¹⁸

Additionally, in November 2019, USCIRF adopted 35 prisoners of conscience in China, 25 of them being members of the CAG.¹¹⁹

¹¹⁷ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China (Includes Tibet, Xianjiang, Hong Kong, and Macau) 2018&2019*, 2018 & 2019. <https://www.state.gov/wp-content/uploads/2020/06/CHINA-INCLUDES-TIBET-XINJIANG-HONG-KONG-AND-MACAU-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> & <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>

¹¹⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China, 2020*, accessed 15 June 2020, https://www.uscifr.gov/sites/default/files/China_0.pdf.

¹¹⁹ Introvigne, Massimo, “USCIRF ‘Adopts’ 35 Chinese Prisoners—25 Are Members of The Church of Almighty God”, *Bitter Winter*, 29 November 2019, accessed 15 June 2020, <https://bitterwinter.org/uscifr-adopts-35-chinese-prisoners-25-members-of-the-church-of-almighty-god/>

Unfortunately, in its 2020 Report, USCIRF failed to mention ongoing repression of the CAG. Nonetheless, it recommended that the US State Department:

- re-designate China as a Country of Particular Concern (CPC) ‘for engaging in systematic, ongoing, and egregious religious freedom violations’;
- impose targeted sanctions on Chinese government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the US under human rights related financial and visa authorities, citing specific religious freedom violations;
- and publicly express concerns about Beijing hosting the 2022 Winter Olympic Games and state that US government officials will not attend the games if the Chinese government’s crackdown on religious freedom continues.¹²⁰

Noteworthy are also the 28 March 2019 report of **Italy’s National Commission for the Right to Asylum of the Ministry of the Interior**¹²¹ as well as the 24 October 2019 Report of the **Immigration and Refugee Board of Canada**¹²² on the CAG. Both documents facilitate the work of these two countries in the examination of applications for political asylum.

CASE STUDY

From China to Spain to flee discriminatory arrests and torture

In December 2019, **Zhang Wenbo**, 50, landed in Spain after escaping the ‘Chinese Communist paradise’ where he had spent nearly his entire life. He hopes to start a new life in this safe haven, where he is free to practice his religion without fear. About 600 asylum seekers from China who fled harsh religious persecution are still waiting for Madrid to recognise them as refugees. Spain has not threatened to deport any of them, but it has not granted them political asylum either.

Zhang Wenbo was born to a Christian family in Henan province, one of the cradles of Chinese civilization. As an adult he converted to the CAG, and he has

¹²⁰ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China, 2020*, accessed 15 June 2020, https://www.uscifr.gov/sites/default/files/China_0.pdf.

¹²¹ Ministero dell’ Interno, Commissione Nazionale per il diritto di asilo, *Persecuzioni per motivi religiosi in Cina, Church of Almighty God*, 28 March 2019, accessed 15 June 2020, https://coi.easo.europa.eu/administration/italy/PLib/2019_03_28_Cina_Chiesa_di_Dio_Onnipotente.pdf

¹²² Immigration and Refugee Board of Canada, *China: Update of CHN106256 of 23 September 2019 on the Church of Almighty God (CAG)*, 24 October 2019, accessed 15 June 2020, <https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=457950&p1s=1>

now been a member of it for 22 years. He was arrested twice by the Chinese police in 2003 and 2012 due to his missionary activities inside the country. Both times, he was subjected to inhumane torture and nearly killed.

He shared his experience of religious persecution in China during an interview with HRWF.

Arrested and tortured in 2003

‘I was arrested for the first time because of my faith in 2003. Over a dozen police officers surrounded the place where four of us were worshipping. We were apprehended and tortured to reveal the names of our church leaders. I was forced into painful positions for prolonged periods of time, such as half squatting. Additionally, they shone a 1000-watt spotlight into my eyes which caused severe pain in my head, but they would beat me if I closed my eyes.

After this incident, the police visited my furniture shop frequently. They would ask me whether I continued believing in God. Sometimes they would take me to the police station and try to force me to revoke my faith. To evade potential arrest and further persecution from the CCP I had no choice but to go into hiding’.

Arrested again and tortured in 2012

‘On 17 December 2012, the director of Tongren City Public Security Bureau and over a dozen officers discovered our hiding place. They confiscated more than 10 cellphones, 6,000 RMB (about 755 EUR) in cash and a deposit book. They then took me to the Bijiang District Police Station of Tongren City, where they interrogated me about our church leaders. As I refused to cooperate, they slapped me in the face, punched me and kicked me. I was assaulted to the point that I felt dizzy and pain all over.

Over the course of 16 days, I was subjected to torture as the officers tried to force me to talk. I was taken to the basement of the police station for the so-called “swing treatment”. While handcuffed, I was hung on a door frame so that my feet were no longer touching the ground. They tied my feet to a rope and then, for an hour and a half, they swung my legs back and forth. This caused excruciating pain in my wrists and blackened my hands.

Since I still refused to betray our church leaders, they then laid me on the ground and hit my back, waist and shoulders with a 70 cm long steel tube, fracturing my ribs. Next, I was forced to kneel, and this steel tube was rolled over my calves. This was so painful that I thought it was crushing my knees and ankles.

Then, one of my handcuffed wrists was hung high above my head on the wall, so that only one of my feet could touch the ground, whilst the other hand was tied around my back. This meant I was hanging from one arm and barely standing on one leg, and so I could neither stand or squat down.

On 3 January 2013, I was transferred to Bijiang District Detention Centre in Tongren City. I was detained there for an additional 13 days.

During my detention, I was fed minimally. Other inmates often abused me and beat me up due to instigation from the guards. Also, at one point, the authorities forced me into a wooden chair and stabbed my genitals with a long iron awl.

On 26 January 2013, my family and friends from the church used their connections to obtain my release on bail. My freedom was bought with 16,000 RMB (about 2,014 EUR), although the standard fee was registered as only 3,000 RMB (about 378 EUR).

To this day I have not recovered from this torture. It was traumatising and created long-term physical damage to the extent that I am now unable to do any physical labour.'

Under constant threat of a new arrest: no choice but to flee

'After my release in 2013, I was under strict surveillance by the police. I had to report to them every month and they threatened and interrogated me on a regular basis.

Between 2013 and 2018, I was always on the run, moving from place to place and living in constant fear and pain. While preaching in Sanmenxia City of Henan Province in 2013, I was reported to the police and narrowly escaped arrest. In 2016, I was questioned by the police in Yiyang City. Ultimately, I realised that I had no alternative but to leave China if I wanted to live according to my faith.

In December 2019, I managed, with great difficulty, to obtain a passport and flee to Spain. I submitted my asylum application and received an interim residence permit. In February 2020, my case was heard by the refugee board. Now I'm awaiting the decision of the Spanish government'.

Thousands of members of the CAG have fled China to save their lives and are desperately awaiting refugee status in Europe (about 2,500), in the US (about 1,000), in South Korea (about 1,000) and other countries. In these democratic countries, they continue living in fear of being deported back to China where they would be arrested and interrogated under torture. It is the moral and legal duty of

all countries that are signatories to the 1951 Convention Relating to the Status of Refugees to grant them a safe haven without delay.

*HRWF Comment: During Zhang Wenbo's interview with HRWF, he disclosed details about additional sexual torture that he was subjected to.*¹²³

Conclusions

The severe repression of the CAG by the Chinese government has not shown any sign of slowing. Moreover, the 2015 National Security Law has further tightened control on illegal *xie jiao* organisations. The future for members of the CAG looks grim. They are stuck choosing between remaining in China and risking imprisonment and torture or fleeing. Countries where CAG members have filed for asylum should not deport them back to China and instead grant them political asylum.

¹²³ HRWF Database of FoRB news, accessed 28 June 2020, <https://hrwf.eu/wp-content/uploads/2020/05/Spain-2020.pdf>.

Falun Gong

The Falun Gong movement (or *Falun Dafa*) began in 1992 in northeast China where Master Li Hongzhi taught about the healing and health benefits of the ancient Chinese practice of Qigong.¹⁵² When he first developed the practice of Falun Gong, he was a government-registered teacher of Qigong. Li drew from the teachings of classical religious traditions –Taoism and Buddhism in particular – to construct a system of beliefs and practices that focus on the cultivation of compassion and virtue in pursuit of human wholeness. He incorporated much of that teaching in his own work and emphasised moral values and the development of character. He focused on three tenets: truthfulness, compassion and forbearance.

In the 1990s, Li travelled across China, giving classes in Falun Gong to audiences ranging from a few hundred to several thousand. Li's first book appeared in 1993 and his first teaching video was released in 1994. His reputation spread with astonishing speed. By 1999, the government estimated the number of Falun Gong practitioners at 70 million.

At that time, Falun Gong was not politically controversial. However, China, as a totalitarian state, considers any unofficial and unauthorised organisation to be a threat to the one-party state. With Falun Gong's commitment to truthfulness, perhaps it would begin denouncing the rampant corruption across the country. Such thoughts triggered Beijing to start a propaganda campaign against Falun Gong in 1999. It shut off Internet access for websites that mentioned Falun Gong and denounced Falun Gong as a 'heretical organisation' and a menace to social stability.

When those initial measures failed to stunt the movement, the government imprisoned hundreds of thousands of practitioners, subjecting them to forced labour and sometimes torture.

By the late 1990s, Li's movement had spread to most Chinese cities and overseas to centres in Hong Kong, Taiwan, Japan, and the United States (US). Li Hongzhi left China in 1995 to give lectures to large crowds in several major cities around the world. In 1996, he settled in the US where the Falun Gong movement has established a global media presence from New York City through its newspaper, website *Epoch Times*, and television station *New Tang Dynasty*.

¹⁵² "Falun Gong," World Religious Spirituality, accessed June 2020.
<https://wrldrels.org/2012/04/04/fallun-gong2/>.

As there are no formalised membership records maintained by Falun Gong, only rough estimates are available for the numbers of practitioners worldwide. At the peak of its popularity in China, there were an estimated 70 million adherents. Today, some sources estimate that tens of millions continue to practice Falun Gong in China despite experiencing harsh persecution.

Hundreds of thousands are estimated to practice Falun Gong outside of China in over 70 countries worldwide. Li often lectures at conferences of Falun Gong Experience Sharing. In May 2017, he led a conference in Brooklyn, New York, US that was attended by 10,000 practitioners from 58 countries.

Teachings

Falun Gong traces its roots to practices that reach far into Chinese history. These techniques focus on the transformation of the individual through the cultivation of *qi*, the life force that is believed to permeate the universe. Master Li's teachings focus on letting go of negative attachments, cultivating virtue, and countering harmful karma. Through one's own intentional effort and everyday experiences, practitioners can nurture virtue and find spiritual resources for overcoming difficulties and positively influencing society.

Li Hongzhi teaches that the aim of the founders of world religions, such as Buddhism, Taoism, and Christianity, sought not to establish religions per se but to 'guide cultivation techniques', which Falun Gong continues and expands on. Master Li is presented as a Buddha figure that has come to guide humanity in this age of social degradation towards enlightenment and peace.

It is not uncommon for Falun Gong practitioners to meet regularly for group exercises, the study of Master Li's teachings, and to discuss their experiences.

Reasons for the Persecution of Falun Gong Practitioners in China

In July 2018, the US government estimated the total population of China to be 1.4 billion. According to a February 2017 estimate by the international NGO Freedom House, there are 7-20 million Falun Gong practitioners in China.¹⁵³

Chinese policy on religion is governed by the State Administration for Religious Affairs, which requires all religious groups and venues to affiliate with a government-approved association.

¹⁵³ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China 2018*. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

The Qigong movement was considered distinct from religion and beneficial to society. The China Qigong Research Society (CQRS) was established in the 1980s, and Falun Gong was admitted as a sub-branch in 1992.

Despite this initial involvement, Master Li later declined requests to strengthen state ties through the formation of a Falun Gong national organisation. Under mounting pressure to do so, Falun Gong withdrew from the CQRS in 1996.

The turn of the century brought growing scepticism regarding Qigong and related practices in China, which the state media increasingly reported as superstitious and harmful to practitioners and society. Falun Gong adherents mobilised to peacefully petition for media sources to retract their criticism of the movement. Other practitioners of Qigong-related groups did the same, but the Falun Gong proved to be the most organised and frequently successful campaigners. However, this strength made them particularly susceptible to government repression.

On 25 April 1999, the week after a demonstration was broken up by police, about 10,000 protesters sat quietly outside of the Chinese Communist Party (CCP) headquarters in Beijing to call for an end to the harassment of Falun Gong and the release of Falun Gong detainees.

Representatives of the group met with the Chinese Premier, Zhu Rongji, and demonstrators dispersed the following day.

On 22 July 1999, Falun Gong was banned in China as an ‘illegal organisation’ and was designated as a ‘*xie jiao*’.¹⁵⁴

During the three months prior to the ban, authorities established the ‘6-10 Office’ with the sole mission of cracking down on this movement. It was alleged that Falun Gong had overstepped the boundaries of religious freedom, and thus a plan was adopted for its dissolution and the ‘transformation’ of its followers. The appellation 6-10 refers to the date of the agency’s creation.

The 6-10 Office was given powers well beyond what is authorised under the Chinese Constitution. Its authority reached every administrative level in the CCP and all other political and judicial systems. It also had jurisdiction in all Chinese

¹⁵⁴ The expression of *xie jiao* is far from clear. It is incorrectly translated in English into ‘evil cult,’ but in fact it means ‘heterodox teachings’. This notion was born in the Ming period. What teachings were ‘heterodox’ was determined by the Emperor, and lists of *xie jiao* were based on both theological and political grounds. For example, Christianity as a whole was classified as a *xie jiao* in 1725, but taken off the list in 1842, due to Western political and military pressure. Nowadays, the list of *xie jiao* (<https://bitterwinter.org/what-is-a-xie-jiao/>) includes any movement that the Chinese government considers hostile to the CCP. Being active in a *xie jiao* is punished with severe jail penalties under Article 300 of the Penal Code (<https://bitterwinter.org/Vocabulary/article-300/>).

cities, villages, governmental agencies, institutions, and schools. Its duties have since expanded to include other ‘heretical cult organisations’.

The office began ‘detoxifying’ CCP members that had become partial to Falun Gong, either as practitioners themselves or merely sympathisers. Numerous arrests were made of suspected Falun Gong leaders. In the first month after the ban, an aggressive media campaign criticised the group in state-run newspapers and on television.

In January 2000, several individuals attempted to commit suicide by self-immolation in Tiananmen Square, a practice that has been employed by Tibetan Buddhist to protest the Chinese occupation of Tibet. Two of them subsequently died. The state media reported that they were Falun Gong practitioners. Falun Gong spokespersons overseas denied that the protesters could be authentic members of their movement since their principles uphold the sanctity of life. Regardless, wide media reporting of this incident discredited the group as a whole in the minds of many Chinese citizens.

Practitioners are often confronted in their workplaces and targeted in academic settings. School books denounce the movement, students can be expelled for practicing Falun Gong or for being related to someone who does, and questions regarding Falun Gong have reportedly appeared in college entrance examinations.

Since the ban, numerous followers have been imprisoned. Independent sources have confirmed tens of thousands of arrests, while acknowledging that the actual amount is likely to be much higher. Practitioners are often detained without any official charge. If charges are pressed, they are usually under Article 300 of the criminal code, which prohibits the formation of ‘superstitious sects, secret societies and weird religious organisations’. Sentences range between three and seven years of imprisonment but may be even longer in ‘especially serious’ circumstances. It is not uncommon for Falun Gong practitioners to be sentenced with little to no legal representation and many trials are held in secret.

Considerable alarm has risen over Falun Gong prisoners held in ‘black jails’, drug rehabilitation centres, and ‘brainwashing centres’, which fall directly under the authority of the 6-10 Office. The *Falun Dafa Information Centre* has documented over 63,000 cases in which ‘re-education’ has included hard labour, physical beatings, sexual abuse, psychological trauma and psychiatric and physical torture.¹⁵⁵

¹⁵⁵ “Violent Suppression of Falun Gong: Falun Dafa Persecution,” FalunInfo, May 10, 2020. <https://faluninfo.net/violent-suppression-of-100-million-people/>.

Repeated accusations have also been made against the Chinese government of systematically killing prisoners for the purpose of selling their organs on the transplant market for a high profit. In fact, the organ transplant trade has been booming in China since the beginning of the Falun Gong suppression in 1999.

In 2006, two Canadian human rights researchers, David Kilgour and David Matas, conducted an investigation of widely circulated stories that Chinese authorities had been responsible for ‘large-scale organ seizures from unwilling Falun Gong practitioners’ to supply the Chinese transplant trade.¹⁵⁶ China has consistently denied this charge, but Kilgour and Matas discovered that the authorities could not, or would not, explain the source of some 41,500 organs transplanted by Chinese surgeons. For years, Falun Gong practitioners have been denouncing this practice. They have engaged in an international propaganda war with the CCP and have become some of the most ardent critics of the Chinese government.

Some analysts have suggested that the persecution of the Falun Gong movement is part ideological and part political. As a metaphysical system, Falun Gong is a direct affront to the communist-atheist ideology of the Chinese state. It is also political in that the movement, although posing no substantial threat to the Chinese government, lies nonetheless outside the control of the communist centralised system and is therefore perceived as dangerous.

Falun Gong Practitioners in Prison in China

The Falun Gong movement is one of the world’s most persecuted religious / spiritual denominations by a single country. For years, their website minghui.org¹⁵⁷ has documented thousands of cases of arrests, imprisonments, disappearances, torture, killings, and organ harvesting.

Falun Gong practitioners behind bars: some statistics

As of 1 June 2020, HRWF documented **over 1,400 cases** of detained Falun Gong practitioners in its Prisoners’ Database.¹⁵⁸ However, this number only represents the tip of the iceberg of Falun Gong practitioners that are behind bars.¹⁵⁹

¹⁵⁶ Matas, David, and Kelgour, David “Kilgour & Matas Report,” The International Coalition to End Transplant Abuse in China, accessed June 22, 2020.

<https://endtransplantabuse.org/kilgour-matas-report/>.

¹⁵⁷ English version: “Accounts of Persecution: Falun Dafa,” Minghui.org, accessed June 2020.

<http://en.minghui.org/cc/10/>.

¹⁵⁸ Our Database is updated on a regular basis. For more details about imprisoned Falun Gong Practitioners, see <https://hrwf.eu/prisoners-database/>.

¹⁵⁹ Falun Gong’s website <http://en.minghui.org> publishes a high number of cases of persecution every day. HRWF only documents individual cases which have the date of arrest and the duration of the sentence available: this amounts to approximately one out of every 50 cases of arrests and detention documented by Minghui. This is a

According to minghui's well documented reports,¹⁶⁰ 2,014 Falun Gong practitioners were arrested in the first half of 2019 for practicing the movement's meditation exercises or distributing literature about their beliefs.

Most of the Falun Gong practitioners in HRWF's Prisoners' Database were sentenced to between three and seven years in prison, but some individuals received sentences as long as 17 years.

According to the American Dui Hua Foundation,¹⁶¹ which analysed the statistics of the Supreme People's Court (SPC) of China, more than 40,000 people were prosecuted under Article 300 (see below) between 1998 and 2016. Only 96 individuals were acquitted. Most of the sentenced believers were Falun Gong practitioners and members of The Church of Almighty God. Additionally, Dui Hua stresses that those statistics do not include cases of extra-judicial detention and others that remained out of the radar of the SPC.¹⁶²

Articles of the Penal Code

Falun Gong practitioners are usually sentenced under **Article 300**¹⁶³ of the Chinese Criminal Code,¹⁶⁴ which was published in 1997 and amended in 2015. It criminalises any activities by members within groups identified as a 'xie jiao',¹⁶⁵ which means 'heterodox teachings'. Since Falun Gong is considered a 'xie jiao' by the Chinese authorities, all practitioners face a prison term of three to seven years.

clear indication that the over 1,400 cases contained in HRWF's Prisoners' Database reflects only a small portion of the actual number of cases.

¹⁶⁰ "Minghui Report: 2,014 Falun Gong Practitioners Arrested for Their Faith in First Half of 2019," Minghui.org, accessed June 22, 2020. <http://en.minghui.org/html/articles/2019/7/21/178520.html>.

¹⁶¹ Dui Hua, is a San Francisco-based non-profit humanitarian organisation that seeks clemency and better treatment for at-risk detainees through the promotion of universally recognised human rights in a well-informed, mutually respectful dialogue with China (*Dui hua*, is pinyin for the Chinese word meaning 'dialogue'). Focusing on political and religious prisoners, juvenile justice, women in prison, and criminal justice and death penalty reform, Dui Hua's work rests on the premise that positive change is realised through constructive relationships and exchange.

¹⁶² Dui Hua, Detailed court statistics on article 300, Part I, 28 May 2020. Dui Hua, Detailed court statistics on article 300, Part II, 4 June 2020.

<https://www.duihuahrjournal.org/2020/05/detailed-court-statistics-on-article-300.html>.

¹⁶³ Introvigne, Massimo "Article 300: CCP's Secret Weapon of Religious Persecution," Bitter Winter, April 9, 2020. <https://bitterwinter.org/article-300-ccps-secret-weapon-of-religious-persecution/>, and, Respinti, Marco and Introvigne, Massimo, *The Journal of CESNUR* (Volume 3, Issue 5), September-October 2019. http://cesnur.net/wp-content/uploads/2019/09/tjoc_3_5_full_issue.pdf.

¹⁶⁴ The Dui Hua Foundation, *The Dui Hua Foundation's submission to the UN Universal Periodic Review of China of China 2018*, March 2018.

https://www.uprinfo.org/sites/default/files/document/china/session_33_may_2019/dhf_upr31_chn_e_main.pdf.

¹⁶⁵ Introvigne, Massimo, "What Is A Xie Jiao?" Bitter Winter, August 9, 2018.

<https://bitterwinter.org/what-is-a-xie-jiao/>.

Typical accusations against practitioners who are sentenced to prison are: subverting state power, distributing information about Falun Gong, practising Falun Gong, undermining law enforcement, and spreading information about Falun Gong.

International advocacy

During the Universal Periodic Review of China at the **United Nations** in March 2018, many civil society actors submitted reports that highlighted the ongoing persecution and detention of Falun Gong practitioners.¹⁶⁶

Also, in a resolution about the situation of religious and ethnic minorities in China on 18 April 2019, the **European Parliament** ‘[called] for the immediate release of arbitrarily detained people, prisoners of conscience, including practitioners of Falun Gong and for a stop to be put to enforced disappearances’.¹⁶⁷

In its 2020 Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US Department of State:

- re-designate China as a Country of Particular Concern (CPC) ‘for engaging in systematic, ongoing, and egregious religious freedom violations’;
- impose targeted sanctions on Chinese government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the US under human rights related financial and visa authorities, citing specific religious freedom violations;
- and publicly express concerns about Beijing hosting the 2022 Winter Olympic Games and state that US government officials will not attend the games if the Chinese government’s crackdown on religious freedom continues.¹⁶⁸

CASE STUDIES

Denied medical parole despite cancer progressively worsening

¹⁶⁶ Universal Periodic Review, *NGO submissions on China, Review on November 6, 2018*, 2018. <https://www.upr-info.org/en/review/China/Session-31---November-2018/Civil-society-and-other-submissions#top>. Some of these civil society actors included: Amnesty International, the Society for Threatened Peoples, and the United Nations High Commissioner for Refugees.

¹⁶⁷ European Parliament, Resolution on China, notably the situation of religious and ethnic minorities (2019/2690(RSP)) April 18, 2019. https://www.europarl.europa.eu/doceo/document/TA-8-2019-0422_EN.html.

¹⁶⁸ United States Commission on International Religious Freedom, *Examination of Anti-Semitism in the OSCE Region*. https://www.uscirf.gov/sites/default/files/China_0.pdf.

Lan Lihua was arrested on 6 November 2018 for handing out calendars with information about Falun Gong. During her pre-trial detention, she developed breast cancer. She was still forced to stand trial on 5 May 2019 and was sentenced to three years and ten months imprisonment. She has been denied medical parole by prison authorities because she refuses to renounce Falun Gong.

On 17 March 2020, a guard contacted her family with a demand of a 5,000-yuan (approximately 645 EUR) deposit for Lan Lihua to go to a doctor's appointment. Her family was finally allowed to speak with her on the phone, and Lan Lihua informed them that she is very sick and believes her cancer has spread to her lungs and lymph nodes. Her family requested to go to the hospital with her, but their request was denied.¹⁶⁹

Husband vainly attempts to prosecute nine police officers who tortured and sexually assaulted his wife

On 25 July 2019, **Che Jinxia** was arrested for practising Falun Gong and, as of 12 March 2020, has been held in a detention centre despite her case being refused for trial due to insufficient evidence. When she was arrested, she was tortured for 18 hours and sexually assaulted by the police. As a result, she had head swelling and immobility in one of her fingers. She has been refused medical care throughout the duration of her detention.

Her husband filed complaints of police brutality against the nine perpetrators to several government agencies but was then threatened by the police himself. They took the evidence he had and all copies of his lawsuits against them, and then threatened to prevent his son from being able to find work.

Other government agencies have responded to her husband's formal complaints with threats of suing him. Che Jinxia's father also went to the authorities to hold these police officers accountable but was told that 'all cases related to Falun Gong were rejected'.¹⁷⁰

Zhang Qinghua tortured by other inmates on guards' orders

In November 2016, **Zhang Qinghua** was arrested for disseminating materials about Falun Gong. This over 60-year-old practitioner was sentenced on 9 January 2017 to three years imprisonment at Liaoning Women's Prison.

¹⁶⁹ "Imprisoned Woman with Metastatic Breast Cancer Denied Medical Parole," Minghui.org, March 25, 2020, accessed March 2020. <http://en.minghui.org/html/articles/2020/3/25/183773.html>.

¹⁷⁰ "Husband Threatened by Police Officers Who Had Tortured His Wife," Minghui.org, March 12, 2020, accessed April 2020. <http://en.minghui.org/html/articles/2020/3/12/183606.html>.

There, she has endured horrific physical and mental abuse by other inmates who were incentivised by prison authorities promising them shortened prison terms if they torture Falun Gong practitioners. During her detention, other inmates have beaten her, attempted to suffocate her with a plastic bag, force-fed her, and exposed her to the cold for extended periods of time. The guards encouraged this and at one point froze her monetary funds, making it impossible for her to buy necessities such as food or soap.

All of this was done with the explicit goal of forcing her to stop practising Falun Gong. It is unknown whether she was freed on her release date.¹⁷¹

Conclusions

The severe repression of Falun Gong by the Chinese government has not shown any sign of slowing. Indeed, the 2015 National Security Law has further tightened control on illegal '*xie jiao*' organisations contributing to the troubling state of human rights overall in China.

Movements like Falun Gong carry an enormous appeal for the millions of Chinese citizens who have grown weary of their country's limitations on basic freedoms, including the freedom of thought, conscience, and religion. This is precisely the fear that exists in Beijing's corridors of power.

¹⁷¹ "Guards' Order Inmates to Torture a Woman in Her 60s," Minghui.org, December 20, 2019, accessed April 2020. <http://en.minghui.org/html/articles/2019/12/20/181165.html>.

Jehovah's Witnesses

Charles Taze Russell (1852-1916) is regarded as the originator of the Bible Student movement of the late 19th century in the United States (US). Russell believed that traditional churches had abandoned the faith of the 'primitive church', and that the restoration of true Christianity could be achieved through a more literal reading of the Bible and a sincere devotion to following its teachings. The Bible Student movement spawned several independent student associations, including one which would later become the Jehovah's Witnesses.

Jehovah's Witnesses take their name from what was once believed to be the holy name of God referenced in the Hebrew Bible. In the 19th century 'Jehovah' was thought to be the pronunciation of YHWH or JHVH, an English transliteration of the divine name which appears frequently in the Old Testament. Joining this term with a passage from the prophet Isaiah - 'You are my witnesses that I am God' (43:12) - the organisation eventually became known as Jehovah's Witnesses.

Jehovah's Witnesses are now present in 240 countries and territories, with a worldwide membership of more than 8.2 million evangelists. In Europe, there are more than 16,000 congregations and 1.5 million active members.

Jehovah's Witnesses are especially known for their door-to-door evangelism and the wide distribution of the group's literature, notably *The Watchtower* magazine and *Awake!*. Attendance at their conventions can reach more than 15 million, with nearly 20 million attending the denomination's annual Memorial observing Christ's death.

Jehovah's Witnesses are directed by its Governing Body, which is based in New York City in the US and establishes all doctrines and interpretations of the Bible. They prefer to use their own translation, which they call the *New World Translation of the Holy Scriptures*.

Since their establishment, Jehovah's Witnesses have been repressed by several governments, most notably:

- the Nazi regime in Germany and in countries under Nazi control between 1933 and 1945. They were sent to concentration camps and sentenced to death, sometimes by decapitation;
- Communist regimes between 1917 and 1989;
- the fascist regimes in Spain and Portugal until the 1970s;
- and the imperial regime of Japan and other dictatorships.

Most recently, the movement of Jehovah's Witnesses was banned in Russia in 2018 and dozens of them are now in prison.

Jehovah's Witnesses are mostly imprisoned for their refusal to perform military service in countries where there is no alternative civilian service, for sharing their beliefs in the public space, and for proselytising.

Where there are victims of arrests, prison sentences and discrimination, Jehovah's Witnesses will actively litigate to protect their members. This has helped shape jurisprudence related to freedom of religion or belief in many countries throughout the world.

Teachings

Consistent with its origins in the teachings of Charles Taze Russell, Jehovah's Witnesses claim to recover the truths of the 'primitive church'. They place special emphasis on the Second Coming of Christ and the final judgement of those who reject his message. They believe that one day the earth will be destroyed, and then Paradise will be restored according to God's plan for creation.

The Jehovah's Witnesses adhere to several distinctive doctrines and practices that differ significantly from those of the majority of Christians. For example, they reject the Orthodox Christian belief in the Trinity and refuse to observe traditional Christian holidays, such as Christmas and Easter, which they consider to be of pagan origins or otherwise incompatible with the Christian faith.

Jehovah's Witnesses are generally moderate in their lifestyle and refrain from smoking, the abuse of alcohol, and sexual relations outside of marriage. They strive to be good citizens, respectful toward authorities, and law-abiding, except in cases where the law conflicts with their conscience as Christians.

The Reasons for the Persecution of Jehovah's Witnesses in Eritrea

According to July 2018 estimates by the US government, the total population of Eritrea is six million. There are no reliable figures on religious affiliation, but it is estimated that 49% of the population are Christian and 49% are Sunni Muslim.¹⁷²

The country is ruled by a totalitarian one-party dictatorship of Maoist inspiration. Eritrea gained independence from Ethiopia in 1991 after 30 years of continuous

¹⁷² For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Eritrea 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/eritrea/>.

armed struggle by the Eritrean Liberation Front. Since then, national presidential or legislative elections have never taken place.

A number of beliefs and practices of Jehovah's Witnesses have been perceived negatively by the current government.

Jehovah's Witnesses are politically neutral and conscientiously cannot participate in military service. They refuse to kill or receive training on how to kill. Because they will not participate in compulsory military service, Eritrean authorities consider them to be opposed to the regime.

Additionally, Jehovah's Witnesses develop missionary activities in close social networks and hold religious meetings in private homes, which is illegal. Furthermore, Jehovah's Witnesses decline to participate in political elections.

By a presidential decree dated 25 October 1994, President Afewerki revoked citizenship for Jehovah's Witnesses because they did not participate in the 1993 independence referendum and they are conscientious objectors to military service. Prior to enforcing conscription, Eritrean authorities had provided genuine alternatives with civilian service. Numerous Jehovah's Witnesses took part in these alternative options under different government administrations. The authorities systematically issued 'Certificates of Completed National Service' and often praised participants for their work. However, since this presidential decree, security forces have imprisoned, tortured, and harassed Jehovah's Witnesses in an effort to force them to renounce their faith.

Jehovah's Witnesses in Prison in Eritrea

In Eritrea, Jehovah's Witnesses are in prison as conscientious objectors to military service, for holding underground religious meetings or for attempts to share their beliefs with others.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **55 cases** of Jehovah's Witnesses in its Prisoners' Database,¹⁷³ 46 men and 9 women.

Of the Jehovah's Witnesses currently imprisoned, 16 are known to have been arrested for conscientious objection to military service. Police arrested others who were attending Christian meetings or publicly sharing their faith. More commonly though, they arrested individuals for undisclosed reasons. With one recent

¹⁷³ Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

exception, those imprisoned have never had the opportunity to offer a defence in court. Most do not know how long they will remain in prison.

The majority of the imprisoned male Jehovah's Witnesses are incarcerated indefinitely, with no hope of release until they die or are near death. Since there are no effective domestic legal procedures or remedies available to them, their imprisonment amounts to a de facto life sentence.

Three men, Paulos Eyasu, Isaac Mogos, and Negede Teklemariam, have been in prison for conscientious objection to compulsory military service since 17 September 1994. Ten other men have been in prison for over ten years. Some Jehovah's Witness prisoners have been detained in metal shipping containers, while others were held in stone or metal buildings half buried in the ground.

In 2018, two Jehovah's Witnesses died after their transfer to the Mai Serwa Prison. Habtemichael Tesfamariam died at the age of 76 on 3 January and Habtemichael Mekonen died at the age of 77 on 6 March. Eritrean authorities imprisoned both men in 2008 without charges.

Articles of the Penal Code

In almost all cases, Jehovah's Witnesses are arrested and imprisoned without any formal criminal charges, trial or sentencing.

Like many others imprisoned in Eritrea, detained Jehovah's Witnesses have no legal recourse and so cannot challenge their indefinite detention.

International advocacy

On 6 July 2017, the **European Parliament's** resolution on *Eritrea, notably the cases of Abune Antonios and Dawit Isaak*, condemned 'in the strongest terms Eritrea's systematic, widespread and gross human rights violations', and called upon the Eritrean Government to 'put an end to detention of the opposition, journalists, religious leaders and innocent civilians'. The Parliament demanded 'that all prisoners of conscience in Eritrea be immediately and unconditionally released' and that 'the Eritrean Government provide detailed information on the fate and whereabouts of all those deprived of physical liberty'.¹⁷⁴

Presented to the **UN Human Rights Council** on 16 May 2019, the *Report of the Special Rapporteur on the situation of human rights in Eritrea* stated that Jehovah's Witnesses 'face severe persecution, including denial of citizenship and

¹⁷⁴ European Parliament, Resolution on the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP)) July 6, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0309_EN.html.

travel papers, for their political neutrality and conscientious objection to military service'.¹⁷⁵

The Special Rapporteur urged the Government of Eritrea 'to engage in dialogue with this congregation and release those in prison'. She also urged the Government 'to provide members of this congregation with the opportunity to participate in a form of civil service that is consistent with their religious beliefs'.¹⁷⁶

The **US Commission on International Religious Freedom (USCIRF)** recommended that the US government:

- re-designate Eritrea as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, egregious violations of religious freedom;
- impose targeted sanctions on Eritrean government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US under human rights related financial and visa authorities;
- use bilateral and multilateral diplomatic channels to urge the government of Eritrea to:
 - a) release unconditionally detainees held on account of their religious activities;
 - b) publish the registration law for religious groups along with clear guidelines for applying for or appealing decisions;
 - c) end religious persecution of unregistered religious communities and grant full citizenship rights to Jehovah's Witnesses.¹⁷⁷

CASE STUDIES

Three conscientious objectors in prison since 1994

The government has detained **Paulos Eyasu, Isaac Mogos and Negede Teklemariam** in Sawa prison since 17 September 1994 for conscientious objection to military service. The Eritrean government has never filed charges against them nor given them a hearing in court.¹⁷⁸

¹⁷⁵ General Assembly of the United Nations, *Situation of human rights in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea* (Report A/HRC/41/53) May 16, 2019. <https://reliefweb.int/sites/reliefweb.int/files/resources/G1914037.pdf>.

¹⁷⁶ Ibid.

¹⁷⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Eritrea, 2020*, 2020.

<https://www.uscirtf.gov/sites/default/files/Egypt.pdf><https://www.uscirtf.gov/sites/default/files/Eritrea.pdf>.

¹⁷⁸ "Imprisoned for Their Faith: Eritrea", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/>.

Three Jehovah's Witnesses died due to poor treatment and prison conditions

Kahsai Mekonnen (76) was arrested in October 2008. He was released from the Meitir Camp a year later because of serious health problems. He died in 2013 as a result of the conditions he endured while imprisoned.

Two other Jehovah's Witnesses — **Tsehaye Tesfamariam** and **Goitom Gebrekristos** — also died on 30 November 2016 and 29 December 2014, respectively, because of the treatment they received while in custody. Their deaths were shortly after being released from the Meitir Camp.¹⁷⁹

The Reasons for the Persecution of Jehovah's Witnesses in Russia

As of July 2018, the US government estimated the total population of Russia to be 142.2 million. A 2015-2016 poll by the Pew Research Centre reported that 71% of the population is Orthodox Christian, while 10% identify as Muslim.¹⁸⁰ According to the international headquarters of the Jehovah's Witnesses, their movement in Russia, which was legalised in 1991, is comprised of 395 local branches and 175,000 members.¹⁸¹

In April 2017, the Russian Supreme Court banned all Jehovah's Witnesses organisations in Russia and confiscated all their properties. It declared the Jehovah's Witnesses Administrative Centre, the head office for all 395 branches, an extremist organisation and ruled that all branches must be shut down.

This ruling was the last stage of an increasingly repressive policy starting in the early 2000s when the National Security Concept was extended to the spiritual realm.

The spiritual security concept is closely associated with the persisting Soviet paranoia of 'foreign' enemies and 'foreign' ideas. On 20 July 2012, President Vladimir Putin signed the so-called 'foreign agent law' that requires non-profit organisations that receive foreign funding and allegedly engage in 'political activity' to register and declare themselves as 'foreign agents'. Russian human rights NGOs fell into that category and so were forced to stigmatise themselves publicly. The concept of a 'foreign agent' quickly extended to religious

¹⁷⁹ "Imprisoned for Their Faith: Eritrea", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/>.

¹⁸⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>

¹⁸¹ "Russia/ Special Report: State-sponsored persecution of Jehovah's Witnesses continues", 22 March 2019, *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/special-report-20190322/>

organisations of foreign origin. Concretely, this spiritual security concept resulted in a religious cleansing policy that targets movements perceived as a threat to the identity of the Russian people and the Slavic and Orthodox Christian values. The door was opened to a sacred and natural alliance between the Kremlin and the Russian Orthodox Church, the main beneficiary of President Putin's spiritual security policy.

Simultaneously, the criminalisation of violent extremism progressively evolved until it included a vague concept of extremism without violence. This was condemned by the United Nations, the Council of Europe and its Venice Commission, the Organisation for Security and Co-operation in Europe (OSCE) and other transnational institutions. Proselytism became 'propaganda of exclusivity, superiority or inferiority of a person on the basis of their religious affiliation or attitude toward religion', and an alleged form of extremist activity. As a result, any discourse or debate on spiritual topics, whether this concerns critiquing or considering the merits of a religion, could be characterised as extremist activity.

Anti-extremist measures include the prohibition of materials (books, videos, websites) on the grounds that they promote the superiority of one religion over others. This prohibition may be penalised with fines for believers and organisations for distribution of (or even possession 'with intent to distribute') prohibited materials under the Code of Administrative Offences. Believers may be prosecuted for inciting religious hatred, followed by a warning to the religious organisation about the impermissibility of extremist activities. Furthermore, a religious organisation may be subject to liquidation and prohibition for extremism, and its believers prosecuted for continuing the activities of the banned organisation.

The Russian Orthodox Church, the Catholic Church and other mainstream religions that have been part of Russia's history such as Islam, Judaism and Buddhism are not targeted by the spiritual security concept and the anti-extremism laws. New and dissenting religious movements that are not controlled by these established religions are the victims of this legislation, especially Jehovah's Witnesses.

Jehovah's Witnesses in Prison in Russia

Jehovah's Witnesses represent the highest number of religious prisoners in Russia. Their movement is banned and so are their publications. They are arrested and convicted as extremists for leading religious meetings in private houses as well as for possessing and distributing the publications of their movement.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **34 cases** of Jehovah's Witnesses in its Prisoners' Database.¹⁸² However, in total there were 93 people on trial on charges of 'continuing the activities of a banned extremist organisation' because they had exercised their right to freedom of religion and belief. At least 20 of the 93 individuals on trial were above the age of 60. Investigators had also blocked more than 200 Jehovah's Witnesses' bank accounts.¹⁸³

In their 2019 annual report, the Jehovah's Witnesses reported that over the course of that year 313 members had been charged, put on trial, or convicted for involvement in the group, and that Russian authorities had conducted 489 raids on the private homes of their members.¹⁸⁴

Articles of the penal code

The two main articles in the Russian criminal code used by the judiciary to sentence Jehovah's Witnesses are:

Article 282.2: Organisation of or participation in 'the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity'.

Article 282.3, Part 1: Financing of extremist activity. Offences under this article incur large fines or prison terms of up to eight years.¹⁸⁵

International advocacy

In September 2019, the **US Department of State** banned two high-ranking regional officers in Russia's Investigative Committee from entering the US because they had allegedly tortured seven Jehovah's Witnesses. They were Vladimir Petrovich Yermolayev, the Head of the Investigative Committee in the city of Surgut, and Stepan Vladimirovich Tkach, Senior Investigator at the Investigative Committee of Surgut.

¹⁸² Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

¹⁸³ Arnold, Victoria, "RUSSIA: UN Working Group Condemns Detentions. Trial List," Forum18: RUSSIA: UN Working Group condemns detentions, Trial list - 21 May 2020, May 21, 2020. http://www.forum18.org/archive.php?article_id=2573.

¹⁸⁴ "Свидетели Иеговы Под Гнетом Репрессий. Итоги 2019 Года," Новости - Свидетели Иеговы в России, accessed June, 2020 (Jehovah's Witnesses Under the Yoke of Repression: Results of 2019). <https://jw-russia.org/news/2019/12/1512.html>.

¹⁸⁵ "On trial, despite age and sickness", *Forum 18*, 18 May 2020, accessed 6 July 2020. http://www.forum18.org/archive.php?article_id=2571

The US Department of State had credible information that Yermolayev and Tkach were involved in torture and/or cruel, inhumane, or degrading treatment or punishment of Jehovah's Witnesses in Surgut, Russia. On 15 February 2019, officers of the Surgut Investigative Committee, led by Yermolayev and Tkach, subjected at least seven Jehovah's Witnesses to suffocation, electric shocks, and severe beatings during interrogation.¹⁸⁶

On 12 March 2020, the **European Union** issued a *Statement on the situation of Jehovah's Witnesses in the Russian Federation and allegations of torture and ill-treatment* at the Organisation for Security and Co-operation in Europe (OSCE) Permanent Council in Vienna.¹⁸⁷

On 1 May 2020, the **UN Working Group on Arbitrary Detention** adopted an Opinion (A/HRC/WGAD/2020/10) condemning the raids, arrests, detention and trials of 18 Jehovah's Witnesses, stating that it 'wishes to emphasize that none of them should have been arrested and held in pre-trial detention and no trial of any of them should take or should have taken place'.¹⁸⁸

Attorneys for imprisoned Jehovah's Witnesses have also submitted complaints to the **UN Human Rights Committee**.¹⁸⁹

Finally, Jehovah's Witnesses in Russia have filed 57 applications with the **European Court of Human Rights**. Thus far their efforts to end these unjust imprisonments have been unsuccessful.¹⁹⁰

CASE STUDIES

A Danish citizen sentenced to six years in prison

Dennis Christensen, a 46-year-old Danish citizen, was arrested in Oryol on 25 May 2017, when heavily armed police officers and agents of the Federal Security

¹⁸⁶ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>

¹⁸⁷ OSCE Permanent Council No. 1262, EU Statement on the situation of Jehovah's Witnesses in the Russian Federation and allegations of torture and ill-treatment (PC.DEL/325/20), March 13, 2020. <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=03513350-683c-11ea-9456-005056bc530c>.

¹⁸⁸ Arnold, Victoria, "RUSSIA: UN Working Group Condemns Detentions. Trial List," Forum 18: RUSSIA: UN Working Group condemns detentions, Trial list - 21 May 2020, May 21, 2020. http://www.forum18.org/archive.php?article_id=2573.

¹⁸⁹ "Imprisoned for Their Faith: Russia", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

¹⁹⁰ Ibid.

Services disrupted a peaceful service of Jehovah's Witnesses that he was attending.

After nearly a year-long criminal trial with over 50 court appearances, Dennis Christensen was sentenced to six years' imprisonment for practicing his faith as a Jehovah's Witness.

On 6 February 2019, Judge Aleksey Rudnev of the Zheleznodorozhniy District convicted him of allegedly 'organizing the activity of an extremist organization' under Article 282.2(1). On 23 May 2019, a three-judge panel of the Oryol Regional Court denied Dennis Christensen's appeal and upheld the six-year prison sentence. He is jailed in Penal Colony No. 3 in the Kursk Region, and his sentence extends to May 2022.¹⁹¹

Sergey Klimov sentenced to six years in prison

On 5 November 2019, the Oktyabrsky District Court of Tomsk sentenced **Sergey Klimov** to six years in prison for allegedly 'organizing extremist activity'.

At his trial, Sergey Klimov said that he is a Jehovah's Witness, but denied that he was a leader of the group. His lawyer said they will appeal the court's ruling.

He was arrested on 3 June 2018 after law enforcement officers and special police forces invaded two homes of Jehovah's Witnesses. Approximately 30 Jehovah's Witnesses, including an 83-year-old woman, were taken in for questioning. All except for Sergey Klimov were released.

Local authorities initiated criminal charges against him, placing him in pretrial detention for two months. This detention was extended seven times, separating him from his wife and family for a year and five months before he was finally tried and sentenced.

Sergey Klimov's release date is July 2023.¹⁹²

61-year-old Jehovah's Witness sentenced to a record six and a half years in prison

On 9 June 2020, Pskov court handed a six-and-a-half-year jail term to 61-year-old Jehovah's Witness **Gennady Shpakovsky**.

¹⁹¹ "Imprisoned for Their Faith: Russia", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

¹⁹² Ibid.

He was charged with arranging and financing a forbidden organisation under articles 282.2 (1) and 282.3 (1).

During his trial on 1 June 2020, Gennady Shpakovsky pled innocent and emphasised that he was being tried for his faith.

After his release in 2027, Gennady Shpakovsky has been sentenced to another year of restrictions which include: an 11 pm to 6 am curfew, a ban on leaving his hometown, and requirements to present himself to probation authorities twice a month. He will also be barred from leading or participating in religious meetings for three years.¹⁹³

Six years in prison for a Jehovah's Witness in Crimea

On 4 June 2020, the Crimean Supreme Court sentenced **Artem Gerasimov** to six years in prison. He was seeking acquittal from his original sentence by the Yalta City Court, which was a fine of 400,000 rubles (over 5,000 EUR).

The decision to both increase his punishment to imprisonment and to not send the case for a retrial is the first instance in any Jehovah's Witness' case in Crimea, or in Russia within its internationally recognised borders.

The ruling immediately came into force and he was taken into custody.

Artem Gerasimov is the second Jehovah's Witness to be imprisoned in Crimea under Russian law.¹⁹⁴

The Reasons for the Persecution of Jehovah's Witnesses in Singapore

In July 2018, the US government estimated the total population of Singapore to be 6 million. According to data from 2015, approximately 33.2% of the population are Buddhist, 18.8% are Christian, 14% are Muslim (predominantly Sunni), 10% are Taoist and 5% are Hindu.¹⁹⁵

Jehovah's Witnesses are conscientious objectors to mandatory military service.

¹⁹³ Arnold, Victoria, "RUSSIA: 6.5 Years' Jail for Building 'World Theocratic State' with 700 Roubles," Forum 18: RUSSIA: 6.5 years' jail for building "world theocratic state" with 700 roubles - 16 June 2020, June 16, 2020. http://www.forum18.org/archive.php?article_id=2578.

¹⁹⁴ "Imprisoned for Their Faith: Russia", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

¹⁹⁵ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Singapore, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/singapore/>.

Jehovah's Witnesses in Prison in Singapore

The Singaporean government enforces compulsory military service and does not recognise the right of conscientious objection.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **eight cases** of detained Jehovah's Witnesses in its Prisoners' Database.¹⁹⁶ They were all conscientious objectors to military service.

Three of them are serving a second sentence because they refused to change their stance after serving their first prison term. These young men have no legal recourse in Singapore.

Articles of the Penal Code

Singapore requires all men to enlist in the military when they turn 18 years old. If any young man refuses to do so for reasons of conscience, he is detained in a military camp for up to 15 months. After his release, he is ordered again to join the military. If he declines, he is subject to a second court martial for a term of up to 24 months. In total, a conscientious objector could serve 39 months of imprisonment.¹⁹⁷

Conscientious objectors are charged with violating **Section 17(1) of Singapore's Armed Forces Act**. They are sentenced by military court-martials.

International advocacy

The **United Nations** has long appealed to member States to 'recognize that conscientious objection to military service should be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights'. Although Singapore has been a member State since 1965, it has expressed its disagreement with the United Nations on this issue. In a letter dated 24 April 2002, addressed to the UN Commission on Human Rights, a Singaporean government official stated that 'where individual beliefs or actions run counter [to the right of national defense],

¹⁹⁶ Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

¹⁹⁷ "Imprisoned for Their Faith: Singapore", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/>.

the right of a state to preserve national security must prevail'. In no uncertain terms, the official wrote, 'We do not recognize the universal applicability of conscientious objection to military service'.¹⁹⁸

The only other advocacy that has developed to push for the right to conscientious objection in Singapore is done by the headquarters of the Jehovah's Witnesses.

CASE STUDIES

Sentenced to 30 months in prison by a court-martial

Brendon Jun Kai Hew was born in Singapore, but his family moved to the state of Sabah in East Malaysia when he was 12 years old. However, his family decided to return to Singapore in February 2018 so that he could fulfil his national service obligation as required by law.

When he reported for national service, Brendon Jun Kai Hew was assigned to the military. Since his conscience would not allow him to perform military service, he requested alternative civilian service instead. He expressed his wishes to the officers at the military camp where he was assigned and to the military tribunal during his court-martial hearings. Despite his repeated requests, he was sentenced to 30 months' imprisonment. Brendon Jun Kai Hew is expected to be released on 21 September 2020.¹⁹⁹

The Reasons for the Persecution of Jehovah's Witnesses in Tajikistan

In July 2018, the US government estimated the total population of Tajikistan to be 8.6 million. According to local academics, the population is more than 90% Muslim and the majority adheres to the Hanafi school of Sunni Islam.²⁰⁰

The Culture Ministry banned Jehovah's Witnesses throughout the country in October 2007. The banning order stated:

The religious organisation of Jehovah's Witnesses carried out its activity in violation of Republic of Tajikistan legislation by distributing in public places and at the homes of citizens, i.e. among members and followers of

¹⁹⁸ "Imprisoned for Their Faith: Singapore", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/>.

¹⁹⁹ Ibid.

²⁰⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Tajikistan 2018, 2018*. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/tajikistan/>.

other religions, propagandistic books on their religion, which has become a cause of discontent on the part of the people.²⁰¹

It is apparent that the proselytism activities of Jehovah's Witnesses and the reaction of the majority Muslim population are the main justifications for the ban.

Moreover, Jehovah's Witnesses are conscientious objectors to military service, which is mandatory in Tajikistan for all men aged 18.

Jehovah's Witnesses in Prison in Tajikistan

Alleged 'incitement to religious hatred' and conscientious objection are the main charges used to arrest Jehovah's Witnesses in Tajikistan and to sentence them to prison terms.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **two cases** of Jehovah's Witnesses in its Prisoners' Database.²⁰² One was a conscientious objector and the other was convicted for allegedly inciting religious hatred.

Articles of the Penal Code

The two main articles in the Tajikistani criminal code used by the judiciary to sentence Jehovah's Witnesses are:

Article 376, Part 2: 'Refusal to perform military service duties with the purpose of evading it completely'.

Article 189, Part 2, d: 'Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media'. This is punishable with five to ten years' imprisonment, with a possible additional ban on specified activity.²⁰³

²⁰¹ Bayram, Mushfig, "TAJKISTAN: Religious Freedom Survey, March 2011," Forum 18: TAJIKISTAN: Religious freedom survey, March 2011 - 17 March 2011, March 17, 2011. http://www.forum18.org/archive.php?article_id=1553.

²⁰² Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

²⁰³ Bayram, Mushgig, "TAJKISTAN: Pensioner Jailed until August 2026," Forum 18: TAJIKISTAN: Pensioner jailed until August 2026 - 11 September 2019, September 11, 2019. http://www.forum18.org/archive.php?article_id=2506.

International advocacy

Presented to the **UN Human Rights Council** on 13 October 2017, the *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan* stated that the Special Rapporteur was ‘deeply concerned about the undue interference of the government authorities in manifestations of religious expression’. He also urged the authorities ‘to bring the 2009 Freedom of Conscience and Religious Associations Act into line with the standards of international human rights law’.²⁰⁴

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US government:

- re-designate Tajikistan as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- condition US assistance to the Tajikistani government, with the exception of aid to improve humanitarian conditions or advance human rights, on the reform of the 2009 religion law and the improvement of conditions for freedom of religion or belief;
- impose targeted sanctions on Tajikistani government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the US;
- press the Tajikistani government at the highest levels to identify and immediately release individuals imprisoned in Tajikistan for their peaceful religious activities or religious affiliations;
- and account for the whereabouts of all prisoners of conscience, including those imprisoned on religious grounds.²⁰⁵

CASE STUDIES

A conscientious objector abducted from home and forcibly enlisted

On 4 October 2019, military officers forcibly took 19-year-old **Jovidon Bobojonov** from his home in Khujand to an enlistment office and placed him in custody. Two days later, he was taken to a military training centre in the Lenin District. Afterwards, he was transferred to military unit No. 45075 where officers physically assaulted him and placed him under intense emotional stress in an

²⁰⁴ General Assembly of the United Nations, *Human Rights Council. Report of the Special Rapporteur on the promotion of the right to freedom of opinion and expression on his mission to Tajikistan (A/HRC/35/22/Add.2)* October 13, 2017. <https://undocs.org/en/A/HRC/35/22/Add.2>.

²⁰⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Tajikistan.pdf>.

effort to make him wear a military uniform and take the military oath of allegiance.

On 28 January 2020, Jovidon Bobojonov was charged with evading military service under Article 376, part 2. On 2 April 2020, he was sentenced to two years of detention in a general regime colony.

Prior to his abduction, Jovidon Bobojonov was summoned in August 2019 to the district enlistment office, where he later filed a written statement asking to perform alternative civilian service. On 1 October, he was declared fit for military service and then abducted on 4 October.

Since then, his parents have filed numerous complaints with Tajikistan officials, including the Presidential Administration and the Ombudsman's office. They were told that as long as a law on alternative service has not been adopted, Jovidon Bobojonov's actions constitute a crime.²⁰⁶

In prison for seven and a half years at the age of 68

On 10 September 2019, the Khujand City Court sentenced 68-year-old **Shamil Khakimov** to a strict regime jail sentence of seven and a half years for allegedly 'inciting religious hatred'. Additionally, the court imposed a three-year ban on religious activities after his sentence is completed. During his trial, which was a closed hearing and took place in prison, he denied the charges under Article 189, Part 2.

Shamil Khakimov was arrested on 26 February 2019 because the regime believes he is the leader of Khujand's Jehovah's Witness community. Two days later, at the request of the Sughd Regional Prosecutor's Office, a judge ordered him to be held in pretrial detention. On 12 March, a panel of three judges at the Sughd Regional Court upheld the ruling. The Khujand City Court extended his pretrial detention three times and did not allow him release on bail.

Shamil Khakimov was prosecuted for literature, photos, videos, audio files, computer files and mobile phone data that was seized from him and other community members. The Prosecutor's Office claimed these materials contain 'features of extremist activity'. The analysis – conducted by three local Imams – was carried out at the request of the National Security Committee (NSC) secret police.

²⁰⁶ "Imprisoned for Their Faith: Tajikistan", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/tajikistan/jehovahs-witnesses-in-prison/>.

Shamil Khakimov, a retired widower, is in poor health. He underwent major leg surgery not long before his arrest and suffers from high blood pressure. Despite this, he was held in pre-trial detention for more than six months and is now serving his seven-and-a-half-year sentence.

On 9 October 2019, his appeal was rejected.²⁰⁷

The Reasons for the Persecution of Jehovah’s Witnesses in Turkmenistan

In July 2018, the US government estimated the total population of Turkmenistan to be 5.4 million, of which 89% are Muslim (mostly Sunni), 9% are Eastern Orthodox Christian, and 2% identify with another religion.²⁰⁸

Jehovah’s Witnesses are conscientious objectors to military service, which is mandatory in Turkmenistan for all men aged 18.

Jehovah’s Witnesses in Prison in Turkmenistan

The Turkmenistani Constitution describes national defence as a ‘sacred duty’ for everyone under Article 58. Turkmenistan offers no alternative to the two-year compulsory military service for men between the ages between 18 and 27 years.

Jehovah’s Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **nine cases** of Jehovah’s Witnesses in its Prisoners’ Database.²⁰⁹ They were all conscientious objectors to military service.

Until 2014, conscientious objectors lived at home under restrictions, such as the state confiscating 20% of their wages. On 22 October 2014, the President of Turkmenistan annested and released eight imprisoned Jehovah’s Witnesses.

From 2014, courts punished objectors with corrective labour or suspended prison terms, rather than imprisonment. However, detaining conscientious objectors to compulsory military service resumed in January 2018 when courts sentenced 12 Jehovah’s Witnesses, two of them for two years in prison and ten for one year.

²⁰⁷ “Imprisoned for Their Faith: Tajikistan”, *Jehovah’s Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/tajikistan/jehovahs-witnesses-in-prison/>.

²⁰⁸ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Turkmenistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/turkmenistan/>.

²⁰⁹ Our Database is updated on a regular basis. For more details about imprisoned Jehovah’s Witnesses, see <https://hrwf.eu/prisoners-database/>.

After a four-year moratorium, Turkmenistan has resumed its practice of imprisoning conscientious objectors. This practice has not only continued in 2019, but penalties have increasingly become more severe.

Since 2018, Turkmenistan authorities have imprisoned 22 young Jehovah's Witnesses for their refusal to participate in military service. Most of them have finished serving their sentences. Five are still serving a two-year prison sentence, while one was convicted to four years and another one to three years.²¹⁰

Articles of the criminal code

The main article in the Turkmenistani criminal code used to sentence Jehovah's Witnesses is:

Article 219, Part 1. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.²¹¹

Domestic courts have denied numerous appeals submitted against sentences under this article.

International advocacy

From 2015 through 2019, the **UN Human Rights Committee** released 13 favourable decisions on complaints submitted by Jehovah's Witness who had been imprisoned under harsh conditions as conscientious objectors to military service. As of April 2020, Jehovah's Witnesses had three other complaints against Turkmenistan pending under the International Covenant on Civil Political Rights (ICCPR), one of which is related to conscientious objection.

Turkmenistan has failed to fulfil the UN Human Rights Committee's requirements to expunge their criminal records, offer reparations, and prevent similar violations in the future.

The UN Human Rights Committee has repeatedly called on Turkmenistan to 'revise its legislation without undue delay' to:

²¹⁰ "Imprisoned for Their Faith: Turkmenistan", *Jehovah's Witnesses.org*, accessed June 2020. <https://www.jw.org/en/news/legal/by-region/turkmenistan/jehovahs-witnesses-in-prison/>.

²¹¹ Corley, Felix, "TURKMENISTAN: Conscientious Objector Jailed for Four Years," Forum 18: TURKMENISTAN: Conscientious objector jailed for four years - July 23, 2019. http://www.forum18.org/archive.php?article_id=2495.

provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, and halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving prison sentences.²¹²

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US government:

- re-designate Turkmenistan as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- impose targeted sanctions on Turkmenistani government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US;
- and secure the identification and immediate release of individuals imprisoned in Turkmenistan for their peaceful religious activities or religious affiliations.²¹³

In its report, USCIRF stresses that:

The [US] State Department has designated Turkmenistan as a Country of Particular Concern (CPC) since 2014, and redesignated it in December 2019, but has repeatedly used a waiver against any related sanctions ‘as required in the “important national interest of the United States.”’ This waiver effectively neutralizes the consequences of Turkmenistan’s CPC designation, removes any incentive for the government to reform its brutal policies, and lends credence to the regime’s claims that these policies are warranted by security concerns. In 2019, the Turkmenistani government facilitated the largest Taliban capture of Afghan National Army soldiers along its southern border. This incident raises further questions about the effectiveness of maintaining a waiver intended to benefit the U.S. military mission in Afghanistan, where the United States is engaged in a conflict with the Taliban in coordination with the Afghan National Army.²¹⁴

²¹² “Imprisoned for Their Faith: Turkmenistan”, *Jehovah’s Witnesses.org*, accessed June 2020. <https://www.jw.org/en/news/legal/by-region/turkmenistan/jehovahs-witnesses-in-prison/>.

²¹³ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Turkmenistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Turkmenistan.pdf>.

²¹⁴ Ibid.

CASE STUDIES

Conscientious objector sentenced to two years in prison

On 13 January 2020, a Military Conscription Office in the northern Dashoguz Region summoned **Kamiljan Ergeshovich Ergashov** to perform compulsory military service. He informed the Office that he could not participate in military service because of his religious beliefs and offered to instead perform a fully civilian alternative service.

Kamiljan Ergeshovich Ergashov – who is from the village of Shohrat in the Dashoguz Region - is the sole source of financial income for his family.

Prosecutors brought a criminal case against him under Article 219, Part 1. The case was then handed to Niyazov District Court.

On 13 January 2020, a Judge at Niyazov District Court sentenced Kamiljan Ergeshovich Ergashov to two years' imprisonment.²¹⁵

Conclusions

Jehovah's Witnesses are not engaged politically and do not pose any security threat to society in any country worldwide. Generally, they obey the law of the land and respect authorities. At the same time, like most religious traditions, there are limits to that obedience. Jehovah's Witnesses will practice civil disobedience when laws conflict with their conscience. This has resulted in harassment, fines, and imprisonment in some countries.

Authorities in countries where Jehovah's Witnesses are present would do well to review their legal framework for such groups within their borders. Some countries have started to do just that. For example, in January 2016, Azerbaijan released its last two Jehovah's Witnesses from prison. Kazakhstan freed its last Jehovah's Witness in April 2018. In December 2019, South Korea, which had sentenced over 19,300 Jehovah's Witnesses to a combined total of 36,000 years in prison since 1953 as conscientious objectors, set them free and started the necessary legislative work to provide for an alternative civilian service.

Jehovah's Witnesses never abandon their members in distress. As a collective, they try to solve issues with national and local authorities through dialogue. They have excellent teams of international human rights lawyers who fight for the

²¹⁵ Corley, Felix, "TURKMENISTAN: First 2020 Conscientious Objector Jailing," Forum 18: TURKMENISTAN: First 2020 conscientious objector jailing - January 27, 2020. http://www.forum18.org/archive.php?article_id=2537.

release of those who were arrested or sentenced to a prison term or fine. They combat discrimination and intolerance based on religion in national and supranational courts. They use the mechanisms of the United Nations, the Organisation for Security and Co-operation in Europe (OSCE), the European Union and other institutions to remove all obstacles to the exercise of religious freedom. Thus, they enlarge the space for freedom of religion or belief to other groups in addition to their members.²¹⁶

²¹⁶ Richardson, James, *The European Court of Human Rights: Changes and Challenges in the Social Construction of Religious Freedom*, pp 13-34, Religion-Staat-Gesellschaft, 2017, accessed June 25, 2020.

Richardson, James & Côté Pauline, *Disciplined Litigation, Vigilant Litigation, and Deformation: Dramatic Organization Change in Jehovah's Witnesses*, Journal for the Scientific Study of Religion, December 2002, accessed June 25, 2020, <https://onlinelibrary.wiley.com/doi/abs/10.1111/0021-8294.00034>.

Richardson, James, *Update on Jehovah's Witness cases before the European Court of Human Rights: implications of a surprising partnership*, Religion, State and Society, Routledge, 2017, Vol. 45, Nos 3-4, pp 232-248, accessed June 25, 2020.

(Oriental) Orthodox Christians

The Oriental Orthodox Churches, not to be confused with the Orthodox Churches stemming from the 1054 schism, are among the oldest Christian bodies in the world. One of them is the Coptic Orthodox Church. It traces its origins to Saint Mark, one of Jesus' apostles in the first century CE. It is led by the Patriarch of Alexandria, who is also known as the Coptic Pope.

The Egyptian port city of Alexandria was an important intellectual and cultural centre for centuries. It was also a prominent Christian hub until the Arab conquest of the seventh century. The word 'Copt' is derived from the word for 'Egypt' in the ancient language of the Egyptians, and so the Copts are the indigenous Christian people of Egypt. With about 12 million adherents, it is the country's largest church, although today less than eight percent of the overall population follow it.

There is also a sizable diaspora of Coptic Orthodox Christians in several African and Middle Eastern countries. Worldwide the Church has nearly 20 million members.

Coptic Christians played a visible role in the 2011 Arab Spring revolt which demanded the resignation of Egyptian President Hosni Mubarak. They were frequently caught in the crossfire of the various political groups vying for power during that turbulent period.

When Pope Shenouda III died the following year, there was widespread speculation over the future of Muslim-Coptic relations, as tensions remained high at that time. In November 2012, the 118th Pope of the Coptic Orthodox Church, Tawadros II, was chosen according to ancient tradition, which entailed his name being picked by a blindfolded child from a glass bowl where the names of two other candidates had also been placed.

Relations between the Coptic Church and the majority Muslim population remain fragile, especially with the rise of extremist narratives in the region over the past couple of years. In February 2015, militants claiming loyalty to the Islamic State of Iraq and Syria (ISIS) beheaded 21 Coptic Christians on a beachfront in Libya. The victims were Egyptian workers and are now considered saints and martyrs by the Church.¹²⁴

¹²⁴ Malsin, Jared, "ISIS: Christians Mourn Their Relatives Beheaded in Libya," Time, February 23, 2015, accessed June 2020. <https://time.com/3718470/isis-copts-egypt/>.

Teachings

At the Council of Chalcedon in 451 CE, the Coptic Church took a different position over a fine point of Christology that led to its separation from the Eastern Orthodox Church and the Roman Catholic Church, a schism which exists to this day. The precise nature of the conflict is still disputed by historians.

What is *not* under dispute is that the Coptic tradition has remained firmly rooted in the historic Orthodox Christian faith with an ardent devotion to its apostolic origins. It emphasises the foundational teachings of the Church Fathers, creeds, early Church councils and the centrality of the Sacraments, holiness of life, and the importance of prayer. Monasticism is still a prominent dimension of Coptic faith. Like in other Orthodox traditions, priests are permitted to be married while bishops are drawn from monastic communities and remain celibate.

Throughout its history, the Coptic Church has known great suffering for its beliefs. Under the Egyptian Emperor Diocletian, nearly one million men, women, and children were killed. Other waves of persecution and mass killings were to follow. Notably, the Church has consistently refused any favoured relationship with governments of Egypt, upholding in principle the separation of religion and the state.

Reasons for the Persecution of Coptic Orthodox Christians in Egypt

In July 2018, the US government estimated that the population of Egypt was 99.4 million. Most experts and media sources report that approximately 90% of the population are Sunni Muslims and about 10% are Christians (estimates range from 5 to 15%). Approximately 90% of Christians in Egypt belong to the Coptic Orthodox Church, according to Christian leaders.¹²⁵

Egypt has long been home to Coptic Orthodox Christians, the largest and oldest ethno-religious minority in the country.¹²⁶ With the expansion of Islam throughout the centuries, they became a minority in their own country and have subsequently suffered severe persecution.

Since the 1970s, the relations between the various political regimes and the Coptic Orthodox Church have dramatically deteriorated, especially under President Anwar Sadat and following the revolution that overthrew President

¹²⁵ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Egypt, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/egypt/>.

¹²⁶ Rachidi, Soukaina, "The Copts: Egypt's Overlooked and Persecuted Christian Minority," *Inside Arabia*, May 15, 2019, accessed May 2020. <https://insidearabia.com/copts-egypt-overlooked-persecuted-christianminority/>.

Hosni Mubarak.¹²⁷ Throughout the last few decades, the Coptic Orthodox Church has become very vulnerable and, in the last ten years, Coptic Orthodox Christians have been particularly targeted by Islamist terrorists and mob violence.¹²⁸

Coptic Orthodox Christians in Prison in Egypt

Over the last decade, Coptic Orthodox individuals¹²⁹ and others have been prosecuted on the basis of vaguely worded criminal charges such as blasphemy, insulting a heavenly religion, insulting the Prophet or ‘causing harm or damage to the public interest’. Such accusations have led to angry reactions, massive riots, and pogroms against the Coptic Orthodox fuelled by Islamists and sympathisers of the Muslim Brotherhood.

Coptic Orthodox behind bars: some statistics

As of 1 June 2020, HRWF documented **one case** of detained Coptic Orthodox Christians in its Prisoners’ Database.¹³⁰ It is Abdo Adel, who was sentenced to three years in prison.

There has been a decrease in the number of Coptic Orthodox prisoners in the last few years. In 2015, six Coptic Christians were behind bars, mainly on fabricated or false blasphemy charges related to online posts. At the beginning of 2016, one Coptic Christian was released after completing his sentence. In 2017, several Coptic Christians were released after completing their prison terms (ranging from three to five years) which left only two: Abdo Adel and Makram Diab. In 2018, Makram Diab was released after serving six years in prison.¹³¹

Articles of the Penal Code

Members of the Coptic Orthodox Church are usually charged under **Article 98 (f)** of the Egyptian Penal Code which criminalises ‘any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition,

¹²⁷ Brownlee, Jason, “Violence against Copts in Egypt,” Carnegie Endowment for International Peace, November 2013. https://carnegieendowment.org/files/violence_against_copts3.pdf.

¹²⁸ Ochab, Ewelina U, “Remembering The 21 Coptic Orthodox Christians Murdered By Daesh,” Forbes, Forbes Magazine, February 14, 2019. <https://www.forbes.com/sites/ewelinaochab/2019/02/14/remembering-the-21-coptic-orthodox-christians-murdered-by-daesh/#771b45fc4dcf>.

¹²⁹ Cureton, Alexander, “CURETON: Coptic Christians Are Brutally Persecuted In Egypt. Why Is No One Talking About It?,” The Daily Wire, June 17, 2019. <https://www.dailywire.com/news/cureton-coptic-christians-are-brutally-persecuted-alexander-cureton>.

¹³⁰ Our Database is updated on a regular basis. For more details about imprisoned Coptic Orthodox Christians, see <https://hrwf.eu/prisoners-database/>.

¹³¹ Tosatti, Martco, “Egypt: The Coming Persecution,” Lastampa.it, December 30, 2019.

<https://www.lastampa.it/vatican-insider/en/2012/03/13/news/egypt-the-coming-persecution-1.36492993>.

disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony’.¹³²

Other provisions of the Egyptian Penal Code used in these cases address various forms of religious insult. For example:

Article 161 prohibits the printing and dissemination of deliberately distorted religious texts for state-approved religions (Islam, Christianity, and Judaism), and also criminalises the mocking or ridicule of religious ceremonies in public.¹³³

International advocacy

On 13 December 2018, the **European Parliament** passed a resolution on the situation of human rights defenders in Egypt that condemned ‘the continued persecution of minority groups in Egypt’ and called for ‘the promotion of international collaboration, including an independent investigation by the UN to assess the situation of Coptic Christians in Egypt’. The European Parliament also pressed ‘Egypt to review its blasphemy laws and ensure the protection of religious minorities’.¹³⁴

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US Government include Egypt on the US State Department’s Special Watch List (SWL) for engaging in or tolerating severe religious freedom violations.¹³⁵

CASE STUDIES

Abdo Adel sentenced to three years

Abdo Adel was arrested on 6 July 2018 after Muslim villagers had filed a complaint with police that he allegedly insulted Muhammad. On the previous day, Abdo Adel had published a Facebook post comparing Muhammad with Jesus. On the day of his arrest, a group of young Muslim men tried to attack his house, and

¹³² Egyptian Penal Code (law no. 58 of 1937), Article 98(f). Freedom House, “The Impact of Blasphemy Laws on Human Rights,” A Freedom House special report, October 2016.

https://freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf, or, “Law No. 58 01 1937 Promulgating The Penal Code,” issued October 23, 1992. <http://hrlibrary.umn.edu/research/Egypt/criminal-code.pdf>.

¹³³ Ibid.

¹³⁴ European Parliament, Resolution on the situation on Egypt, notably the situation of human rights defenders (2018/2968(RSP)) December 13, 2019. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0526_EN.html.

¹³⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended countries for special watch list: Egypt, 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Egypt.pdf>.

to break into the St. Tadros Church and the house of the priest, Fr. Makarious El-Kommas Antoun. They had to be dispersed by police stationed outside of his home, according to World Watch Monitor. Police arrested 90 Muslims in the mob, and then released most of them after a ‘community reconciliation session’.

Abdo Adel makes the church’s bread for use during the mass. He is not very skilled at reading, writing or using Facebook. To calm down the local population, Fr. Antoun posted a formal apology on his Facebook page after the incident saying: ‘We strongly denounce what was published on the Facebook page of this man, which is understood as an abuse to our Muslim brothers’.

Abdo Adel was convicted for insulting Islam in the first degree and sentenced to three years in prison.¹³⁶

Reasons for the Persecution of Orthodox Christians in Eritrea

A population census has not been conducted since 2010, but as of July 2018, the US government estimated the total population of Eritrea to be six million. There are no reliable figures available on religious affiliation. Some government, religious, and international sources estimate the population to be 49% Christian and 49% Sunni Muslim. In 2016, the Pew Foundation estimated the population to be 63% Christian and 37% Muslim. The Christian population is predominantly Eritrean Orthodox.¹³⁷

The country is ruled by a totalitarian one-party dictatorship of Maoist inspiration. Eritrea gained independence from Ethiopia in 1991 after 30 years of continuous armed struggle by the Eritrean Liberation Front. Since then, national presidential or legislative elections have never taken place.

The only recognised religions in Eritrea are the Eritrean Orthodox Church, the Roman Catholic Church, the Lutheran Evangelical Church and Sunni Islam.¹³⁸

In Eritrea, Orthodox Christians cannot be considered Coptic because the Coptic Pope granted autocephalous status to their church in 1994. However, the Eritrean

¹³⁶ “Egypt: Copts Attacked after Facebook Post ‘Showing Contempt of Islam,’” World Watch Monitor, July 24, 2018.

<https://www.worldwatchmonitor.org/2018/07/egypt-copts-attacked-after-facebook-post-showing-contempt-of-islam/>, and,

“Coptic Christian Convicted of Blasphemy, Jailed for Facebook Post,” Mission Network News, December 17, 2018.

<https://www.mnnonline.org/news/coptic-christian-convicted-of-blasphemy-jailed-for-facebook-post/>.

¹³⁷ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Eritrea, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/eritrea/>.

¹³⁸ “Eritrea: Freedom of religion or belief”, Christian Solidarity Worldwide, September 2018. https://www.ecoi.net/en/file/local/1447968/3175_1540636081_2018-09-general-briefings-eritrea.pdf.

Orthodox Church was historically under the authority of the Patriarch of Alexandria and still is. Since the current government in Eritrea took power, this Church has experienced severe restrictions despite being one of the four recognised religions. After years of objecting to state interference in religious affairs, Patriarch Abune Antonios was deposed by the government in January 2006 and placed under house arrest. Another patriarch, who was selected by the regime, has governed the church since that time.

Orthodox Christians in Prison in Eritrea

Despite state recognition, the Eritrean Orthodox Church and its Patriarch have been heavily persecuted since Eritrea became independent from Ethiopia in 1991.¹³⁹ The newly independent government wanted a national Orthodox Church separate from the Ethiopian Orthodox Church and so asked Pope Shenouda III of the Coptic Orthodox Church of Alexandria for Eritrean Orthodoxy autocephaly.¹⁴⁰

In 2004, Abune Antonios was elected as Patriarch of the Eritrean Orthodox Church. He opposed the government's interference in the affairs of the church and objected its confiscation of church properties, hijacking of church offerings, expropriation of tithes and pressuring priests and deacons to military services. The government deposed him, placed him under house arrest in 2006 and appointed a new, more obedient, Patriarch.

This context explains the persecution of Abune Antonios and those who are faithful to him.

Orthodox Christians behind bars: some statistics

As of 1 June 2020, HRWF documented **four cases** of Eritrean Orthodox Christians in its Prisoners' Database.¹⁴¹ Three of these individuals are in maximum-security detention centres and one is under house arrest, Patriarch Abune Antonios. These members occupied high level positions within Eritrea, until they were arrested for involvement in the renewal movement of the Orthodox Church. The number of cases documented by HRWF has not changed over the last couple of years.

Articles of the Penal Code

¹³⁹ "Eritrean War of Independence," New World Encyclopedia, accessed June, 2020. https://www.newworldencyclopedia.org/entry/Eritrean_War_of_Independence.

¹⁴⁰ Stefan, Matt, "Shenouda III," Encyclopædia Britannica, inc., March 13, 2020. <https://www.britannica.com/biography/Shenouda-III>.

¹⁴¹ Our Database is updated on a regular basis. For more details about imprisoned Eritrean Orthodox Christians, see <https://hrwf.eu/prisoners-database/>.

Quite often believers of all faiths are arrested and imprisoned without any formal charges, trial or conviction.

International advocacy

On 6 July 2017, the **European Parliament** adopted a resolution on the cases of Abune Antonios and Dawit Isaak. The resolution stated that:

Abune Antonios, the Patriarch of the Eritrean Orthodox Church, the nation's largest religious community, has been in detention since 2007, having refused to excommunicate 3000 parishioners who opposed the government [...] since then, he has been held in an unknown location where he has been denied medical care.¹⁴²

The European Parliament called 'on the Eritrean Government to release Abune Antonios, allow him to return to his position as Patriarch, and cease its interference in peaceful religious practices in the country'. Additionally, it reiterated 'that freedom of religion is a fundamental right, and strongly condemned any violence or discrimination on grounds of religion'.¹⁴³

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** expressed its concern for the continuation of religious repression in the country and highlighted the domination of the government in the internal affairs of the four recognised religious communities, including the Orthodox Church of Eritrea. USCIRF determined that Eritrea merited designation as a Country of Particular Concern (CPC) for having engaged in or tolerated particularly severe violations of religious freedom.

USCIRF has recommended to the US government to

- Redesignate Eritrea as a country of particular concern (CPC);
- Impose targeted sanctions on Eritrean government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the United States;
- Use bilateral and multilateral diplomatic channels to urge the government of Eritrea to release unconditionally detainees held on account of their religious activities, including Patriarch Antonios.

¹⁴² European Parliament, Resolution on Eritrea, notably the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP)) July 6, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0309_EN.html.

¹⁴³ Ibid.

USCIRF has designated Eritrea as a CPC since 2004.¹⁴⁴

On 21 June 2019, the **UN Human Rights Council** issued a press release by Special Rapporteur Daniela Kravetz about human rights in Eritrea, especially the government's crackdowns on various religious communities. Concerning the arrest of Orthodox believers, she said that on 13 June 2019, 'security forces arrested five Orthodox priests from the Debre Bizen monastery. The priests - three over 70 years old - were allegedly arrested for opposing the government's interference in the affairs of the Church'.¹⁴⁵ She also pressed the government to 'release those who have been imprisoned for their religious beliefs'.¹⁴⁶

CASE STUDIES

Patriarch of the Eritrean Orthodox Church under house arrest since 2007

In 2007, two priests accompanied by government security agents entered the Patriarch's residence and confiscated his personal pontifical insignia. **Abune Antonios**, who was born in 1929 and suffers from health problems, was then arrested for resisting government interference in religious affairs. Since then, he has been under house arrest and strict state surveillance. Formal charges have never been brought against him.¹⁴⁷

Since 2007, Abune Antonios has been considered by the US to be a religious prisoner of conscience.¹⁴⁸

Three high-ranking Orthodox Christians detained in a maximum-security centre since 2004

Gebremedhin Gebregioris, a theologian expert and the head of the Sunday Schools department in the Eritrean Orthodox Patriarchate;¹⁴⁹ **Futsum**

¹⁴⁴ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended countries of particular concern: Eritrea 2020*, 2020.

<https://www.uscirf.gov/sites/default/files/Eritrea.pdf>

¹⁴⁵ "UN Expert Urges Eritrea to Allow Religious Institutions to Operate Freely and Respect the Right of Freedom of Religion," OHCHR, June 21, 2019.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24721&LangID=E>.

¹⁴⁶ "Crackdown on Christians in Eritrea Spurs UN Expert to Press Government 'to Live up to Its International Commitments' UN News," United Nations, June 21, 2019.

<https://news.un.org/en/story/2019/06/1041041>.

¹⁴⁷ "Abune Antonios," Wikipedia, Wikimedia Foundation, December 12, 2019, accessed May 2020.

https://en.wikipedia.org/wiki/Abune_Antonios.

¹⁴⁸ "Patriarch Abune Antonios," United States Commission on International Religious Freedom, June 5, 2020.

<https://www.uscirf.gov/patriarch-abune-antonios>.

¹⁴⁹ "REV G. GEBREGIORIS," Church In Chains Ireland An Irish voice for suffering persecuted Christians Worldwide, May 21, 2020, accessed May 2020.

<https://www.churchinchains.ie/prisoner-profiles/gebremedhin-gebregioris/>.

Gebrenegus, a senior doctor who appeared regularly on Eritrean TV and had positions on many government-appointed commissions;¹⁵⁰ and **Tekleab Menghisteab**, a deacon and priest in the Eritrean Church,¹⁵¹ were all detained in 2004 for their involvement in the renewal movement of the Orthodox Church.

They have been kept incommunicado since then, and no formal charges have ever been brought against them.

Conclusions

In 2014, Abdel Fattah el-Sisi was elected President of Egypt with a landslide majority. In the last few years, he has prioritised religious freedom and non-discrimination issues on his agenda and strives to create interfaith harmony and peaceful coexistence among religious communities within Egypt. However, his efforts will only be successful if the judiciary functions independently of any partisan influence. Furthermore, the abuse of laws criminalising blasphemy or contempt of religion must also be addressed.

As to the situation of religious freedom in Eritrea, unfortunately it has dramatically deteriorated since the country's independence from Ethiopia. There is no hope of improvement if the current totalitarian regime continues on this path.

¹⁵⁰ "FUTSUM GEBRENEGUS," Church In Chains Ireland An Irish voice for suffering persecuted Christians Worldwide, May 22, 2020, accessed May 2020.

<https://www.churchinchains.ie/prisoner-profiles/futsum-gebrenegus/>.

¹⁵¹ "TEKLEAB MENGHISTEAB," Church In Chains Ireland An Irish voice for suffering persecuted Christians Worldwide, May 22, 2020, accessed May 2020.

<https://www.churchinchains.ie/prisoner-profiles/tekleab-menghisteab/>.

Protestants

The label 'Protestant' has been applied to a wide range of Christian groups. In Western countries it is popularly used for any Christian who is not Roman Catholic. This is because of the dominance of Roman Catholicism in the West and the need for a shorthand term for easy reference for the complex array of non-Roman church bodies that have emerged in the modern world.

The word Protestant first came into use when describing the 16th century movement in Europe that called for reforms in the Catholic Church. It was especially applied to Martin Luther, a German monk, who protested against corruption and abuses in the Church and publicly appealed for the reform of a number of beliefs and practices.

Other reform-minded theologians and Christian humanists preceded Luther, such as Erasmus, William Tyndale, and Jan Hus. These figures raised similar concerns from within the Church in the centuries leading up to the Protestant Reformation. However, it was the reform movements of the 16th century that introduced the word 'Protestant' into the lexicon of Western religion.

Subsequently, the term has been used to reference any of the numerous Christian denominations in the West that do not accept the authority of Rome. They may call themselves: Reformed, Baptists, Methodists, Lutherans, Presbyterians, Evangelicals, Pentecostals or some other appellation. However, most of these groups would self-identify as Protestant. The distinctions between them often include differences in theology, polity and practice.

For instance, John Calvin was a French humanist and Doctor of Law, who envisioned a system of church governance by elected office holders, pastors and elders (*presbyters*). This *presbyterian* structure was established in contrast to the traditional *episcopal* system of the Catholic Church where authority resides in a bishop (*episcopos*). Calvin's teachings had an enduring impact on Reformed theology, which became especially influential in Eastern Europe, Scotland and the Americas.

Another Reformed leader was Ulrich Zwingli of Switzerland, who pressed for even more radical changes to be made in church doctrine and practice. Zwingli supported the creation of a theocratic state, where the Bible would carry authority in civil as well as religious life.

The Protestant Reformation faced substantial opposition from the Roman Catholic Church and from the European nobility that benefited from its favoured status with the Church. States and cities that sided with the Protestant movement

became battlegrounds for increased religious and political autonomy, as some nobles perceived an opportunity for fortifying their influence in a time of rising nationalism while others supported the status quo.

After years of struggle and even civil war, many countries established state religions and granted tolerance to minority religions. The Reformation period had produced a range of denominations, each emphasising particular doctrines, practices, or church governance. The influence of Lutheranism and Calvinism had left their mark. Later, the Evangelical movement would also establish itself, stressing the importance of personal conversion, preaching of the Gospel, the centrality of the Bible and active evangelism. Additionally, the Pentecostal wing of Evangelicals was formed, prioritising the experience of faith as opposed to just an intellectual assent to certain doctrines.

Evangelical revivals of the 18th and 19th centuries spurred a lively commitment to missionary work in foreign lands, often facilitated by colonial interests. The growth of European and American missions to influence ideologies of populations around the globe in the 19th century allowed for the most expansive period of Protestantism.

Today Protestantism has a worldwide presence, accounting for approximately one-third of the world's 2.18 billion Christians. Protestants are highly concentrated in the Americas and sub-Saharan Africa, with significant numbers throughout Europe, Asia, and the Pacific. They also constitute small minorities in Northern Africa and the Middle East.

Teachings

Protestant teachings that are shared by Christianity in general centre on Jesus Christ as the Son of God and Redeemer of the world. The Reformation produced several defining characteristics of Protestant faith, including justification by faith (*sola fida*) through grace (*sola gratia*), the priesthood of all believers and the authority of the Bible over 'human' traditions.

Rejecting the authority of Rome, Protestants sought to establish the Bible as the ultimate source of authority. Many advocate the principle of *sola scriptura*, affirming the Bible's singular authority in all matters of faith and practice. Other Protestant traditions give the Bible priority as an authoritative source (*prima scriptura*), while acknowledging other influences that have shaped the interpretation of Christian beliefs. Prior to the Reformation, the Bible was available exclusively in Latin and therefore accessible only to an educated elite. Reformers worked to translate scriptural texts into the common vernacular and disseminate copies.

Tracing a middle way (*via media*) between Catholicism and Protestantism, the Anglican tradition has sought to forge a path that is authentically Catholic while adopting many of the changes brought about by the Reformation. Like Roman Catholics, Anglicans point to the visible and historic succession of the apostles as a source of authority. Regarding doctrines and liturgy, Anglicanism, in many aspects, more closely resembles Roman Catholicism than ‘Protestant’ denominations. The case is frequently made that defining Anglicanism as a ‘Protestant’ faith is not quite accurate.

Protestant liturgies vary widely by denomination. Lutheranism and Anglicanism have maintained liturgies most similar to that of the Roman Catholic Church. Along the spectrum of more Protestant-minded denominations there is a greater emphasis on preaching and a persistent differentiation to Roman Catholic beliefs and practices.

Reasons for the Persecution of Protestants in China

It is estimated that China’s population is around 1.4 billion people. Approximately 18% are Buddhist (including Tibetan Buddhists), 5% are Christian, and 2% are Muslim.²¹⁷

According to a February 2017 estimate by the US-based NGO Freedom House, 60-80 million people in China identify as Protestants. According to the State Council Information Office (SCIO) report *Seeking Happiness for People: 70 Years of Progress on Human Rights in China* published in September 2019, the number of religious adherents is about 200 million. Among these, there are 20 million Protestants affiliated with the Three-Self Patriotic Movement (TSPM), which is the state-sanctioned umbrella organisation for all officially recognised Protestant churches, according to information on TSPM’s website in March 2017.²¹⁸

Accurate estimates on the number of Protestants as well as members of other faiths in China are difficult to calculate because many adherents practice exclusively at home or in churches that are not state sanctioned, which is illegal.

Since Xi Jinping acceded to power in 2012, the believers of all religions have suffered from an increasingly repressive regime in China under the motto of ‘sinicization’.²¹⁹ Additionally, starting in 2018, all religious groups and places of

²¹⁷ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China 2019*, 2019. <https://www.state.gov/reports/2019-report-on-international-religious-freedom/china/>.

²¹⁸ Ibid.

²¹⁹ This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the

worship have been required to register or affiliate with a government-approved association. Many unregistered or banned religious groups in China are considered ‘*xie jiao*’,²²⁰ which is criminalised in the Chinese Penal Code. Religious or belief communities deemed to be ‘foreign’ or unauthorised are subjected to hostility, harassment and arbitrary detention by the authorities.

The Chinese Communist Party (CCP) uses high-tech surveillance tactics such as artificial intelligence to monitor and control religious minorities. Consequently, in 2019 alone, the CCP raided or closed hundreds of Protestant house churches. Additionally, local police harass and detain church officials who refuse to join the state-sanctioned association TSPM. Other violations of FoRB include offering cash bounties for those who inform on house churches, removing crosses from churches, banning youth from participating in religious services and putting pictures of President Xi Jinping in the place of images of Jesus Christ.²²¹

Protestants in Prison in China

Most arrests of Protestants in China are related to the activities of pastors and evangelists belonging to unsanctioned (underground) Protestant groups. However, state-sanctioned pastors and TSPM churchgoers who resist the interference of the CCP in their internal affairs are also imprisoned on spurious charges due to Xi Jinping’s ‘sinicization’ campaign.

Protestants behind bars: some statistics

As of 1 June 2020, HRWF documented **19 cases** of Protestants in its Prisoners’ Database.²²² In most of these cases, individuals were sentenced to between four

CCP gives to the word ‘sinicization’ a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as ‘sinicized’, they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. Source: “HOME. Sinicization,” Bitter Winter, accessed April 2020. <https://bitterwinter.org/Vocabulary/sinicization/>.

²²⁰ The expression of *xie jiao* is far from clear. It is incorrectly translated in English into ‘evil cult’, but in fact it means ‘heterodox teachings’. This notion was born in the Ming period. What teachings were ‘heterodox’ was determined by the Emperor, and lists of *xie jiao* were based on both theological and political grounds. For example, Christianity as a whole was classified as a *xie jiao* in 1725, but taken out of the list in 1842, due to Western political and military pressure. Nowadays, the list of *xie jiao* (<https://bitterwinter.org/what-is-a-xie-jiao/>) includes any movement that the Chinese government considers hostile to the CCP. Being active in a *xie jiao* is punished with severe jail penalties under Article 300 of the Penal Code. Sources: “HOME: Article 300,” Bitter Winter, accessed June 2020. <https://bitterwinter.org/Vocabulary/article-300/>, and, Zhangjin, Yao, “House Churches in Danger of Being Labeled Xie Jiao,” Bitter Winter, May 23, 2019, accessed June 2020. <https://bitterwinter.org/house-churches-in-danger-of-being-labeled-xie-jiao/>, and, “HOME: Xie Jiao,” Bitter Winter, accessed June 2020. <https://bitterwinter.org/Vocabulary/xie-jiao/>.

²²¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended countries of particular concern: China 2020*, 2020. https://www.uscifr.gov/sites/default/files/China_0.pdf.

²²² Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisonersdatabase/>.

and 15 years in prison, but three are serving life sentences. There were 21 cases recorded in HRWF's database in 2019, 27 in 2018 and 29 in 2017.

There have been persistent allegations of torture, the absence of medical care, ill treatment, poor living conditions and being held incommunicado in Chinese prisons.²²³

Articles of the Penal Code

Prisoners are typically charged under this article of the Chinese Penal Code:

Article 300 which criminalises participation in a *xie jiao* organisation 'to undermine the implementation of the laws and administrative rules and regulations of the State'. Punishment ranges from three to seven years in prison, with circumstances deemed serious automatically meriting the maximum seven years.²²⁴

Additional criminal charges against Protestants include:

accepting bribes and embezzlement; disruption of public order; illegal business operations and fraud; subverting state power through religious activities; buying and selling forbidden religious literature; subversion; and leaking state secrets.

International advocacy

The *Report of the Working Group on the Universal Periodic Review for China* was brought before the **UN General Assembly** on 26 December 2018. In this report, there are numerous mentions of concerns regarding the CCP's violations of FoRB. When providing recommendations, many countries advised the CCP to address these violations. For example, Australia said the CCP should 'Fully protect freedom of religion or belief by ensuring Chinese law supports the rights of individuals to freely practise their religion', and Canada called for the CCP to 'End prosecution and persecution on the basis of religion or belief'.²²⁵

²²³ United Nations, *Communication on the promotion of human rights and fundamental freedoms while countering terrorism* (OL CHN 18/2019) November 1, 2019.

https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf.

²²⁴ "Criminal Law of the people's republic of China," adopted on July 1, 1979 and revised and promulgated on March 14, 1997.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%2520Eng3.pdf>.

²²⁵ General Assembly of the United Nations, *Situation of human rights in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea* (A/HRC/41/53) May 16, 2019.

<https://reliefweb.int/sites/reliefweb.int/files/resources/G1914037.pdf>.

On 19 December 2019, the **European Parliament** adopted a resolution in which it condemned the hostility of the Chinese authorities ‘towards peaceful dissent, the freedoms of expression and religion, and the rule of law’. Indeed, it noted that:

[...] repression has intensified since the entry into force of the regulations on religious affairs in February 2018, which have restricted the activities of religious groups and forced them to act more closely in line with party policies; whereas under those regulations, public or even private demonstrations of religious and cultural affiliation can be considered extremist; whereas the new rules threaten persons associated with religious communities that do not have legal status in the country; whereas religious communities have been facing increasing repression in China, making the country home to one of the largest populations of religious prisoners.²²⁶

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** noted that in October 2019, the US Department of Commerce imposed restrictions on exports to 28 Chinese companies and organisations and that the US State Department announced visa restrictions on Chinese officials implicated in violations of FoRB. USCIRF recommended that the US State Department re-designate China as a Country of Particular Concern (CPC) for ‘engaging in systematic, ongoing, and egregious violations of religious freedom’.²²⁷

CASE STUDIES

Pastor and wife sentenced to 14 and 13 years in prison respectively for protesting removal of crosses

In August 2015, **Bao Guohua** was arrested alongside his wife, **Xing Wenxiang**, and their son because the three of them protested the CCP’s policy of systematically destroying crosses on churches in the Zhejiang Province. Bao Guohua was the pastor of the Jinhua Christian Church, which is a state recognised church. He was also a member of the China Christian Council (CCC), one of two state sanctioned associations which oversee Protestantism nationwide.

In March 2016, the Yangcheng District Court of Jinhua sentenced Bao Guohua to 14 years in prison and ordered him to pay fines that, combined, reached over

²²⁶ European Parliament, Resolution on the situation of the Uyghurs in China (China Cables) (2019/2945(RSP)) December 19, 2019. https://www.europarl.europa.eu/doceo/document/TA-9-2019-0110_EN.html.

²²⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended countries of particular concern: China 2020*, 2020. <https://www.uscifr.gov/sites/default/files/China.pdf>.

94,750 EUR. Xing Wenxiang was sentenced to 12 years in prison and was ordered to pay fines that totalled 93,865 EUR.

Their son was sentenced to three years in prison and has since been released.²²⁸

Death sentence converted to life sentence

In 2001, the CCP banned the Evangelical South China Church (SCC), labelling it ‘*xie jiao*’. **Shengliang Gong** was the leader of the SCC and was immediately arrested and sentenced to death ‘for launching attacks against the state’. However, due to pressure from international organisations, he was not executed. Instead, authorities claimed he had raped other prisoners and sentenced him to life imprisonment in 2002.

While in prison, Shengliang Gong has been tortured by authorities and refused medical assistance. His daughter claims that he has severe rheumatism and gastroenteritis as a consequence of being held in a very damp cell for the first two years of his sentence.

There has not been any news since 2013 when he suffered a stroke. He never received medical attention and was in very poor health.²²⁹

Pastor of unregistered church sentenced to 15 years in prison

Alimujan Yimit is a Uyghur Christian who was the leader of an unregistered church in Xinjiang. He was initially charged with ‘illegal’ religious activities, but, in 2009, those charges changed to ‘collecting and selling intelligence for overseas organisations’.

On 27 October 2009, Alimujan Yimit was found guilty despite pleading innocent and was sentenced to 15 years in a labour prison. His wife and two sons have been allowed to visit him once a month.²³⁰

²²⁸ “China Cracks Down on Official Church Leaders, Religious Rights Attorneys,” Morningstar News, March 18, 2016, accessed March 2020.

<https://morningstarnews.org/2016/03/china-cracks-down-on-more-official-church-leaders-religious-rights-attorneys/>.

²²⁹ “Evangelical Pastor Gong Shengliang Is Dying in a Chinese Prison,” Asia News.it, May 27, 2013, accessed May 2020.

<http://www.asianews.it/news-en/Evangelical-pastor-Gong-Shengliang-is-dying-in-a-Chinese-prison-28027.html>.

²³⁰ “China: Judicial Review Urged for Uyghur Christian,” Christian Solidarity Web, August 31, 2016, accessed May 2020. <https://www.csw.org.uk/2016/08/31/news/3239/article.htm>, and,

“Praise Report for Alimjan Yimit in China!” Open Doors USA, December 10, 2013, accessed May 2020. <https://www.opendoorsusa.org/christian-persecution/stories/praise-report-alimjan-yimit-china/>.

Reasons for the Persecution of Protestants in Eritrea

According to July 2018 estimates by the US government, the total population of Eritrea is six million. There are no reliable figures on religious affiliation, but the country is estimated to be 49% Christian and 49% Sunni Muslim. In 2016, the Pew Foundation approximated that the population was 63% Christian and 37% Muslim. The Christian population is predominantly Eritrean Orthodox, with less than 5% of Christians identifying as Catholics, Protestants, and other Christian denominations.²³¹

The country is ruled by a totalitarian one-party dictatorship of Maoist inspiration. Eritrea gained independence from Ethiopia in 1991 after 30 years of continuous armed struggle by the Eritrean Liberation Front. Since then, national presidential or legislative elections have never taken place.

The only recognised religions in Eritrea are the Eritrean Orthodox Church, the Roman Catholic Church, the Lutheran Evangelical Church and Sunni Islam.²³²

Apart from the Lutheran Evangelical Church, the government has not allowed any other Protestant group to become registered. Unrecognised Protestants are subjected to immense religious persecution in the form of arbitrary arrests and harassment.

Protestants in Prison in Eritrea

Arrests of Protestants meeting in hiding are regularly reported, but there are no official charges or sentencing. Oftentimes it appears that they are not kept in detention.

Protestants behind bars: some statistics

As of 1 June 2020, HRWF documented **four cases** of Protestants in its Prisoners' Database.²³³ Of these cases, three individuals have been detained since 2004, and one since 2005. None of them have been charged with a criminal offence, nor tried in court. In 2019, there were five cases recorded in HRWF's database. There were eight both in 2018 and in 2017.

²³¹ For more religious statistics, see United States Commission on International Religious Freedom, *Annual Report on International Religious Freedom: Eritrea 2018*, Office of International Religious Freedom, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/eritrea/>.

²³² Christian Solidarity Web, *Eritrea: Freedom of religion or belief*, CSW everyone free to believe, September 2018. https://www.ecoi.net/en/file/local/1447968/3175_1540636081_2018-09-general-briefings-eritrea.pdf.

²³³ Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisoners-database/>.

Since 2002, there have been many mass arrests of Protestants in Eritrea. In May 2019, more than 171 Protestant Christians in Asmara were arrested, and in August 2019 another 80 were arrested.²³⁴ It does not appear that they were kept in detention but, due to a lack of reliable and accessible information, nothing is known about their fate.

Articles of the Penal Code

In the majority of cases, Protestants and believers of other faiths are arrested and imprisoned without any formal criminal charges, trial or sentencing.

International advocacy

On 6 July 2017, the **European Parliament's** resolution on *Eritrea, notably the cases of Abune Antonios and Dawit Isaak*, calls on the Eritrean government to 'cease its interference in peaceful religious practices in the country; [and] recalls that freedom of religion is a fundamental right, and strongly condemns any violence or discrimination on grounds of religion'. This resolution highlights that:

[...] members of [unauthorised] faiths, and their family members, are arrested and imprisoned; whereas a resurgence in harassment of and violence against those practising religious faiths has been observed since 2016; whereas Christian Solidarity Worldwide (CSW) estimates that, in May 2017 alone, 160 Christians were imprisoned in Eritrea.²³⁵

Presented to the **UN Human Rights Council** on 16 May 2019, the *Report of the Special Rapporteur on the situation of human rights in Eritrea* listed FoRB as one of the most pressing human rights issues in the country. The Special Rapporteur in this report 'calls upon the Government of Eritrea to allow the Eritrean people to exercise their right to freedom of religion and to release those imprisoned for their religious beliefs'.²³⁶

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US State Department designate Eritrea as a Country of Particular Concern (CPC) for 'engaging in systematic, ongoing, and egregious violations of religious freedom'.²³⁷

²³⁴ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Eritrea 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Eritrea.pdf>.

²³⁵ European Parliament, Resolution on Eritrea, notably on the cases of Abune Anotnios and Dawit Isaak (2017/2755(RSP)) July 6, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0309_EN.html.

²³⁶ General Assembly of the United Nations, *Situation of human rights in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea (A/HRC/41/53)* May 16, 2019. <https://reliefweb.int/sites/reliefweb.int/files/resources/G1914037.pdf>.

²³⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Eritrea 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Eritrea.pdf>.

CASE STUDIES

Pastor held incommunicado since 2004

Kiflu Gebremeskel obtained a Ph.D. in mathematics from Chicago University in the US and was a mathematics lecturer and department and faculty head at the University of Asmara in Eritrea until 1999. He then founded the Southwest Full Gospel Church and was a pastor there, as well as a chair for the Eritrean Evangelical Alliance. He also served on the executive committee of the Full Gospel Church of Eritrea, which is one of the largest Pentecostal networks in the country with about 150 house church groups. In 2003, they applied for formal registration since home churches are banned, but they never received a reply from the government.

Kiflu Gebremeskel was arrested at his home on 23 May 2004. The police took the keys to his church and threatened his wife. He has been held incommunicado ever since his arrest and was never brought before a court. Prison authorities have not allowed his wife and four children any form of contact with him.

Someone recognised him at a hospital in late 2014, but that individual was not allowed to talk to him.²³⁸

Pastor detained since 2004 without ever going to court

On 3 June 2004, **Meron Gebreselasie** was arrested at a police checkpoint at the border of Asmara. He is an anaesthetist and was the pastor of Massawa Rhema Church until his arrest. For two months he was held at the police station before being transferred to Wongel Mermera.

Meron Gebreselasie is still detained there, despite never having been formally charged, tried or sentenced.²³⁹

Pastor imprisoned since 2004 without charges or a conviction

Haile Nayzgi is the leader of Eritrea's Full Gospel Church. On 23 May 2004, he was arrested at his house and was detained. Despite no formal charges being

²³⁸ "Eritrean church leaders still in jail 12 years later," World Watch Monitor, April 13, 2016, accessed May 2020. <https://www.worldwatchmonitor.org/2016/04/4407264/>, and, "KIFLU GEBREMESKEL," Church In Chains Ireland An Irish voice for suffering persecuted Christians Worldwide, May 28, 2019, accessed May 2020. <https://www.churchinchains.ie/prisoner-profiles/kiflu-gebremeskel/>.

²³⁹ "Eritrean church leaders still in jail 12 years later," World Watch Monitor, April 13, 2016, accessed May 2020. <https://www.worldwatchmonitor.org/2016/04/4407264/>.

brought against him or trial, he has been in prison since his arrest. He has been moved to various locations during his detention.

His wife and three children found out that the government planned on arresting them as well in 2013, and so they fled the country. After a dangerous and long journey, they received asylum and are now safely settled in a new country. They have not seen or heard news about Haile Nayzgi since 2004.²⁴⁰

The Reasons for the Persecution of Protestants in Iran

In July 2018, the US government estimated the population of Iran to be 83 million people, with the Muslim population at 99.4% (90-95% are Shia and 5-10% are Sunni). The government Statistical Centre of Iran reports there are 117,700 Christians. However, according to World Christian Database statistics, there are approximately 547,000 Christians.²⁴¹

Freedom of religion or belief in Iran continues to face serious challenges, in contravention with the country's constitutional guarantees and international commitments, including under the International Covenant on Civil and Political Rights (ICCPR).

Converts from Islam to Christianity are systematically persecuted by the government. It is estimated that between 300,000 to 350,000 Muslims have converted to Christianity, all of whom are considered apostates by the authorities. Subsequently, they cannot join official churches and must instead worship informally in homes. They live in constant fear of arrests, detention and harassment.²⁴²

Protestants in Prison in Iran

Muslim converts to the non-trinitarian Church of Iran are especially persecuted by the authorities. This is also the case for pastors and members of Evangelical and Pentecostal communities because of their missionary activities.

Protestants behind bars: some statistics

²⁴⁰ "Eritrean church leaders still in jail 12 years later," World Watch Monitor, April 13, 2016, accessed May 2020. <https://www.worldwatchmonitor.org/2016/04/4407264/>.

²⁴¹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on International Religious Freedom: Iran 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/iran/>.

²⁴² General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019. <https://undocs.org/pdf?symbol=en/A/74/188>.

As of 1 June 2020, HRWF documented **19 cases** of Protestants in its Prisoners' Database.²⁴³ Most of them are Muslim converts to the Church of Iran. In 2019 there were 28 cases recorded by HRWF, in 2018 there were 23 and in 2017 there were 16.

There have been reports of Christians being sexually abused and physically assaulted while in detention,²⁴⁴ and that Iranian prisons routinely deny detainees medical assistance or contact with their families.²⁴⁵

Articles of the Penal Code

There is no provision under the legal system of the Islamic Republic of Iran permitting conversions from Islam, which is considered apostasy. This puts Christian converts from Islam at risk of persecution. Apostasy is not codified as an Islamic Penal Code offence, but conversion from Islam is punishable by death.²⁴⁶ In order to circumvent the codification of apostasy as an offence, judges and prosecutors have reportedly relied upon **Article 167** of the Constitution. This article explicitly instructs judges to utilise Islamic legal sources where crimes or punishments are not covered by the Penal Code.²⁴⁷

Additionally, it is very common for Protestants to be accused of a criminal offence such as:

moharebeh (waging war against God); *efsad-e fel-arz* (corruption on Earth), which includes blasphemy and insulting the Prophet; promoting Zionist Christianity and anti-Islamic activities; disruption of public order; conducting evangelism and illegal house church activity; insulting and/or disseminating lies against the regime; acting against national security; and intention to overthrow the regime.

If a Protestant is convicted of missionary activities, they are usually sentenced to five years in prison. However, if instead they are convicted of acting against national security, they face ten to 15 years in prison.

²⁴³ Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisoners-database>.

²⁴⁴ General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019. <https://undocs.org/pdf?symbol=en/A/74/188>.

²⁴⁵ European Parliament, Resolution on the cases of Iran, notably the situation of women's rights defenders and imprisoned EU dual nationals (2019/2823(RSP)) September 19, 2019. https://www.europarl.europa.eu/doceo/document/TA-9-2019-0019_EN.html.

²⁴⁶ Global Legal Research Directorate Staff, *Laws Criminalizing Apostasy*, Library of Congress, June 1, 2014, accessed May 2020. <http://www.loc.gov/law/help/apostasy/index.php#iran>.

²⁴⁷ General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019. <https://undocs.org/pdf?symbol=en/A/74/188>.

International advocacy

During the 74th session of the **UN General Assembly** on 18 July 2019, the *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* highlighted concerns regarding religious freedom. In this report's conclusions, the Special Rapporteur recommended that the Iranian government:

(f) In accordance with article 18 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, ensure that everyone has the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of their choice, or not to have or adopt a religion, and the freedom, either individually or in community with others and in public or private, to manifest their religion or belief in worship, observance, practice and teaching;

(g) Refrain from targeting members of recognized and non-recognized religious minorities with national security-related charges and end the criminalization of the peaceful expression of faith.²⁴⁸

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US State Department:

- re-designate Iran as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- impose targeted sanctions on Iranian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US under human rights-related financial and visa authorities, citing specific religious freedom violations;
- press for the release of all religious prisoners of conscience,
- and reauthorize and ensure implementation of the Lautenberg Amendment, which aids persecuted Iranian religious minorities seeking refugee status in the US.²⁴⁹

²⁴⁸ General Assembly of the United Nations, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran* (Report A/74/188) July 18, 2019. <https://undocs.org/pdf?symbol=en/A/74/188>.

²⁴⁹ United States Commission on International Religious Freedom, *Annual Report, USCIRF- Recommended for countries of particular concern: Iran, 2020, 2020*. https://www.uscifr.gov/sites/default/files/Iran_2.pdf.

CASE STUDIES

Protestant pastor sentenced to 8 years in prison

In January 2018, **Soroush Saraei** was found guilty of ‘action against national security’, proselytising, holding ‘house-church’ meetings and forgery. He was sentenced to 8 years in prison and is appealing.

Soroush Saraei was the pastor of the Church of Shiraz. He was arrested for issuing letters for students seeking exemption from Islamic studies classes, which led to the forgery conviction in his sentence.

He had been arrested previously, and, in October 2012, he was sentenced to two and a half years in prison for ‘acting against national security’ and ‘propaganda against the order of the system’.²⁵⁰

Pharmacy student had heart attack while being held in pre-trial detention

Karen Vartanian, an Armenian studying pharmacy at the Arak University in Iran, was arrested while participating in a nationwide demonstration on 30 December 2017. He was detained for 17 days and lost 15 kilograms of weight due to the physical and mental torture he was subjected to while in police custody.

After his release, he had heart surgery in April 2018 because he has congenital heart disease.

Karen Vartanian’s first court appearance was on 28 August 2018, where he was accused of insulting and disseminating lies, disturbing the public opinion, attempting to form warrior groups against the regime, promoting Christianity and anti-Islamic activities. He was placed in temporary detention again despite there being no set date for his trial. He was denied bail even though he has a serious heart condition.

On 2 September 2018, he suffered a heart attack at the Fashafiyah Prison and was transferred to the hospital. His family were only allowed to see him through a window for a few minutes, and report seeing injuries on his face and feet from beatings. The prison authorities took him back to prison immediately after surgery, despite the doctor’s recommendation of 3-4 days rest due to his extremely poor health. His family have not been allowed to visit him during his pre-trial detention.²⁵¹

²⁵⁰ ‘Iran: 2 Christians given 8-year prison sentences,’ World Watch Monitor, January 10, 2018, accessed June 2020. <https://www.worldwatchmonitor.org/coe/iran-2-christians-given-8-year-prison-sentences/>.

²⁵¹ “Charge of ‘Promoting Christianity’ for an Armenian student imprisoned in Iran,”

Four Protestant converts sentenced to 10 years in prison each

On 13 May 2016, five Protestants were arrested during a series of raids on Christian homes. **Yaser Mossayebzadeh, Saheb Fadaie, Mohammad Reza Omid** and **Yousef Nadarkhani**, who is a pastor, and his wife **Fatemeh Pasandideh**. Yousef Nadarkhani and Fatemeh Pasandideh were released the same day, but then Yousef Nadarkhani was placed in Rasht prison on 24 July 2016.

All four men are converts from Islam to the non-Trinitarian Church of Iran. They were charged for acting against national security because they were promoting Christianity. Additionally, on 10 September 2016, Yaser Mossayebzadeh, Saheb Fadaie, and Mohammad Reza Omid were sentenced to 80 lashes each for drinking wine during a communion service, as consuming alcohol is banned in Iran. They are appealing this conviction.

On 6 July 2017, these four men were all sentenced to ten years in prison for ‘acting against national security by propagating house-churches and promoting Zionist Christianity’. Yousef Nadarkhani and Mohammad Reza Omid, who have been arrested in the past, were also sentenced to two years of exile after serving their sentences. They all appealed their convictions.

On 2 May 2018, they were notified that the appeal court upheld the original sentencing and on 22 and 23 July 2018, they were all transferred to Evin Prison in the capital, Tehran.²⁵²

Reasons for the Persecution of Protestants in North Korea

In July 2018, the US government estimated the total population of North Korea to be 25.4 million. In a 2002 report to the UN Human Rights Committee, the government reported that there were 12,000 Protestants, 10,000 Buddhists, and 800 Roman Catholics. The report noted that Chondoism, a modern religious movement based on a 19th century Korean neo-Confucian movement, had approximately 15,000 practitioners.²⁵³

Mohabat News, Iranian Christian News Agency, accessed June 2020. <http://english.mohabatnews.com/?p=4100>.²⁵² ‘Christians face lashes for drinking communion wine,’ Christian Solidarity Web, October 7, 2016, accessed April 2020. <http://www.csw.org.uk/2016/10/07/news/3286/article.htm>, and, ‘Iran: Notorious judge intervenes in court hearing,’ Christian Solidarity Web, June 28, 201, accessed April 2020. <https://www.csw.org.uk/2017/06/28/press/3603/article.htm>, and, ‘Saheb Fadaee, Yousef Nadarkhani, Mohammad Ali Mossayebzadeh and Mohammad Reza Omid,’ Article 18, April 8, 2019, accessed April 2020. <https://articleeighteen.com/reports/case-studies/4609/>.

²⁵³ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Democratic People’s Republic of Korea 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/democratic-peoples-republic-of-korea/>.

In 1910, Korea was annexed by Imperial Japan. With the defeat of Japan at the end of WWII in 1945, Korea was divided into two zones: the north was occupied by the Soviet Union and the south by the US. This was similar to the division and occupation of Germany in Europe. Negotiations on reunification of the Korean Peninsula failed and, in 1948, separate governments were formed: the socialist Democratic People's Republic of Korea (DPRK) in the north, and the capitalist Republic of Korea (ROK) in the south.

Since then, North Korea has been a Communist state based on the '*Juche*' ideology of self-reliance. It replaced Marxist-Leninism as the fundamental doctrine of the regime imposed by Kim Il-sung, the founding father of the DPRK. The *Juche* ideology claims that the North Korean people are self-reliant agents who will realise the Communist revolution. In this Communist ideology, religion is considered the opium of the people and a superstition. In the *Juche* totalitarian ideology, there is no place for religion and its eradication is one of the regime's objectives.

Before the creation of the new state, there were 3,089 Protestant churches in northern Korea. They were all destroyed.²⁵⁴ Since then, Protestants have been meeting in hiding at the risk of their freedom and their lives. According to the Database Centre for North Korean Human Rights (NKDB) which has interviewed thousands of North Korean defectors and refugees for years, there were more than a hundred illegal underground churches in North Korea in 2014.²⁵⁵

Protestants in Prison in North Korea

North Korea is often called a 'hermit state' because there is no independent civil society and no human rights organisations. This mindset of seclusion makes it impossible to collect reliable official data from inside the country. Only North Korean defectors and refugees can provide partial information when interviewed by the authorities of South Korea where they have found a safe haven.

Protestants behind bars: some statistics

There are no known cases of North Korean Protestants arrested and imprisoned for exercising their legitimate right to religious freedom because of the extreme secrecy and censorship of the regime. Only cases of foreign Protestant evangelists who have been arrested and imprisoned for carrying out missionary activities inside North Korea have been made public.

²⁵⁴ "White Paper on Religious Freedom in North Korea 2018", p 105, published by Database Center for North Korean Human Rights (NKDB), 2019, Seoul.

²⁵⁵ Ibid, p 106.

As of 1 June 2020, HRWF documented **four cases** of foreign Protestants in its Prisoners' Database.²⁵⁶ Three of them of South Korean origin received life sentences under charges of espionage while the fourth one, an ethnic Korean from China, was sentenced to 15 years in prison for 'defaming the regime, attempting to incite subversion of state power and providing aid and gospel to North Koreans'.²⁵⁷

Articles of the Penal Code

Espionage is the usual criminal offence used to sentence foreign pastors and evangelists carrying out underground activities in North Korea.

According to defectors, the majority of North Korean Christians detained in prison camps were arrested by the Ministry of State Security because they possessed a Bible, which is treated as proof of a political crime. Even foreign tourists visiting North Korea have been detained for possessing a Bible.²⁵⁸

International advocacy

On 20 September 2019, a report about the general human rights situation in the DPRK was presented to the **UN General Assembly** by Special Rapporteur Tomás Ojea Quintana. This report recommended to 'integrate a human rights agenda in the peace talks'. The North Korean government continued to deny the Special Rapporteur's requests to visit the country throughout 2019.²⁵⁹

Then, on 18 December 2019, the UN General Assembly adopted a resolution (A/RES/74/166) expressing serious concerns about 'all-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief' and 'in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief' in the DPRK.²⁶⁰

²⁵⁶ Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisoners-database>.

²⁵⁷ United States Commission on International Religious Freedom, *Deacon Zhang Wen Shi*, accessed May 2020. <https://www.uscirf.gov/deacon-zhang-wen-shi>.

²⁵⁸ Jang Seul Gi "Intensifying Crackdown on Christians in the Sino-DPRK Border Region," Daily NK, August 26, 2019, accessed June 2020.

<https://www.dailynk.com/english/intensifying-crackdown-on-christians-in-the-sino-dprk-border-region/>.

²⁵⁹ General Assembly of the United Nations, *Situation of human rights in the Democratic People's Republic of Korea* (Report A/74/275/Rev.1) September 20, 2019. <https://undocs.org/en/A/74/275/REV.1>.

²⁶⁰ General Assembly of the United Nations, Resolution adopted by the General Assembly on the situation of human rights in the Democratic People's Republic of Korea (A/RES/74/166), January 27, 2020. <https://undocs.org/en/A/RES/74/166>.

In its 2020 Annual Report, the **US Commission on International Religious Freedom (USCIRF)** recommended that the US government:

- re-designate North Korea as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious religious freedom violations;
- fill the current vacancy and maintain the Special Envoy for North Korean Human Rights Issues as a fulltime, independent position at the US Department of State and ensure religious freedom is a priority for that office;
- and urge the North Korean government to grant international human rights monitors unfettered access to document human rights conditions, including religious freedom, inside the country.²⁶¹

CASE STUDIES

Arrests and sentencing of three foreign missionaries

Kim Kuk Gi was detained in Pyongyang in September 2014 and **Choe Chun Gil** near the Chinese border in December 2014. The two men are South Korean nationals. They were accused of working as spies for Seoul's National Intelligence Service, which they denied. North Korean state media accused one of the men of running an 'underground church' based in China and 'illegally spreading foreign information on USB sticks and SD memory cards in the country'. They are still in prison.²⁶²

In 2013, North Korea held South Korean missionary **Kim Jeong-wook** on allegations of espionage. He was given a life sentence of hard labour.²⁶³

North Korea has occasionally detained South Korean nationals in the past on accusations of spying in what outside experts say are attempts to pressure Seoul or raise North Korean citizen's hostility toward the South.

Additionally, the DPRK has arrested other foreigners who have since been released. Below are some examples:

²⁶¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: North Korea, 2020*, 2020.

<https://www.uscirtf.gov/sites/default/files/North%20Korea.pdf>.

²⁶² "S. Korea demands release of pair North accuses of spying," Al Jazeera, March 26, 2015, accessed June 2020. <http://america.aljazeera.com/articles/2015/3/26/s-korea-demands-release-of-pair-north-accuses-of-spying.html>.

²⁶³ "The lessons of Kim Jong-Wook," World Watch Monitor, June 20, 2014, accessed June 2020. <https://www.worldwatchmonitor.org/2014/06/the-lessons-of-kim-jong-wook/>.

In November 2010, Jun Yong-su, a Korean American from California, was arrested for alleged unauthorised missionary work during several business trips to the country. He was released six months later on humanitarian grounds.²⁶⁴

In November 2012, the American missionary Kenneth Bae was arrested after being charged by the North Korean government of trying to bring down the state. Bae, a tour operator, was accused of committing ‘hostile acts’ against North Korea. He was released two years later.²⁶⁵

On 16 February 2014, John Alexander Short, a Hong Kong-based Australian Christian missionary, was arrested for unauthorised religious activity and released 15 days later.²⁶⁶

In February 2015, a South Korean-born Canadian pastor, Hyeon Soo Lim, was arrested during a humanitarian mission. In December 2015, Pyongyang sentenced him to life with hard labour for crimes against the North Korean regime. In August 2017, Prime Minister Justin Trudeau sent a Canadian international government delegation to Pyongyang to discuss the case. Hyeon Soo Lim was released from detention on 9 August 2017.²⁶⁷

Deacon sentenced to 15 years in prison

Deacon **Jang Moon Seok**, also known by his Chinese name, **Zhang Wen Shi**,²⁶⁸ is an ethnically Korean Chinese citizen who lived in Changbai, China. Changbai is on the border between China and North Korea, and so Jang Moon Seok worked alongside Pastor Han Chung-Ryeol ministering to North Koreans who crossed the border into China.

It is illegal to cross into China without permission, but North Koreans often do so to purchase goods for reselling, to buy medicine, and to conduct business.

Jang Moon Seok regularly hosted North Koreans who were only in China for a few days or weeks before returning to North Korea. He saw welcoming these

²⁶⁴ “North Korea Releases US Citizen Eddie Jun Yong-Su,” BBC News. BBC, May 28, 2011, accessed June 2020. <https://www.bbc.com/news/world-asia-pacific-13583136>.

²⁶⁵ Gladstone, Rick, “Kenneth Bae, Longest-Held U.S. Prisoner of North Korea, Reveals Details of Ordeal,” The New York Times, May 2, 2016, accessed April 2020. <https://www.nytimes.com/2016/05/03/world/asia/kenneth-bae-longest-held-us-prisoner-of-north-korea-reveals-details-of-ordeal.html>.

²⁶⁶ “Profile John A. Short: Australian Missionary Detained by DPRK,” North Korea News, January 8, 2020, accessed May 2020. <https://www.nknews.org/2014/02/profile-john-a-short-australian-missionary-detained-by-dprk/>.

²⁶⁷ Kassam, Ashifa, “‘It’s a Miracle for Me to Be Here’: Freed Canadian Pastor Speaks of Ordeal in North Korean Prison,” The Guardian News and Media, August 14, 2017, accessed June 2020.

<https://www.theguardian.com/world/2017/aug/14/north-korea-canada-pastor-hyeon-soo-lim-pyongyang>.

²⁶⁸ **Religious prisoner of conscience adopted by USCIRF Advocate James W. Carr.**

strangers as his Christian duty. He also shared about his faith to those who were curious or willing.

Consequently, some of these North Koreans became Christians, which a few returning to his home repeatedly for Bible training. Jang Moon Seok and Pastor Han also taught them how to share their faith with loved ones.

In November 2014, Jang Moon Seok was kidnapped, taken across the border, and placed in a North Korean prison. In February 2016, Pastor Han was brutally stabbed to death in Changbai.

Jang Moon Seok was sentenced to 15 years imprisonment for his ministry work.²⁶⁹

Reasons for the Persecution of Protestants in Pakistan

In July 2018, the US government estimated the total population of Pakistan to be 207.9 million. According to the provisional results of a national census conducted in 2017, 96% of the population is Muslim. According to the 2014 government registration documents cited by the press, there are approximately 1.4 million Hindus and 1.3 million Christians.²⁷⁰

In 1956, Pakistan was established as an Islamic Republic. Islam is still the official state religion, but the Constitution protects religious freedom by banning faith-based discrimination and upholding the right to religious practice and education. However, in practice, the state's blasphemy laws have created a hostile environment and incited mob violence that targets members of minority religious groups such as Protestants.²⁷¹

Blasphemy laws have created 'a culture of impunity for violent attacks following accusations',²⁷² as some religious fanatics believe that they are entitled to take the law into their own hands. There have been many instances where the local administration and police have either colluded with perpetrators or have stood by and done nothing to assist the accused out of fear of the crowd.

²⁶⁹ United States Commission on International Religious Freedom, *Deacon Zhang Wen Shi*, accessed April 2020. <https://www.uscirtf.gov/deacon-zhang-wen-shi>.

²⁷⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Pakistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/pakistan/>.

²⁷¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF- Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

²⁷² Ibid.

Additionally, the use of blasphemy laws has become a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property. These laws have been instrumentalised for private settlement of scores in many cases. The accused are often lynched or killed by mobs before authorities can place them under arrest.

Pakistan is second only to Iran in its deviation from international law principles with its blasphemy laws, as well as in the severity of penalties for those convicted under them.²⁷³

Protestants in Prison in Pakistan

All Protestants in prison have been victims of Pakistan's blasphemy laws which are used and abused to persecute non-Muslim minorities and to settle private disputes.

Protestants behind bars: some statistics

As of 1 June 2020, HRWF documented **31 cases** of Protestants in its Prisoners' Database.²⁷⁴ All of these individuals were either convicted of or charged with blasphemy. Ten of them were sentenced to death, seven received a life sentence, two were given six years in prison and in 12 cases the sentences are unknown or they are awaiting trial.

It is common for there to be a lengthy delay with trials related to blasphemy as these cases are often moved between judges and lawyers are too afraid to defend the accused. This is unsurprising considering the pressure placed by radical and violent religious groups on judges to convict, and the hostile targeting of lawyers and politicians alike.²⁷⁵ In the past, judges have been attacked for acquitting blasphemy defendants and two politicians who discussed reforming the legislation have been shot dead.

Articles of the Penal Code

Prisoners are typically charged under the blasphemy laws in the Pakistani Penal Code:

²⁷³ U.S. Commission on International Religious Freedom, *Respecting rights? Measuring the World's blasphemy Laws*, April 7, 2016. <https://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf>.

²⁷⁴ Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisonersdatabase/>.

²⁷⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Pakistan.pdf>.

Section 295-A: ‘Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both’.

Section 295-B: ‘Defiling the Holy Qur’an. Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur’an or of an extract there from or used it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life’.

Section 295-C: ‘Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death and shall also be liable to fine’.²⁷⁶

In the last 20 years, Pakistani authorities have not executed individuals sentenced to death on blasphemy charges;²⁷⁷ instead they are incarcerated indefinitely.

International advocacy

In a resolution dated 15 June 2017 concerning human rights defenders and the death penalty in Pakistan, the **European Parliament** stated that it:

Is deeply concerned at the continued use of the ‘blasphemy law’, and believes this is heightening the climate of religious intolerance; notes the findings of the Supreme Court of Pakistan that individuals accused of ‘blasphemy’ ‘suffer beyond proportion or repair’ in the absence of adequate safeguards against misapplication or misuse of such laws; calls, therefore, on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of ‘blasphemy’ charges; calls also on the government to take a stronger position in condemning vigilantism towards alleged ‘blasphemers’.²⁷⁸

²⁷⁶ Pakistani Penal Code <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, and, <https://www.refworld.org/pdfid/49b920582.pdf>.

²⁷⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Pakistan.pdf>.

²⁷⁸ European Parliament, Resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP)) June 15, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0268_EN.html.

On 19 January 2018, the **European Commission** released a report for the European Parliament and Council regarding *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 – 2017*. In this report, the European Commission raised concerns about Pakistan's blasphemy laws being used to persecute individuals on religious grounds several times, and the state of religious freedom in Pakistan more broadly. The European Commission stated that:

Pakistan is requested to follow up on the recommendation to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant; and to ensure the investigation and prosecution of those involved in incitement of or engagement in violent acts against others based on allegations of blasphemy.²⁷⁹

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US State Department designate Pakistan as a Country of Particular Concern (CPC) for 'engaging in systematic, ongoing, and egregious violations of religious freedom'. Despite being listed as a CPC in 2019, the US State Department waived Pakistan from any sanctions due to "important national interest of the United States". USCIRF recommended that this waiver is rescinded in 2020 in light of the extreme abuses of religious freedom in Pakistan.²⁸⁰

USCIRF also recommended that the Pakistani government:

- release blasphemy prisoners and other individuals imprisoned for their religion or beliefs;
- repeal the blasphemy and anti-Ahmadiyya laws; until repeal is accomplished, enact reforms to make blasphemy a bailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dismiss unfounded accusations, and enforce existing Penal Code articles criminalizing perjury and false accusations.

²⁷⁹ European Commission, *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 -2017*, High Representative of the Union for Foreign Affairs and Security Policy (SWD (2018, 29 final), January 1, 2018. https://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156544.pdf.

²⁸⁰ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Pakistan.pdf>.

CASE STUDIES

Mentally ill British Pakistani shot by guard while serving sentence

Muhammad Asghar, a British Protestant, was diagnosed with paranoid schizophrenia in 2010 and sectioned for a month in a mental hospital in Scotland. A few months later, he travelled to Pakistan with his wife because they manage three properties there. His five children, all adults, were opposed to this trip but he left without their knowledge.

In September 2010, Muhammad Asghar was accused of blasphemy by one of their tenants who alleged that he had written letters claiming to be a prophet. Despite his history of mental illness, the Pakistani court did not accept UK medical reports and sentenced him to death. While in prison he attempted suicide, and it was only then that a judge ordered a mental health report. However, a mob formed outside of the hospital during his exam, threatening both him and the doctors performing the evaluation. The doctors, fearing for their lives, diagnosed him with depression instead of paranoid schizophrenia.

In 2012, one of Muhammad Asghar's daughters visited him in prison and reported that his mental health had severely deteriorated.

In September 2014, a police officer shot Muhammad Asghar in the back while he was in his prison cell. He survived.²⁸¹

Cousins tortured during interrogation, one jumped out of a window

In February 2018, **Patras Masih** and **Sajjad Masih**, cousins, were both arrested for blasphemy. Patras Masih was accused of posting a sacrilegious photo to a Facebook group in January and, during interrogation by the authorities where he was beaten, mentioned showing his cousin the photo.

When Sajjad Masih was brought in for questioning, the authorities tortured them and then tried to force Sajjad Masih to have sex with his cousin in the police headquarters. He jumped from the 4th floor of the building to escape and was critically injured. He has since recovered.

They are both still in prison, awaiting trial.²⁸²

²⁸¹ "Family of Mohammad Asghar: 'We Just Want Our Father Home'," The Guardian News and Media, October 4, 2014, accessed May 2020.

<https://www.theguardian.com/world/2014/oct/04/family-mohammad-asghar-pakistan-blasphemy-laws>.

²⁸² Human Rights Monitor, *A Report on the Religious Minorities in Pakistan, covering incidents of 2018*, National Commission for Justice and Peace, 2019. <http://www.ncjp-pk.org/wp-content/uploads/2019/09/HRM19-final.pdf>.

Mob torches over 200 Christian-owned properties due to one man's alleged blasphemy

On 8 March 2013, **Sawan Masih**, a Protestant, got into a dispute with Shahid Imran, a Muslim, who claimed that Sawan Masih insulted Islam. A few days later, over 3,000 Muslims attacked Sawan Masih's house and set fire to 180 Christian-owned homes, 75 shops and two churches in his neighbourhood, Joseph Colony. Hundreds of families were forced to flee. Later, a court released 133 Muslim suspects without any charges for this violence and destruction.

In 2014, Sawan Masih was sentenced to death and fined 200,000 rupees (approximately 1,500 EUR). His trial was held in prison because there was such a high risk of Islamist attacks otherwise. He pled innocent, claiming that these allegations are part of a plan to drive Christians from Joseph Colony.

Sawan Masih appealed his sentencing. His final court date was set for 13 February 2020, but the hearing was postponed due to the COVID-19 pandemic.

He was a street sweeper and has a wife and three children. His wife visited him in February and reported that he seemed to be okay.²⁸³

Reasons for the Persecution of Protestants in Vietnam

As of July 2018, the total population of Vietnam was estimated to be 97 million. According to statistics released by Vietnam's Government Committee for Religious Affairs (CRA), 26.4% of the population are religious believers: 14.91% identify as Buddhist, 7.35% as Roman Catholic, 1.09% as Protestant, 1.16% as Cao Dai, and 1.47% as Hoa Hao Buddhist.²⁸⁴

Vietnam's Constitution stipulates that the government must defend and respect the freedom of religion or belief for all citizens. However, religious teachings are considered incompatible with communist ideology, and any form of assembly is perceived as a threat to the Communist Party's monopoly of power.

²⁸³ Khan, Jibran, "Christian Sentenced to Death for Blasphemy, Islamabad Bishop Calls for Prayers for the Persecuted," PAKISTAN, March 28, 2014, accessed June 2020. <http://asianews.it/news-en/Christian-sentenced-to-death-for-blasphemy-Islamabad-bishop-callsforprayersforthe-persecuted-30684.html>, and,

"PAKISTAN: Three Christians Sentenced to Death for Blasphemy," Church In Chains Ireland An Irish voice for suffering persecuted Christians Worldwide, April 7, 2014, accessed June 2020. <https://www.churchinchains.ie/news-by-country/south-asia/pakistan/pakistan-three-christians-sentenced-to-death-for-blasphemy/>.

²⁸⁴ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Vietnam 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>.

Consequently, all religious groups are under strict surveillance and control by the Communist Party.

To that end, Vietnam's Law on Belief and Religion went into effect on 1 January 2018. This law, which requires religious groups to formally register with the government, has been used by authorities as justification for persecuting religious minorities, including Protestants. There are reports of authorities:

harassing church members and leaders; refusing to issue identity documents which effectively leaves members stateless; raiding and shutting down churches; detaining members who attended overseas conferences or spoke to foreign officials; destroying or expropriating property or places of worship; exerting pressure on members to renounce their faith; and arresting and detaining religious leaders.²⁸⁵

Members of the Montagnard ethnic group are especially targeted and are often sentenced to lengthy prison terms on the grounds of allegedly undermining the national unity policy. Montagnards are indigenous peoples living in the Central Highlands of Vietnam who were favoured under French colonial rule and then became close allies for American soldiers during the Vietnam War. Due to evangelising missionaries and exposure to American troops, many of them converted to Christianity. Now, it is estimated that over half a million Montagnards are Protestant Christians.²⁸⁶ The Vietnamese authorities perceive this ethno-religious group as a potential threat to the territorial integrity and the security of the country due to this historical and cultural background.

Protestants in Prison in Vietnam

In Vietnam, only religious organisations that are state-sanctioned are allowed to operate. Pastors and believers of Evangelical and Pentecostal house churches that are not state-sanctioned can be arrested at any time and charged with spurious offences such as: disruption of public order, undermining state security, illegally operating a business or leaking state secrets.

Protestants behind bars: some statistics

As of 1 June 2020, HRWF documented **14 cases** of Protestants in its Prisoners' Database.²⁸⁷ These individuals were all sentenced to between five to 17 years in

²⁸⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Vietnam 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Vietnam.pdf>.

²⁸⁶ Southerland, Dan, "Say a Prayer for Vietnam's Forgotten Montagnards," *Asia Times*, October 13, 2018, accessed June 2020. <https://asiatimes.com/2018/10/say-a-prayer-for-vietnams-forgotten-montagnards/>.

²⁸⁷ Our Database is updated on a regular basis. For more details about imprisoned Protestants, see <https://hrwf.eu/prisonersdatabase/>.

prison. They are all Montagnards and five are Evangelical pastors. In 2019 there were 24 cases recorded in HRWF's database, in 2018 there were 27 and in 2017 there were 32.

There have been reports of religious prisoners experiencing torture during pretrial detention and imprisonment, as well as poor living conditions in prisons and suspicious deaths occurring while in custody.²⁸⁸

Articles of the Penal Code

Prisoners are typically charged under this Article of the Vietnamese Criminal Code:

Article 87 which is 'undermining the unity policy'.²⁸⁹

Additionally, one of the Protestants in HRWF's Prisoners' Database was charged under **Article 275**, which includes 'organizing and/or coercing other persons to flee abroad or stay abroad illegally'.²⁹⁰

International advocacy

In its November 2018 resolution on Vietnam, the **European Parliament** noted that religious freedom is repressed in the country and non-registered religions, such as Protestant churches and ethnic minority Montagnards, 'continue to suffer severe religious persecution'. It called on the government to 'remove all restrictions on freedom of religion and to put an end to the harassment of religious communities'. It further urged the government to bring its legislation in conformity with international human rights standards and obligations.²⁹¹

On 12 March 2019, the **UN Human Rights Committee** held a review of Vietnam's fulfilment of its obligations under the International Covenant on Civil and Political Rights (ICCPR). In the Committee's concluding observations, it highlighted concerns that had been raised related to FoRB, especially regarding imprisonment: allegations of torture, poor living conditions, deaths while in

²⁸⁸ "UN Live United Nations Web TV - Search Results for 'VietNam' - Consideration of Viet Nam (Cont'd) - 3581st Meeting, 125th Session of Human Rights Committee," United Nations, March 12, 2019. <http://webtv.un.org/search/consideration-of-viet-nam-contd-3581st-meeting-125th-session-of-human-rights-committee/6013104672001/?term=viet%20nam&lan=english&sort=date>.

²⁸⁹ "Profile: A Quyn," The 88 Project, December 31, 2017, accessed June 2020. <https://the88project.org/profile/88/a-quyn/>.

²⁹⁰ Profile: A Dao," The 88 Project, December 31, 2017, accessed June 2020. <https://the88project.org/profile/86/a-dao/>.

²⁹¹ European Parliament, Joint Motion for a Resolution on Vietnam, notably the situation of political prisoners (2018/2925 (RSP)) November 14, 2018. https://www.europarl.europa.eu/doceo/document/RC-8-2018-0526_EN.html.

detention and unjust pretrial detentions. The Committee also reiterated alarm at the government's repression of indigenous ethnic communities and lack of freedom of expression for civil society organisations.²⁹²

The **United States Commission on International Religious Freedom (USCIRF)** has recommended that Vietnam be designated as a Country of Particular Concern (CPC) every year since 2002. The US Department of State designated Vietnam as a CPC in 2004 but lifted this designation in 2006 after a bilateral agreement. At the time, USCIRF cautioned that it was too soon to ensure that progress regarding religious freedom would continue. In its 2020 report, USCIRF still found cause for Vietnam to be designated as a CPC.²⁹³

CASE STUDIES

Pastor tortured while serving 17-year sentence, now partially paralysed

Siu Bler was a pastor at the Amoi Evangelical Church who was previously arrested in 2001 after his community protested years of harassment by the authorities. When he was released in 2003, he was placed on probation for two years.

On 27 August 2004, he was arrested again for defending his Church's right to freedom of religion. He was sentenced to 17 years in prison, to be followed by three years of probation.

While in detention, he was tortured so severely that half of his body is now paralysed.

Siu Bler is a member of the Ba Na ethnic minority group of the Montagnards.²⁹⁴

Evangelical pastor sentenced to 12 years in prison under unknown charges

Y Yich was an Evangelical pastor from the Gia Lai Province who was previously arrested for 'plotting against the government' and sentenced to four years in prison. After his release in 2011, he was placed on probation for three years. He resumed proselytising within his community and was subsequently arrested on

²⁹² "UN Live United Nations Web TV - Search Results for 'Vietnam' - Consideration of Viet Nam (Cont'd) - 3581st Meeting, 125th Session of Human Rights Committee," United Nations, March 12, 2019. <http://webtv.un.org/search/consideration-of-viet-nam-contd-3581st-meeting-125th-session-of-human-rights-committee/6013104672001/?term=viet%20nam&lan=english&sort=date>.

²⁹³ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Vietnam 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Vietnam.pdf>.

²⁹⁴ "Profile: Siu Bler," The 88 Project, December 31, 2017, accessed June 2020. <https://the88project.org/profile/97/siu-bler/>.

13 May 2013. He was sentenced to 12 years in prison, but the exact charges against him are unknown.

While in detention, he has been subjected to torture and his health has been deteriorating as a consequence. The prison authorities have denied him medical treatment despite him suffering from high blood pressure, rheumatism, and stomach inflammation. Additionally, his family has not been allowed to send him medicine.

Y Yich is a member of the Ba Na ethnic minority group of the Montagnards.²⁹⁵

Sentenced to eight years in prison for advocating for religious freedom

On 6 January 2012, **A Yum Balk** was arrested for speaking out against the government's suppression of religious freedom. He was sentenced to eight years in prison under Article 87. His expected release date was 6 January 2020, but there has been no confirmation that he is now free.

A Yum Balk is a member of the Ba Na ethnic minority group of the Montagnards.²⁹⁶

Conclusions

It would be much too simplistic to relegate all repression of Evangelical-Pentecostal Protestants to government contention with proselytising activities such as public preaching and the distribution of Christian literature. There are other elements at play due to deeply rooted discords in the culture, history and politics of each country. For instance, the fact that many of these groups hail from the US and Europe makes it difficult to separate the message from the messenger. This is the case for countries with a Communist ideology, such as China, Eritrea and Vietnam. Geopolitics is also a factor in Iran because instead of Muslims converting to historical ethnic churches such as the Assyrian Church, they are joining Protestant groups evangelised by American churches in the last century.

It is unsurprising that some governments resist the 'foreign influence' that comes with missionary activities originating from countries that they consider corrupt or immoral. Especially when there is already a prominent ethno-religious identity, evangelising activities from abroad can be perceived as invasive or disruptive to national unity. If missionaries come from a former coloniser or from countries

²⁹⁵ "Profile: Y Yich," The 88 Project, December 31, 2017, accessed June 2020.
<https://the88project.org/profile/105/y-yich/>.

²⁹⁶ "Profile: A Yum," The 88 Project, December 31, 2017, accessed May 2020.
<https://the88project.org/profile/90/a-yum/>.

that promote policies in the receiving country that are deemed harmful, this too can provoke hostilities on the part of governments. This is particularly the case for Vietnam, where some ethno-religious groups supported a former colonial power (France) and a country that waged war against then North-Vietnam (the US).

For these reasons and more, several states have banned foreign missionary activities altogether. Sometimes such policies are based more on paranoia than on concrete evidence that these FoRB activities are a threat. There is a significant difference between distributing literature about a religious group and ‘conspiring to overthrow the regime’. Of course, governments are charged with looking after the general welfare of society and protecting their citizens from harm. Furthermore, it is true that not all religious ideologies are harmless in nature.

However, any resistance to proselytising must be viewed within the framework of international norms regarding FoRB. These norms include ‘the freedom, either alone or in community with others and in public or private, to manifest his [or her] religion or belief in teaching, practice, worship and observance’.²⁹⁷ States must find ways to balance the need for societal stability with their commitment to ensure fundamental freedoms for all of their citizens.

²⁹⁷ The United Nations, *Universal Declaration of Human Rights*, Article 18, 1948, accessed June 2020. https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

Said Nursi Followers (Muslims)

Said Nursi was a Turkish religious scholar, opinion leader and activist concerned with the acute problems of society. Throughout his life, he attempted to reconcile religion, modernity and politics. His books inspired a faith movement that played a vital role in the revival of Islam in Turkey throughout much of the 20th century and now has several millions of followers worldwide, including in Russia and other post-Soviet countries with a Muslim majority.

Said Nursi was born into a Kurdish family in Nurs, a small village in Eastern Anatolia, Turkey, in the 1870s. His parents were pious peasants who had been in close contact with local Sufi leaders. He received an unconventional educational training.

In the 1890s, the governor of the Turkish province of Bitlis, Ömer Pasha, gave him the opportunity to continue his studies and meet regional governors, bureaucrats and politicians who were eager to modernise the Ottoman Empire. Through these contacts, Nursi developed an interest in social, economic and political issues and became familiar with modern ideologies that were more critical of a religious worldview. He studied modern sciences and philosophy, through which he became more cognisant of positivism and materialism. He realised that modern scepticism arising from Western scientific discoveries and technical developments was rapidly prevailing within the Ottoman elite and was alienating people from religion. He disapproved of dichotomies such as ‘reason versus revelation’ and ‘science versus spirituality’.

Teachings & Controversies

Said Nursi’s educational and political commitments

A fierce critic of both the religious ideology of *medrese*, which ignores scientific achievements, and the modernist educational system’s exclusion of religion, he conceptualised a new and holistic educational model. His approach attempted to harmonise various opposing views by jointly teaching religious studies and modern sciences under the same roof.

Despite the suspicions of Sultan Abdülhamid II about his teachings, Nursi managed to get the attention of the intellectual elite in a short time. Because of his writings urging reform and his critique of the imperial regime, he was arrested, briefly imprisoned and then sent to a mental institution. He was later released by a medical report clearing him of any mental health concerns, although he remained under strict surveillance by authorities.

When the Second Constitutional Rule²⁹⁸ was declared in July 1908, Nursi delivered fervent public speeches and published articles supporting the new constitutional regime. In his opinion, real freedom could only flourish if the regime followed the ordinances and moral conduct outlined by divine revelation. If freedom is abused, he maintained, it would be lost and end up in despotism.

Frustrated by his political experience in Istanbul, Nursi decided to go back to his native Anatolia in 1910. There he published a book on the principles of contemporary Quranic exegesis. In his public discussions he addressed regional issues such as ignorance, fanaticism and the need for good relations with Armenians.

First World War

With approval from the central government, Nursi became the leader of a militia force during World War I. The group was mainly comprised of his students from his former *medrese* in Van. From 1914 to 1916, he fought in the Special Organisation of the Ottoman Empire²⁹⁹ against the Russian army. He was captured by the Russians on 3 March 1916 and sent to a camp in Kostroma, a Russian city located at the convergence of the Volga and Kostroma rivers. He remained in captivity in Tsarist Russia for two years before he was able to take advantage of the political chaos of the Bolshevik Revolution in November 1917 to escape.

Said Nursi and Kemalism

Nursi was welcomed back as a hero in Istanbul. He was soon nominated to be a member of the Academy for Islamic Wisdom. However, he was disappointed by the lack of success in his political and social involvement thus far and was also troubled by the collapse of the Ottoman Empire, decline of Muslim communities and occupation of Istanbul by British forces in March 1920. He issued defying statements against this occupation and supported the Ankara-based independence movement. When the Turks recovered their sovereignty in 1922, they abolished the Sultanate.

²⁹⁸ The Second Constitutional Era of the Ottoman Empire was established shortly after the 1908 Young Turk Revolution which forced Sultan Abdul Hamid II to restore the constitutional monarchy by the revival of the Ottoman Parliament and the restoration of the Constitution of 1876.

²⁹⁹ Enver Pasha assumed the primary role in the direction of the Special Organisation. Kemal Ataturk was one of its notable members. Most of its 30,000 members were drawn from trained specialists such as doctors, engineers, and journalists but the organisation also employed criminals released from prison in 1913 through an amnesty. Many members of this organisation who had played a role in the Armenian Genocide also participated in the Turkish national movement. The Special Organisation, assisted by government and army officials, deported all Greek men of military age to labour brigades beginning in summer 1914 and lasting through 1916. See more information at https://encyclopedia.1914-1918-online.net/article/teskilat-i_mahsusa_ottoman_empire.

Nursi's vision was of a new political entity based on the Quran and promoting religious understanding. However, the new governing body led by Mustafa Kemal had a very different agenda: nationalism and anti-religious secularism. The Caliphate was abolished in 1924, and over the next decade traces of religious influence in the public sphere were dismantled. All *medrese* establishments and Sufi brotherhoods were outlawed, *shariah* courts were replaced by civil courts, tombs of saints were closed, Arabic was banned and replaced by Latin, and the Arabic call to prayer was forbidden. This was the beginning of Nursi's split from Kemalist ideology.

Alarmed by the growing popularity of his teachings, which had spread even among the intellectuals and the military officers, the government repeatedly arrested Nursi for allegedly: exploiting religion for political ends, forming a clandestine political organisation, giving instruction in Sufism and opposing secular republican reforms. He was constantly harassed, placed under strict surveillance and sentenced to prison terms and internal exile. In 1956, he was cleared of all charges, although the authorities continued their campaign against him for many years afterwards.

From the Democrat Party rule to the junta regime

In May 1950, the Democrat Party won Turkey's first free multi-party elections with an absolute majority in the Parliament. The new party supported more liberal and democratic governance, abolished the ban on Arabic and declared a general amnesty from which Nursi benefitted.

The government supported a religion-friendly secularism and aimed to firmly fight against Communism; policies which aligned with Nursi's ideas of an alliance between Muslims and Christians to combat Communism. Nursi was in full support of the domestic and foreign policies of the new regime.

Nursi died in his 80s in Urfa, the legendary city of Abraham, on 23 March 1960. He was buried the next day with a grand funeral ceremony. However, his body was not left in peace for long. Two months later, a coup d'état took place in Turkey and the junta regime overthrew the ruling Democratic Party. On 12 July 1960, Nursi's corpse was exhumed and buried in an unknown location to prevent popular veneration.

His works

Nursi was a prolific preacher and writer. His major work is a collection of texts titled *Risale-i Nur* (translated to *Letters of Divine Light*), with is a body of Quranic commentary exceeding 6,000 pages.

Despite surveillance and persecution by multiple regimes, he continued to influence people whilst in exile. A small group of loyal followers emerged who became the forerunners of the *Nur* movement, which would eventually become the most dynamic and influential community in modern Turkey. The first portions of *Risale-i Nur* were produced in the 1950s and were copied by hand. More than 600,000 copies were made in this way and disseminated throughout Anatolia. Nursi's works have been published in Latin script by publishing houses from 1956 onwards.

There are now followers of Said Nursi worldwide. They continue to be persecuted in several Muslim majority countries, even though they do not commit or advocate for violence or terrorism.

Nursi's works are banned in Azerbaijan, Russia, Turkmenistan and Uzbekistan. Having possession of them or meeting to study them is a criminal activity in these countries.

Reasons for the Persecution of Said Nursi Followers in Russia

In July 2018, the US government estimated the total population of Russia to be 142.2 million. A 2015-2016 poll by the Pew Research Centre reported 71% of the population is Orthodox Christian, while 10% identify as Muslim. There are no statistics about the number of Said Nursi Followers.³⁰⁰

Russia is officially a secular country with legislation about the separation of church and state but, in reality, 'the government gives preference to Orthodox Christianity, Hanafi Islam, Judaism, and Buddhism'³⁰¹ and especially favours the Orthodox Church.

Muslims who study Said Nursi's teachings are particularly repressed in Russia. The first significant ruling against Said Nursi followers came in May 2007 when a Moscow court declared Russian translations of portions of Nursi's *Risale-i Nur* (translated to *Letters of Divine Light*) to be extremist. This decision was based solely on linguistic textual analysis and ignored the counsel of Russia's Ombudsperson for Human Rights, Vladimir Lukin, and even Russia's most pro-Kremlin Muslim leader, Talgat Tadzhuiddin. In 2001, Tadzhuiddin declared that *Risale-i Nur* was 'far from religious extremism and fanaticism'.³⁰²

³⁰⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>.

³⁰¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Countries of Special Concern: Russia 2019*, 2019. https://www.uscirf.gov/sites/default/files/Tier1_RUSSIA_2019.pdf.

³⁰² Fagan, Geraldine, "RUSSIA: 'Extremism' Religious Freedom Survey, July 2012," Forum 18, July 23, 2012,

Nurdzhular, which is a russification of the Turkish word for ‘Nursi followers’, was officially banned as an ‘extremist’ organisation by Russia's Supreme Court in April 2008. However, those who study the teachings of Said Nursi have consistently denied that any such organisation exists.³⁰³ Instead, Said Nursi followers meet in private homes to pray, eat, drink tea and study Nursi’s teachings together.

Said Nursi Followers in Prison in Russia

As Said Nursi’s works are banned, any activity related to this theologian is illegal.

Said Nursi followers behind bars: some statistics

As of 1 June 2020, HRWF had documented **four cases** of Said Nursi followers in its Prisoners’ Database.³⁰⁴ Of these cases, three of them were arrested and sentenced in 2017. The third individual was arrested in 2020 and was awaiting trial. There were six people detained for membership in this movement in 2019, seven in 2018 and five in 2017. It is important to note that, in addition to prison terms, the Russian government has targeted followers using administrative penalties such as fines.³⁰⁵

One example of the extreme persecution that Said Nursi followers are subjected to is the case of Yevgeny Kim. After serving his prison sentence, he was stripped of his Russian citizenship in May 2019 and then placed in a detention centre for foreigners awaiting deportation. He is now stateless.³⁰⁶

Article of the Penal Code

Prisoners are typically charged under this article of the Russian Penal Code:

Article 282.2, Part 1 sanctions anyone convicted of organising for an extremist organisation or recruiting for it, while **Part 2** sanctions those participating in it. This article ‘refers to organisations already banned by the court as extremist and included on a special list published by the Ministry of Justice. Therefore, this is a formally defined crime – the very fact of participation in a banned organisation

accessed May 2020. http://www.forum18.org/archive.php?article_id=1724.

³⁰³ Arnold, Victoria, “RUSSIA: ‘Extremism’ Religious Freedom Survey, September 2016,” Forum 18: September 13, 2016, accessed June 2020. http://www.forum18.org/archive.php?article_id=2215.

³⁰⁴ Our Database is updated on a regular basis. For more details about imprisoned Said Nursi followers, see <https://hrwf.eu/prisoners-database/>.

³⁰⁵ United States Commission on international Religious Freedom, *Annual Report 2020*, April 2020. https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_42720_new_0.pdf

³⁰⁶ Ibid, page 35.

makes a person liable regardless of whether or what kind of socially dangerous consequences it entailed or did not entail'.³⁰⁷

Since the alleged organisation Nurdzhular has been banned as extremist, any organisation of and/or participation in any activity linked to Said Nursi's teachings is illegal under this article. Part 1 is punishable by six to ten years in prison or a fine between 400,000 and 800,000 Roubles (approximately 5,125-10,255 EUR), and Part 2 is punishable by two to six years in prison, a fine of 300,000 to 600,000 Roubles (approximately 3,846-7,692 EUR), or one to four years of assigned labour.³⁰⁸

International advocacy

On 28 August 2018, the **European Court of Human Rights (ECtHR)** published its ruling on a case about Russia's ban of the works of Said Nursi: *Ibragim Ibragimov and others v. Russia*. In this landmark decision, the ECtHR found that this ban violated Article 10, which enshrines the right to freedom of expression, of the European Convention on Human Rights. Furthermore, the Court concluded that:

123. [...] the Court finds that the domestic courts did not apply standards which were in conformity with the principles embodied in Article 10 and did not provide 'relevant and sufficient' reasons for the interference. In particular, it is unable to discern any element in the domestic courts' analysis which would allow it to conclude that the book in question incited violence, religious hatred or intolerance, that the context in which it had been published was marked by heightened tensions or special social or historical background in Russia or that its circulation had led or could lead to harmful consequences. The Court concludes that it was not necessary, in a democratic society, to ban the book in question.³⁰⁹

³⁰⁷ Arnold, Victoria, "RUSSIA: Currently Jailed, Serving Suspended Sentences, Fined – List," Forum 18: RUSSIA, June 23, 2020, accessed June 2020. http://www.forum18.org/archive.php?article_id=2581.

³⁰⁸ SOVA Center for Information and Analysis, *Anti-Extremist Policies in Russia, Kazakhstan, the Kyrgyz Republic and Tajikistan. Comparative Review*, April 2020. <https://www.sova-center.ru/files/books/wg-4-2020-eng.pdf>.

³⁰⁹ "The Prosecution of Five Residents of Bashkortostan, Convicted of Involvement in Nurjular, an Islamic Association, Has a Political Motive, Memorial Says," Human Rights Center MEMORIAL, June 3, 2019, accessed May 2020.

https://memohrc.org/en/news_old/prosecution-five-residents-bashkortostan-convicted-involvement-nurjular-islamic-association, and,

Case of Ibragim Ibragimov and Others v. Russia, European Court of Human Rights, Third Section (Application numbers 1413 / 08 and 28621 / 11), August 28, 2018. <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22%3A%5B%5C%22CASE%20OF%20IBRAGIM%20IBRAGIMOV%20AND%20OTHERS%20v.%20RUSSIA%22%22%5D%2C%22itemid%22%3A%5B%5C%22001-185293%22%5D%7D>.

On 7 February 2019, the **UN High Commissioner for Human Rights**, Michelle Bachelet, issued this statement in a press release:

We urge the Government of Russia to revise the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of ‘extremist activity,’ and ensuring that the definition requires an element of violence or hatred.

We also call on the authorities to drop charges against and to release all those detained for exercising their rights to freedom of religion or belief, the freedom of opinion and expression, and the right to freedom of peaceful assembly and association.³¹⁰

On 18 December 2019, the **US Department of State** again placed Russia on its Special Watch List (SWL) for engaging in or tolerating severe violations of religious freedom, as it had in 2018. Countries on this list are not sanctioned or otherwise penalised by the US as they would be when classified as a Country of Particular Concern (CPC).³¹¹

The **United States Commission on International Religious Freedom** (USCIRF) recommended that Russia be designated as a CPC in its 2020 annual report due to its extreme repression of religious freedom.³¹²

CASE STUDIES

Azamat Salatovich Abutalipov sentenced to four years in prison

In March 2017, the Ufa’s October district court gave **Azamat Abutalipov** and four other Muslims suspended sentences for being members of the alleged extremist organisation Nurdzhular. All five defendants pled innocent and insisted that, although they did study the works of Said Nursi, no such organisation exists.

In June 2017, the Supreme Court of Bashkortostan supported the initial ruling and thus initiated their sentences.

Azamat Abutalipov was found guilty under Article 282.2 Part 1 and was sentenced to four years in prison, the longest sentencing of this group. As part of

³¹⁰ “UN Rights Chief ‘Deeply Concerned’ over Jehovah’s Witness Sentencing in Russia,” United Nations, February 7, 2019, accessed May 2020. <https://news.un.org/en/story/2019/02/1032151>.

³¹¹ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>.

³¹² United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Russia 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Russia.pdf>.

their sentencing, these five men have also been banned from working in education.³¹³

Ilgar Vagif-ogly Aliyev sentenced to the longest known prison term for a Said Nursi follower

During an armed night-time raid in the city of Izberbash on 19 April 2017, **Ilgar Aliyev** was arrested. He was charged under Article 282.2 Part 1 for allegedly holding gatherings for adherents of Nurdzhular and for recruiting new members. He denied the charges and asserted that no such organisation exists.

On 28 May 2018, Ilgar Aliyev was sentenced to eight years imprisonment followed by two years of restrictions by the Izberbash City Court.

Ilgar Aliyev was placed on Russia's Finance Ministry Financial Monitoring Committee's List of Terrorists and Extremists. This blacklist is for individuals who are allegedly 'connected with the financing of terrorism or extremism' and enables the authorities to freeze all of their bank accounts. The authorities may grant their dependent family members access to their accounts, but only in small and controlled amounts. After their release from prison, they remain on this list for six to eight years.³¹⁴

Ibragim Abdulzhalilovich Murtazaliyev held in pre-trial detention

On 17 March 2020, **Ibragim Murtazaliyev** was questioned and detained by state security officers during a series of house searches in Izberbash. He has not been formally charged for a criminal offence, and the authorities have not released any information regarding a trial. Forum 18 reports that he had been a witness in both Ilgar Aliyev's trial and another Muslim who had previously served a prison sentence for activity in the alleged Nurdzhular group.

On 1 April 2020, Ibragim Murtazaliyev's name was added to Russia's Finance Ministry Financial Monitoring Committee's List of Terrorists and Extremists. This blacklist is for individuals who are allegedly 'connected with the financing of terrorism or extremism' and enables the authorities to freeze all of their bank

³¹³ "The Prosecution of Five Residents of Bashkortostan, Convicted of Involvement in Nurjular, an Islamic Association, Has a Political Motive, Memorial Says," Human Rights Center MEMORIAL, June 3, 2019, accessed May 2020.

https://memohrc.org/en/news_old/prosecution-five-residents-bashkortostan-convicted-involvement-nurjular-islamic-association.

³¹⁴ Arnold, Victoria, "RUSSIA: Further arrest for Muslim study groups," Forum 18: RUSSIA, May 12, 2017, accessed June 2020. http://forum18.org/archive.php?article_id=2279, and, Arnold, Victoria, "RUSSIA: Longest jail term yet for religious meeting," Forum 18: RUSSIA, June 8, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2386.

accounts. The authorities may grant their dependent family members access to their accounts, but only in small and controlled amounts. After their release from prison, they remain on this list for six to eight years.

At the time of writing, Ibragim Murtazaliyev was still being held in pre-trial detention in Makhachkala.³¹⁵

Reasons for the Persecution of Said Nursi Followers in Turkmenistan

In July 2018, the US government estimated the total population of Turkmenistan to be 5.4 million. According to these estimates, the country is 89% Muslim (mostly Sunni), 9% Eastern Orthodox Christian, and 2% identifying with another religion.³¹⁶ There are no statistics about the number of Said Nursi followers.

Even though the Turkish theologian Said Nursi never advocated for or incited violence, called for the overthrow of the regime or favoured the establishment of a caliphate, Nursi's teachings have been labelled extremist by Turkmenistan. Said Nursi followers are often accused of being part of a group called 'Nurjylar' or 'Nurcular', but they deny the existence of such a group entirely.³¹⁷

Said Nursi Followers in Prison in Turkmenistan

As Said Nursi's works are banned, any activity related to this theologian is illegal.

Said Nursi followers behind bars: some statistics

As of 1 June 2020, HRWF had documented **six cases** of imprisoned Said Nursi followers in its Prisoners' Database.³¹⁸ Of these cases, five men were arrested in 2017 and all of them were subsequently sentenced to prison terms of 12 years. The sixth case is of a man who was arrested in 2016, sentenced to 15 years imprisonment, and then 'disappeared' while serving his prison term.

As of the end of 2019, there were nine cases recorded in HRWF's database, while in 2018 there were 26 cases due to mass arrests that year.

³¹⁵ Arnold, Victoria, "RUSSIA: Mass raids, new arrests on 'extremism' charges," Forum 18: RUSSIA, April 9, 2020, accessed June 2020. http://www.forum18.org/archive.php?article_id=2563.

³¹⁶ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Turkmenistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/turkmenistan/>.

³¹⁷ Corley, Arnold, "TURKMENISTAN: Last-ditch appeal against 12-year jail terms," Forum 18: TURKMENISTAN, July 10, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2393.

³¹⁸ Our Database is updated on a regular basis. For more details about imprisoned Said Nursi followers, see <https://hrwf.eu/prisoners-database/>.

It is important to note that, in addition to prison terms, the government has increasingly used administrative penalties, such as fines, against members of this movement.

Articles of the Criminal Code

Prisoners are typically charged under these articles of Turkmenistan's Criminal Code:

Article 174, Part 1 which is the 'conspiracy to seize power' or **Part 3** which is the 'incitement of social, ethnic or religious hatred with the use or threat of physical violence, or conducted by an organised group'.

Article 175, Part 2 which includes 'calls to violent change of the constitutional order'.

Article 177, Part 1 which is 'inciting social, ethnic or religious hatred'.

Article 275, Part 1 which is 'creating an organised criminal group' or **Part 2** which is the 'participation in the activity of criminal structures'.

Article 275.1, Part 2 which includes the 'storage or distribution of property of criminal structures and planning the financing of them'.

All of these are punishable with prison terms, most of them lengthy, and some include the confiscation of property.³¹⁹

International advocacy

On 20 April 2017, the **UN Human Rights Committee** published *Concluding observations on the second periodic report of Turkmenistan* which recommended that:

39. The State party should guarantee the effective exercise of freedom of religion and belief in practice and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 18 of the Covenant. It should bring legislation and practice into conformity with article 18 of the Covenant and investigate all acts of undue interference

³¹⁹ Corley, Felix "TURKMENISTAN: Another disappeared prisoner dies of torture," Forum 18, TURKMENISTAN, September 27, 2017, accessed June 2020. http://www.forum18.org/archive.php?article_id=2318,%20http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons-Prove-Sept-2017-eng.pdf, and, Corley, Arnold, "TURKMENISTAN: Last-ditch appeal against 12-year jail terms," Forum 18: TURKMENISTAN, July 10, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2393.

with the freedom of religion of religious communities, including Jehovah's Witnesses, Protestants and Muslims.³²⁰

For years, the **European Parliament** has failed to approve an EU-Turkmenistan Partnership and Cooperation Agreement (PCA) because of human rights concerns. On 12 March 2019, the Parliament adopted a resolution that outlined a few 'short-term benchmarks' for the Turkmenistan government 'as a matter of urgency', including '(v) Overall respect for the peaceful and legitimate exercise of the right to freedom of expression, freedom of association and freedom of religion or belief'.³²¹

The **US Commission on International Religious Freedom's** (USCIRF) 2020 Annual Report recommends that the US State Department designate 14 countries as Countries of Particular Concern (CPCs) due to 'systematic, ongoing, and egregious violations of religious freedom' that their governments engage in or tolerate. This list included nine countries that were also CPCs in December 2019. Turkmenistan is among them.³²²

CASE STUDIES

Annamurad Atdaev sentenced to 15 years in prison and then 'disappeared'

Annamurad Atdaev left Turkmenistan in 2008 to pursue studies in Belarus, and then moved to Egypt to study Islam at the Al-Azhar University in Cairo. There, he married a Russian citizen who had converted to Islam and they had two children.

He was required to go back to Turkmenistan to renew his passport and, when he landed in March 2016, he was immediately detained and questioned by the Ministry of State Security (MSS) secret police. Later, he was questioned by the MSS again and asked to become an informant for them on Muslims in Turkmenistan. He refused.

³²⁰ 'UN Treaty Body Database,' United Nations Human Rights Office of the High Commissioner, accessed June 24, 2020, accessed May 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/TKM/CO/2&an_g=En.

³²¹ European Parliament, Resolution on the cases of the draft Council and Commission decision on the conclusion by the European Union and the European Atomic Energy Community of the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part (12183/1/2011 – C8-0059/2015 – 1998/0031R(NLE)), March 12, 2019. https://www.europarl.europa.eu/doceo/document/TA-8-2019-0146_EN.html.

³²² United States Commission on International Religious Freedom, *Annual Report 2020*. <https://www.uscirf.gov/reports-briefs/annual-report/2020-annual-report>.

On 27 September 2016, Annamurad Atdaev was arrested for ‘hooliganism’ and sentenced to 15 days in prison, which was then renewed twice. After 45 days in detention, a criminal case was launched against him.

On 13 December 2016, he was sentenced to 15 years in a strict regime prison by the Ashgabad City Court. In January 2017, Annamurad Atdaev’s relatives were informed that he was being held at the top-security prison in Ovadan-Depe. However, in the summer of 2017, prison authorities at Ovadan-Depe informed his relatives that he was not there. He had ‘disappeared’.³²³

During its May 2017 session in Geneva, the UN Working Group on Enforced or Involuntary Disappearances reported that:

On 27 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of Turkmenistan concerning Annamurad Atdaev, allegedly disappeared in late January 2017 from the penal colony in Tedzhen, Ahal Province, Turkmenistan (A/HRC/WGEID/112/1).

Despite this advocacy at the UN level, there has been no news on Annamurad Atdaev’s whereabouts to this day.³²⁴

Five Said Nursi followers sentenced to 12 years imprisonment each

There were five arrests of Said Nursi followers made in 2017: first **Jumanazar Hojambetow** on 18 May, then **Begejik Begejikow** and **Ahmet Mammetdurdyew** on 17 June, and finally **Meret Owezow** and **Myratdurdy Shamyradow** on 27 June. They were arrested for meeting in private homes to study Islam and discuss Nursi’s works together. However, they were accused of organising and being members of a criminal group that has ‘the aim of inciting ethnic, religious or other social hatred’.

On 15 August 2017, the Balkan Regional Court sentenced all five men to 12 years imprisonment in strict regime labour camps.

³²³ The 2019 USCIRF report on Turkmenistan demonstrates that this case is not an isolated incident, as some political or religious prisoners have been ‘disappeared’ using the state prison system. See: United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Turkmenistan 2019*, 2019.

https://www.uscirtf.gov/sites/default/files/Tier1_TURKMENISTAN_2019.pdf.

³²⁴ Corley, Felix “TURKMENISTAN: Another disappeared prisoner dies of torture,” Forum 18, TURKMENISTAN, September 27, 2017, accessed June 2020.

http://www.forum18.org/archive.php?article_id=2318,%20http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons_Prove_Sept-2017_eng.pdf.

Instead of serving their time in labour camps, four of these five men were transferred to the Ovadan-Depe prison, which has much harsher conditions. The fifth man, who used to be an official, was sent to a labour camp in Akdash that is exclusively for former law-enforcement officers.

On 11 July 2018, the Supreme Court in Ashgabad rejected their appeal and upheld the initial court decision.³²⁵

Conclusions

Said Nursi followers are prosecuted for religious activities that do not pose any public danger. Nursi himself never advocated for or incited violence, called for the overthrow of the regime or favoured the establishment of a caliphate. Nursi's teachings were moderate in character and appeal to Muslims wishing to reconcile Islamic teaching and modernity. Followers meet to discuss his works in private homes and do not pose any threat.

The reasons behind the campaign against Nursi's followers in Russia and Turkmenistan are unclear. Official statements in Russia point to government fears that they will form a pan-Turkic 'fifth column' seeking to realign Turkish Muslims among Russia's Turkic-speaking minorities, such as Tatars, Bashkirs, and Kumyks. As for Turkmenistan, there is general suspicion towards any Muslim teachings from abroad. There have been incidents where Turkmen citizens return home with religious literature from other Muslim countries, including Turkey, only to be detained for a few days for further investigation. However, the authorities have never clearly stated the reasoning for the ban against the teachings of Said Nursi.

It is noteworthy that Nursi's works are not prohibited in Turkey.

HRWF and Sova-Center, a Moscow-based NGO, view the ban of Said Nursi's works in Russia and several post-Soviet countries as well as the criminalisation of its members' activities inappropriate. HRWF and Sova-Center consider the repression of Said Nursi's followers to be unjustified and counter-productive.

³²⁵ Corley, Arnold, "TURKMENISTAN: Last-ditch appeal against 12-year jail terms," Forum 18: TURKMENISTAN, July 10, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2393.

Sufis (Muslims)

Sufism refers to the spiritual and mystic dimension of Islam with the view that union with God is the ultimate truth and goal of religion. The expression ‘Sufi’ is likely derived from the Arabic word for wool, *suf*, and indicates the coarse woollen garments that were historically worn by Muslim ascetics. The word ‘Sufi’ as the common designation for Islamic mysticism is thought to have been used as early as the 8th - 9th centuries CE.

Sufi orders (*tariqa*) were especially significant in the spread of Islam along trade routes in West Africa and later into Central Asia and China. *Tariqa* are typically formed around spiritual masters who trace their teachings back to the Prophet Muhammad and what they consider the original intent of Islam. Some Sufi orders observe ecstatic practices, such as the physical exertions and whirling dance of dervishes in the Mevlevi Order.

Sufis have also made notable contributions to literature and poetry, in particular. Sufi poetry has left a significant legacy that has made Islamic philosophy and spirituality known to a readership well beyond the Muslim world. For instance, Jalaladdin Rumi, a Persian Sufi of the 13th century, is one of the most widely read poets in the Western world.

The nature of Sufism makes it impossible to obtain reliable statistics of how many Muslims self-identify as Sufis in the world today. Sufis have had a deep and enduring influence on Islam across many countries and cultures for more than a millennium. However, relatively few Muslims would name themselves as Sufi *per se*.

Teachings

Sufism places particular importance on the acquisition of spiritual truth through the cultivation of the inner life of the believer. The student (*murid*) engages in the pursuit of self-discovery and spiritual practices with the help of a guide. Sufi masters can teach different methods for pursuing this path, but the ultimate goal remains the same: finding divine truth at the heart of one’s being.

Classical Sufi teaching recommends the repetition of the names of God as a way to deepen prayer. Certain ascetic disciplines, such as fasting, are also encouraged for focusing one’s attention on God. Rituals, such as the hypnotic dance of dervishes, are intended to join body, mind, and spirit to arrive at a deeper state of consciousness and a passionate longing for the divine.

Sufi shrines are dedicated to various saints and poets across the Muslim world. Pilgrimages (*ziyarat*) to these holy sites and commemorations are part of Sufi practice. This serves as a regular remembrance of the inevitability of death, leaving *murids* to reassess their lives and guiding them to live more mindfully in this earthly existence.

Sufism is also associated with more progressive Islamic attitudes toward social and cultural development, human rights, and non-violence. As consciousness of God pervades one's entire life, the desire for transformation occurs not only on a personal level but also for society and the world. For instance, Sufis have historically supported the right to education for women and women's wider participation in society. Additionally, Sufism is regarded as a peaceful religious path which opposes the use of violence and any degrading treatment.

Sufism has met opposition in Muslim-majority countries that have strong public resistance to religious and cultural pluralism.

Reasons for the Persecution of Sufis in Iran

In July 2018, the US government estimated the population of Iran to be 83 million. These same statistics estimate the Muslim population to be 99.4% with 90-95% identifying as Shia and 5-10 % Sunni. There are no official statistics available on the number of Muslims who practice Sufism, although unofficial reports estimate several million.³²⁶

Freedom of religion or belief in Iran continues to face serious challenges, in contravention with the country's constitutional guarantees and international commitments, including under the International Covenant on Civil and Political Rights (ICCPR).

Iran's Shia Islamist rulers view Sufi Muslims as heretics. The government of Iran, seeking to maintain power and national unity through the propagation of a single religious-political ideology, has responded to Sufism with repression for decades.

Furthermore, Sufi teachings have sometimes been interpreted as a challenge to the legitimacy of the Islamic Republic and as a call for separation of religion and state. Dervishes of the Nematollahi Gonabadi Sufi order³²⁷ have been particularly

³²⁶ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Iran 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/iran/>.

³²⁷ The order is named after its 14th century CE founder Shah Nimatullah (Nūr ad-Dīn Ni'matullāh *Wali*), who settled in and is buried in Mahan, Kerman Province, Iran, where his tomb is still an important pilgrimage site. The number of Sufis was estimated to be between 50,000 and 350,000 before the Iranian Revolution in 1979. Due to the repression by the Islamic regime, many emigrated to Europe and the United States.

targeted by Iranian authorities and are subjected to excessive security surveillance, unfair trials and lengthy prison terms.

Other Iranian Sufis have faced arrest, intimidation, and the destruction of their houses of worship. As they are not specifically recognised by constitutional law, they are generally considered to be a ‘false cult’ (*Fergh-e Zale*), and, therefore, susceptible to persecution.

Sufis in Prison in Iran

All of the Sufis/ Dervishes documented in HRWF’s Prisoners’ Database were arrested in February 2018 during the ‘Golestan Haftom’ incident in Tehran. Several hundred Sufis gathered in front of the home of their 90-year-old spiritual leader, Noor Ali Tabandeh, to express solidarity with him for facing heightened security monitoring. The Iranian police and forces of the Revolutionary Guard’s Basij faction disbanded the peaceful gathering and opened fire on them. The clashes lasted several days and left three policemen and at least one protester dead, and more than 170 hospitalised.³²⁸

Sufis behind bars: some statistics

As of 1 June 2020, HRWF documented **7 cases** of detained Sufis in its Prisoners’ Database.³²⁹ Over 200 Sufis were arrested and sentenced to prison terms to be followed by a period of internal exile at the time of the ‘Golestan Haftom’ incident in February 2018. Many are still serving their exile sentence.

Most of the Sufis who served time due to this incident were sentenced to between five and seven years in prison, but some were sentenced to over 10 years. One individual is serving a 23-year prison sentence. In addition to prison time, some of their sentences included more than 70 lashes.

Articles of the Penal Code

Prisoners are typically charged under these sections of the Iranian Penal Code:

Paragraph 500 - propaganda against the system.

Paragraph 607 - disobeying police orders.

Paragraph 610 - assembly and collusion against national security.

³²⁸ “Mass Conviction of Sufi Protesters ‘Unprecedented in Iran’s Judicial History,’” Center for Human Rights in Iran, August 21, 2018.

<https://www.iranhumanrights.org/2018/08/conviction-of-16-sufi-protesters-unprecedented-in-irans-judicial-history/>.

³²⁹ Our Database is updated on a regular basis. For more details about imprisoned Sufis, see <https://hrwf.eu/prisoners-database/>.

Paragraph 618 - disruption of public order.³³⁰

International advocacy

On 7 March 2018, soon after the violent crackdown, 24 Members of the **European Parliament** published a public appeal condemning the massive repression of the Gonabadi Dervishes and their spiritual leader in Iran:

The Members of the European Parliament, appeal to Federica Mogherini, the High Representative of the Union for Foreign Affairs and Security Policy to immediately address this issue with the Iranian authorities and call for full respect of human rights and prisoners' rights, for the right of freedom of religion and belief, the right for freedom of assembly, the right for freedom of thought as set out in international conventions.

The MEPs further call on Hassan Rohani, the President of the Islamic Republic of Iran and Sardar Rahimi, Chief of police in Tehran to immediately halt this systematic violence, imprisonments and intimidation against all Sufis in Iran, and more specifically the Gonabadi Sufi Order followers and sympathisers and demand the immediate release of detainees who have been imprisoned because of their beliefs.³³¹

In June 2018, when Mohammad Salas, a Gonabadi Dervish Sufi, was executed for participating in the February 'Golestan Haftom' demonstration, the office of MEP Gérard Deprez, Chair of the **Friends of a Free Iran in the European Parliament**, issued a strong statement of protest. He called upon the EU High Representative Federica Mogherini and the European Parliament President Antonio Tajani 'to immediately condemn this brutal act of barbarity that has been carried out by the Iranian regime'.³³²

In its 2020 annual report, the **United States Commission on International Religious Freedom (USCIRF)** stressed that most of the Sufis arrested in February 2018 and sentenced to heavy prison terms remained in detention. USCIRF recommended that the US State Department:

³³⁰ Unfortunately, due to the secrecy of the regime, there is no other information publicly available regarding the Iranian Penal Code.

³³¹ "Urgent Public Appeal of the European Parliament Condemning Repression of Gonabadi Dervishes," preservehumanrights, March 7, 2018. <https://preservehumanrights.org/2018/03/urgent-public-appeal-of-the-european-parliament-for-gonabadi-dervishes/>.

³³² "Strong Condemnation of the Brutal Execution of Mohammad Salas by Iran Regime," National Council of Resistance of Iran, June 18, 2018, accessed June 2020. <https://www.ncr-iran.org/en/news/strong-condemnation-of-the-brutal-execution-of-mohammad-salas-by-iran-regime/>.

- re-designate Iran as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- impose targeted sanctions on Iranian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US under human rights-related financial and visa authorities, citing specific religious freedom violations;
- press for the release of all religious prisoners of conscience;
- and reauthorize and ensure implementation of the Lautenberg Amendment, which aids persecuted Iranian religious minorities seeking refugee status in the US.³³³

CASES

Mass arrest of several hundred Sufis in February 2018

On 19 February 2018, several hundred Gonabadi Dervishes, both men and women, gathered outside the residence of their 90-year-old spiritual leader, Noor Ali Tabandeh, in Tehran. They were protesting the authorities' intensified persecution of their community and were attempting to prevent his possible arrest.

The Iranian police and forces of the Revolutionary Guard's Basij faction disbanded the peaceful gathering and opened fire on them. The clashes lasted several days and left three policemen and at least one protester dead, and more than 170 hospitalised.³³⁴

Noor Ali Tabandeh remained under house arrest without an official explanation from the government. In November 2019, he began a hunger strike. Consequently, he needed to be hospitalised but was denied access to his doctors and advisors. After severe medical malpractice, he died in December 2019.

Noor Ali Tabandeh had appointed Alireza Jazbi as his successor, but Mohammed Tabandeh, his nephew who has links with Iran's Ministry of Intelligence, contested Jazbi for leadership. Mohammed Tabandeh had the assistance of an anti-Sufi cleric with close connections to senior Iranian government officials.³³⁵

³³³ United States Commission on International Religious Freedom, *Annual Report 2020, USCIRF-Recommended for countries of particular concern: Iran*, 2020.
https://www.uscirf.gov/sites/default/files/Iran_2.pdf.

³³⁴ "Mass Conviction of Sufi Protesters 'Unprecedented in Iran's Judicial History,'" Center for Human Rights in Iran, August 21, 2018, accessed May 2020.
<https://www.iranhumanrights.org/2018/08/conviction-of-16-sufi-protesters-unprecedented-in-irans-judicial-history/>.

³³⁵ United States Commission on International Religious Freedom, *Annual Report 2020, USCIRF-Recommended for countries of particular concern: Iran*, 2020.

While exact numbers of February 2018s mass arrest can't be confirmed, according to reports 382 Sufis were arrested, out of which 11 were women. Many of the detained were brutalised by the authorities and denied medical care, some were killed, and over 200 were sentenced to prison terms. One person by the name of Mohammed Salas was reportedly hanged for allegedly killing one of the policemen, a confession extorted under torture.³³⁶ Of those sentenced to jail, four are former administrators and collaborators of the Majzooban-e-noor Dervish news site.³³⁷ The Sufi-operated website posts articles pertaining to the Gonabadi Order.³³⁸

Those convicted were sentenced to several years in prison, ranging from two to 26 years. In addition, some were sentenced to: lashes ranging from 74 to 144, exile to a designated province in the country, a ban on civic activities and/or travel, or a combination of all these additional sentences. The convicted Sufis argue that they were denied a fair trial.³³⁹

Mostafa Abdi sentenced to 26 years and 3 months in prison

Mostafa Abdi was one of the Dervish Sufis detained and sentenced following the violent police crackdown in February 2018. Mostafa Abdi was an editor for the official Dervish website: Majzooban. He received the harshest sentence of 26 years in prison, 148 lashes, two years of exile in Sistan and Baluchistan Province, a two-year ban on social activities and a two-year prohibition on traveling abroad.³⁴⁰

Sufi woman sentenced to prison time and 148 lashes

https://www.uscirf.gov/sites/default/files/Iran_2.pdf.

³³⁶ “Mass Conviction of Sufi Protesters 'Unprecedented in Iran's Judicial History,’” Center for Human Rights in Iran, August 21, 2018, accessed May 2020.

<https://www.iranhumanrights.org/2018/08/conviction-of-16-sufi-protesters-unprecedented-in-irans-judicial-history/>.

³³⁷ “Verdict Bulletin on 202 Gonabadi Dervishes,” Hrana, November 5, 2018.

<https://www.en-hrana.org/verdict-bulletin-on-202-gonabadi-dervishes>.

³³⁸ تأیید حکم ۲۳ درویش زندانی که در دادگاه شرکت نکرده‌اند/ ۱۹۰ سال و سه ماه حبس برای ۲۳ درویش گنابادی قطعی شد “مجدوبان نور” - پایگاه مستقل خبری فرهنگی درویش گنابادی -

<https://majzooban.org/fa/index.php/2016-01-06-22-22-54/18619-2019-03-12-14-18-51>.

³³⁹ “Iran Appeals Court Upholds Lengthy Prison Sentences, Lashings Against 23 Dervishes,”

Center for Human Rights in Iran, March 15, 2019, accessed May 2020.

<https://iranhumanrights.org/2019/03/iran-appeals-court-upholds-lengthy-prison-sentences-lashings-against-23-dervishes/>.

³⁴⁰ “Long Prison Terms for Editors of Dervish News Outlet in Iran,” VOA News in Iran, August 17, 2018, accessed June 25, 2020.

<https://www.voanews.com/middle-east/voa-news-iran/long-prison-terms-editors-dervish-news-outlet-iran>.

Elham Ahmadi was arrested on 20 February 2018 during a protest demanding the release of the Sufi leader Noor Ali Tabandeh from house arrest. Her husband, Jafar Ahmadi, was arrested a day before her and sentenced to 7 years in prison.

In January 2019, Elham Ahmadi was sentenced to 148 lashes for speaking out about the denial of medical treatment and poor living conditions in the Gharchak Prison where she is currently serving her five-year prison sentence. The verdict was issued by Branch 1145 of the Criminal Court under the charges of ‘publishing falsehoods’ and ‘insulting agents carrying out their duties’. These accusations were based on a lawsuit brought against Elham Ahmadi by the head of the prison because she had claimed that a fellow inmate was not being given proper medical care.

Although Elham Ahmadi has been released from prison, she is currently serving her exile sentence.³⁴¹

Conclusions

The Iranian government considers Sufis to be non-Muslims and heretics. However, for centuries, Sufis have contributed to the development of Persian culture and are today part of Iran’s social fabric. The Iranian Constitution fully guarantees their rights as citizens under Article 14, which declares that ‘the government of the Islamic Republic of Iran 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’. Even if they are not considered to be Muslims, it is legally required that they be treated with respect and tolerance.

³⁴¹ “Sufi Woman Jailed in Iran Sentenced to 148 Lashes For Criticizing Gharchak Prison Conditions”, Center for human rights in Iran, January 14, 2019, accessed June 26, 2020.

<https://www.iranhumanrights.org/2019/01/sufi-woman-jailed-in-iran-sentenced-to-148-lashes-for-criticizing-gharchak-prison-conditions/>.

Sunni Muslims

Of the 1.6 billion Muslims worldwide, between 80 to 90% are followers of Sunni Islam. Sunnis comprise the majority religious group in more than 40 countries ranging geographically from Morocco to Indonesia.

The differences between Sunni and Shia Islam can be traced back to the 7th century CE, when disagreements within the Muslim community (*Ummah*) arose following the death of Prophet Muhammad. Sunnis believe that Mohammad's father-in-law, Abu Bakr, was elected by the community to succeed the Prophet and to lead the Islamic government (*Caliphate*), whereas the Shias maintain that the Prophet himself chose his cousin, Ali ibn Abi Talib, to be his successor.

Sunni Islam subsequently split into four separate schools which encompass the rules and conduct of Islam: the Maliki, Hanafi, Hanbali, and Shafi'i, each named for the teachings of its founders. Within the four schools there is little consensus on the rules of Islam. The more liberal scholars emphasise an interpretation of Islamic rules based on particular situations and, therefore, reject any *Fatwa*, which is an edict issued by a religious figure. However, some of the more fundamentalist movements within Sunni Islam oppose any secular interpretation of Islam and endeavour to maintain what they consider to be 'traditional Muslim values'. Overall, Sunni Islam places greater emphasis on the role of the *Sunna* (tradition of the prophet) and *Hadith* (Islamic oral law) than Shia Islam.

Teachings

Sunni Muslims adhere to the six pillars of *Iman*, components that are necessary to the faithful practice of Islam: belief in one true God, belief in angels, belief in the authority of the holy books, following God's prophets, belief in the resurrection and the day of judgement, and acceptance of the will of God in all things.

In contrast to Shias, Sunni believers do not accept the concept of *Wilayat*, where an Islamic jurist is given custodial power over the public. Instead, Sunnis entrust leadership to imams and base their authority solely on the Quran and the traditions of Mohammed (*Sunna*). For this reason, Sunni religious figures exercise far less authority over their followers in comparison to their Shia counterparts.

Consequently, Sunnis place more emphasis on the importance of selecting their local leaders and tend to be less hierarchical in their leadership structures than the Shias, who have historically viewed Mohammad's choice of Ali as the governing principle of the faith community. This difference in attitude toward authority is

exhibited in various ways throughout the Muslim world. For example, in some secular countries with a Muslim majority, such as Turkey, the opinions of religious figures are not considered to be binding and are instead regarded as moral guidelines.

In the transnational Sunni community, there are groups that identify themselves with a different name, such as Sufis, Said Nursi followers and Tabligh Jamaat followers. These groups have been addressed in separate sections of this report.³⁴²

Reasons for the Persecution of Uyghur Sunni Muslims in China

In 2018, the US government estimated China's population to be about 1.4 billion people. Out of those, approximately 2% are Muslim. It is estimated that there are 10 ethnic minorities in which the majority practices Sunni Islam, and these 10 groups total more than 20 million persons. The two largest Muslim ethnic minority groups are Hui and Uyghur, with Hui Muslims concentrated primarily in the Ningxia Hui Autonomous Region and Qinghai, Gansu, and Yunnan Provinces. China's State Administration for Religious Affairs (SARA) estimates the Muslim Hui population at 10.6 million.³⁴³

Because they share a similar culture and language with the majority Han ethnic group, the Hui and Han have generally enjoyed good relations with one another.

The other largest predominantly Muslim ethnic group, the Uyghurs, accounts for 6-8 million people of Turkic descent. They are primarily located in the Xinjiang region and do not have the benefit of so many similarities with the Han. Consequently, they have suffered extreme persecution, with Chinese authorities inflicting extensive arrests, arbitrary detention, torture and other grave restrictions on their right to religious freedom. All of this is part the government's 'counter-terrorism' and 'anti-separatism' campaign against the Uyghurs.

Since Xi Jinping acceded to power in 2012, the believers of all religions have suffered from an increasingly repressive regime in China under the motto of 'sinicization'.³⁴⁴ Uyghur Sunnis are no exception. In the last few years, between

³⁴² For various reasons highlighted in this report, Sunni Muslims are in prison in a number of countries such as China, Kazakhstan, Pakistan, Tajikistan and Uzbekistan. There are also some isolated cases of Sunni detainees in Egypt, Indonesia, Kyrgyzstan and Saudi Arabia that are documented in HRWF's Prisoners' Database. These cases have not been included in this report because there is no known established trend of imprisoning Sunnis in those countries. See <https://hrwf.eu/prisoners-database/>.

³⁴³ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

³⁴⁴ This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the

one and two million of them have been put in various forms of detention facilities for ‘political and religious re-education’ for unknown periods.

The legal basis established to justify their internment is the so-called ‘De-Extremism Regulations’ adopted in April 2017 by the government of the Xinjiang Uyghur Autonomous Region (XUAR) to counter extremism and terrorism. These regulations have been criticised by UN Special Procedures mandates for their lack of compliance with international human rights standards.³⁴⁵

Due to the Uyghurs’ long struggle for self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief, and those that the communist regime considers ‘politically motivated’.

The official objective of the Chinese Communist Party (CCP) is allegedly to ‘sinicize’ Uyghur culture, religion and identity, but its true agenda is to absorb and control Uyghur religious structures within its political project for the XUAR.

The CCP seeks to gain maximum control over every aspect of societal activities that it considers a threat to its legitimacy, by using every means possible. Although the Chinese Constitution guarantees freedom of religion, the CCP’s objective is to control the lives of all Muslims, their mosques and all their other institutions. The communist regime’s religious repression includes interference in the Uyghur Muslims’ religious affairs. It monitors and bans participation in Friday prayer, prohibits religious education of minors, destroys mosques and erases any visible presence of Islam in the public space.

In the case of the Uyghurs’ identity, religious beliefs and their political struggle for autonomy are closely intertwined. Some pro-independence activists have joined jihadist and armed groups outside of China. This is perceived as a threat to the security and territorial integrity of the country by Beijing, which in turn is instrumentalised by the CCP to justify its harsh repression of all individual freedoms.

foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the CCP gives the word ‘sinicization’ a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as ‘sinicized’, they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. In Tibet and Xinjiang, the CCP pursues a politics of ‘sinicization’ in the traditional sense of the word, trying to assimilate Uyghurs and Tibetan Buddhists into Chinese culture.

Source: “HOME. Sinicization,” Bitter Winter, accessed April 2020.

<https://bitterwinter.org/Vocabulary/sinicization/>.

³⁴⁵ United Nations, *Comments on the effect and application of the Counter-Terrorism Law of the People’s Republic of China promulgated on 27 December 2015*, (OL CHN 18/2019), November 1, 2019. https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf.

Due to the strong link in Islam between religious identity and politics as well as the Uyghurs' ambition for independence, the CCP considers Uyghurs as a whole to be intrinsically opposed to socialism and to the Chinese state.

In May 2014, Chinese authorities launched the 'Strike Hard against Violent Extremism' campaign, using wide-scale, internationally linked threats of terrorism as a pretext to justify pervasive restrictions on human rights, including religious freedom, in the XUAR.³⁴⁶

The objective of Xi-Jinping's current campaign is to repress the Uyghurs' historical Muslim identity and culture and to replace it with a form of 'Islam with so-called Chinese characteristics' that is in line with Chinese socialism. The religious laws currently in place allow state intervention into religious affairs, and detail which religious activities are unlawful. Moreover, legal religious activities must carry out the political goals of safeguarding ethnic unity and preserving socialism.

Sunni Muslims in Prison in China

It is estimated that between 1-2 million Uyghur Muslims have been interned in various types of detention facilities for the purpose of 'political and religious re-education' during indefinite periods because they are collectively suspected of not adhering to the values of Chinese socialism. Considering the scale of this detention and the lack of information due to CCP censorship, HRWF has only documented a limited number of cases of Muslim prisoners belonging to the Uyghur ethnic group where an exclusive link to the exercise of freedom of religion could be established.

Sunni Muslims behind bars: some statistics

As of 1 June 2020, HRWF documented **17 cases** of Sunni Muslims in its Prisoners' Database.³⁴⁷ Of these cases, three individuals were sentenced to life in prison, nine were sentenced to ten or more years, four to eight years and the last one has never gone to trial despite being detained since 2017.

While in detention facilities, individuals are subjected to 'torture, rape, sterilization, and other abuses',³⁴⁸ including food deprivation, lack of medical

³⁴⁶ Rubio, Marco, "Text - S.178 - 116th Congress (2019-2020): Uyghur Human Rights Policy Act of 2019," Congress.gov, December 4, 2019.

<https://www.congress.gov/bill/116th-congress/senate-bill/178/text?format=txt>.

³⁴⁷ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

³⁴⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China 2020*, 2020. https://www.uscifr.gov/sites/default/files/China_0.pdf.

care, poor living conditions and ‘denial of religious, cultural, and linguistic freedoms’.³⁴⁹ Additionally, there have been reports that imprisoned Uyghur Muslims may not be allowed contact with their families and friends, who may not even know where they are being held.³⁵⁰

Articles of the Penal Code

It is very common for Uyghur Sunni Muslims to be detained without official charges. Prisoners are often accused of:

endangering state security; involvement with unregistered and thus illegal religious schools or instruction; inciting extremism; displayed signs of religious extremism such as wearing headscarves; committing acts of separatism; or charges of ‘terrorism’ or ‘extremism’ more broadly.

In cases where there is a criminal charge, the authorities often use **Article 103** which is to allegedly ‘organize, plot or carry out the scheme of splitting the State or undermining unity of the country’. Punishment under Article 103 depends on one’s role: ‘the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights’.³⁵¹

International advocacy

On 8 July 2019, 25 countries issued a joint statement at the 41st session of the **UN Human Rights Council** expressing alarm at the rate of arbitrary detention and ‘widespread surveillance and restrictions’ targeting Uyghur Muslims in China. This statement read:

We call on China to uphold its national laws and international obligations and to respect human rights and fundamental freedoms, including freedom of religion or belief, in Xinjiang and across China. We call also on China to refrain from the arbitrary detention and restrictions on freedom of

³⁴⁹ Rubio, Marco, “Text - S.178 - 116th Congress (2019-2020): Uyghur Human Rights Policy Act of 2019,” Congress.gov, December 4, 2019.

<https://www.congress.gov/bill/116th-congress/senate-bill/178/text?format=txt>.

³⁵⁰ United Nations, *Comments on the effect and application of the Counter-Terrorism Law of the People’s Republic of China promulgated on 27 December 2015*, (OL CHN 18/2019), November 1, 2019. https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf.

³⁵¹ “Criminal Law of the People’s Republic of China”, adopted July 1, 1979, and promulgated March 14, 1997 after revision, *National People’s Congress of the Republic of China*, 1997. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%2520Eng3.pdf>.

movement of Uyghurs, and other Muslim and minority communities in Xinjiang.³⁵²

On 19 December 2019, **the European Parliament** adopted a resolution on the situation of the Uyghurs in China, acknowledging, among other things, that ‘the situation in the Xinjiang Uyghur Autonomous Region, where more than 10 million Muslim Uyghurs and ethnic Kazakhs live, has rapidly deteriorated in the last few years, not least since the launch of the “Strike Hard against Violent Terrorism” campaign in 2014’.³⁵³

The resolution also raised concerns regarding China’s systematic brainwashing of hundreds of thousands of Muslims in a network of high-security prison camps.

Finally, the resolution:

- welcomed ‘the adoption by the US Congress of the Uyghur Human Rights Policy Act and the recent decision by the Foreign Affairs Council to start working on an EU global sanctions regime for human rights violations’;
- called ‘on the Council to adopt targeted sanctions and assets freezes, should they be deemed appropriate and effective, against the Chinese officials responsible for devising and implementing the policy of mass detention of Uyghurs and other Turkic Muslims in Xinjiang and for orchestrating a severe repression of religious freedom, freedom of movement and other basic rights in the region’.³⁵⁴

On the day before the adoption of this resolution, Ilham Tohti's daughter, Jewher Ilham, accepted the 2019 Sakharov Prize for Freedom of Thought on behalf of her jailed father. Ilham Tohti, a Uyghur scholar fighting for the rights of China’s Muslim Uyghur minority, has been in jail since 2014 on separatism-related charges.

During the ceremony in Strasbourg, Jewher Ilham said:

Today, there is no freedom for Uyghurs in China... Not at school, not in public, not even in private homes. My father, like most Uyghurs, has been labelled a violent extremist, with a disease that needs to be cured and a mind that needs to be washed. It is under this false label of extremism that

³⁵² ‘Letter to the President of the Human Rights Council of the United Nations on the credible reports of arbitrary detention in large-scale places of detention, as well as widespread surveillance and restrictions, particularly targeting Uyghurs and other minorities in Xianjiang’, United Nations, July 8, 2019. https://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf.

³⁵³ European Parliament, Resolution on the cases of the Uyghurs in China (China Cables)(2019/2945(RSP)) December 19, 2019. https://www.europarl.europa.eu/doceo/document/TA-9-2019-0110_EN.html.

³⁵⁴ Ibid.

the government has put one million people – probably more – into 'concentration camps' where Uyghurs are forced to give up their religion, language and culture, where people are tortured and some have died.³⁵⁵

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that China be re-designated as a Country of Particular Concern (CPC) for 'engaging in systematic, ongoing, and egregious violations of religious freedom'. USCIRF also noted that in October 2019, the US Department of Commerce placed restrictions on exports to 28 Chinese companies and organisations. Additionally, the US State Department announced visa restrictions on Chinese officials involved in the mass internment of Uyghur Muslims.³⁵⁶

CASE STUDIES

Dual Canadian Chinese citizen sentenced to life in prison

Huseyin Celil is a Uyghur activist who obtained Canadian citizenship in 2005. In 2006, he took a family trip to Uzbekistan where he was subsequently arrested and detained. His wife was six months pregnant at the time.

Huseyin Celil was extradited to China in 2007. In a trial that Canada denounced, he was convicted to life imprisonment on terrorism and separatism charges despite no evidence being presented. Since then, Chinese authorities have continuously refused to acknowledge his Canadian citizenship and rights to access consular services.

Huseyin Celil was targeted by Chinese authorities due to past issues as a Uyghur Sunni Muslim and his political activism. Specifically, in 1994, when he was a 25-year-old imam in Xinjiang, he was placed in prison for 48 days after using a megaphone to amplify the Muslim call to prayer. After his release, he fled to Uzbekistan. There he met and married Kamila Telendibaeva. Later, they moved to Turkey and had three boys.

In 2001, the UNHCR granted Huseyin Celil refugee status. His family moved from Turkey to Canada and, four years later, he became a citizen. His wife, who still lives in Canada with their four boys, and NGOs including Amnesty International Canada have campaigned for his release for the past 13 years.³⁵⁷

³⁵⁵ 'Sakharov Prize: daughter of 2019 laureate Ilham Tohti receives prize on his behalf,' European Parliament, December 19, 2019, accessed May 2020. <https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20191213STO69021/sakharov-prize-daughter-of-2019-winner-ilham-tohti-receives-prize-on-his-behalf>.

³⁵⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China 2020*, 2020. https://www.uscirtf.gov/sites/default/files/China_0.pdf.

³⁵⁷ Elliot, Josh, "Wife of Canadian Citizen Jailed 13 Years in China Fears He's Been 'Forgotten' amid Huawei

Sentenced to 10 years imprisonment for allegedly promoting the wearing of headscarves, despite never wearing one herself

In September 2017, a court in Kashgar city sentenced **Horigul Nasir** to ten years in prison. She had been arrested in Xinjiang's Kashgar city after one of her friends said that she had promoted the wearing of headscarves. This friend had been arrested and interrogated by the police.

Her brother, Yusupjan Nasir, said that this friend was likely scared and so fabricated this claim to be released from custody. Yusupjan Nasir says his sister doesn't wear a headscarf nor pray five times a day, both practices required of devout Muslims. Her family was not allowed to attend her trial.

Yusupjan Nasir was an assistant officer at Yengisar county's Saghan township police station but was demoted to a security guard at the township's Family Planning Department after his sister's sentencing. This case supports reports that Chinese authorities have been targeting Uyghur police officers and their family members.³⁵⁸

Sentenced to life in prison for providing religious education to children

On 14 April 2008, **Merdan Seyitakhun** was arrested for teaching Islam to street children. He was accused of 'acts of separatism' for these 'illegal religious activities'.

On 24 March 2009, the Ili Intermediate Court found Merdan Seyitakhun guilty under Article 103 and sentenced him to life in prison. His trial was behind closed doors, although authorities did allow one family member to attend.³⁵⁹

Crisis," Global News, January 24, 2019, accessed June 2020.

<https://globalnews.ca/news/4874245/canadian-detained-china-huseyin-celil/>, and,

"Huseyin Celil," Uyghur Human Rights Project, July 12, 2015, accessed June 2020.

<https://uhrp.org/political-prisoners-2015/huseyin-celil>.

³⁵⁸ "Families of Uyghur Police Officers Among Those Detained in Xinjiang's Kashgar," Radio Free Asia. Radio Free Asia, November 6, 2017, accessed June 2020.

<https://www.rfa.org/english/news/uyghur/families11062017162834.html?searchterm:utf8:ustring=%20Nasir%20Horigul>, and,

"China Jails Uyghur Woman for 10 Years over Headscarf Claim," Union of Catholic Asian News, September 20, 2017, accessed June 2020.

<https://www.ucanews.com/news/china-jails-uyghur-woman-for-10-years-over-headscarf-claim/80298>.

³⁵⁹ "Merdan Seyitakhun," Uyghur Human Rights Project, July 12, 2015, accessed May 2020.

<https://uhrp.org/political-prisoners-2015/merdan-seyitakhun>, and,

Irwin, Peter, "Issue 17: Detentions on Religious Charges: Merdan Seyitakhun," World Uyghur Congress, June 1, 2018, accessed May 2020.

<https://www.uyghurcongress.org/en/issue-17-detentions-on-religious-charges-merdan-seyitakhun/>.

Reasons for the Persecution of Sunni Muslims in Kazakhstan

As of July 2018, the US government estimated the total population of Kazakhstan to be 18.7 million. Kazakhstan's national census reports that approximately 70% of the population is Muslim, most of whom follow the Sunni Hanafi school. Other Islamic groups include Shafi'i Sunni, Shia, Sufi, and Ahmadi Muslims. It is estimated that 26% of the population is Christian (primarily Russian Orthodox).³⁶⁰

Kazakhstan is a secular country with the majority of the population practicing Islam, but the government views religion as a potentially destabilizing force and considers religious extremism and missionary activity to be high concerns. The state gives preference to 'what it considers the "traditional" Hanafi school of Sunni Islamic jurisprudence'.³⁶¹

Sunni Muslims in Prison in Kazakhstan

Muslims practicing Islam in a way not sanctioned by the state or allegedly belonging to groups deemed to be extremist are targeted by authorities.

Since the religion law was passed in 2011, any religious activity that is not pre-authorized by the government can be penalised. With the vague criminal and administrative statutes of this law, the state is now able to maintain close surveillance on religious groups and both harass and fine 'observant Muslims'. Additionally, female students are banned from wearing hijabs in school and only state-controlled Sunni Hanafi mosques are allowed.³⁶²

In a 2018 report, Forum 18 noted that there has been an increasing number of individuals imprisoned for exercising their freedom of religion or belief in Kazakhstan. Unfair trials, wide-ranging laws and torturing prisoners for 'confessions' have contributed to this increase.³⁶³

³⁶⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Kazakhstan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/kazakhstan/>.

³⁶¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2018*, 2018. <https://www.uscirtf.gov/sites/default/files/Kazakhstan.pdf>.

³⁶² Ibid, and,

Corley, Felix, "KAZAKHSTAN: Religious Freedom Survey, September 2018," Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2409.

³⁶³ Corley, Felix, "KAZAKHSTAN: Religious Freedom Survey, September 2018," Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2409.

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **26 cases** of Sunni Muslims in its Prisoners' Database.³⁶⁴ Of these cases, 14 Sunnis were imprisoned in 2018. All 26 of these individuals are serving prison sentences that range from three to eight years.

There are reports of ill-treatment and torture in Kazakh prisons including: not being allowed to read religious literature or pray, forced shaving of beards, placement in solitary confinement, unnecessary psychiatric internment and beatings.³⁶⁵

Articles of the Penal Code

Prisoners are typically charged under these Articles of the Kazakh Criminal Code:

Article 174 is the 'incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord'. **Part 1** is specific to individuals committing these acts and **Part 2** is specific to groups. Punishment ranges from 2-10 years' imprisonment.

Additionally, those that are convicted under Article 174 are added to the Finance Ministry Financial Monitoring Committee List of individuals. This blacklist is for individuals who are allegedly 'connected with the financing of terrorism or extremism' and enables the authorities to freeze all of their bank accounts. The authorities may grant their dependent family members access to their accounts, but only in small and controlled amounts. After their release, they remain on this list for six to eight years.

Article 256, Part 2 which is 'propaganda of terrorism or public calls to commit terrorism'. This includes 'the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or

³⁶⁴ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

³⁶⁵ Corley, Felix, "KAZAKHSTAN: Religious Freedom Survey, September 2018," Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020. http://www.forum18.org/archive.php?article_id=2409.

other communication networks, or with foreign support, or in a group'. It is punishable by seven to 12 years' imprisonment as well as confiscation of property.

Article 405 which includes 'organising or participating in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out'. **Part 1** is the organisation of these activities, while **Part 2** is participation in them. Punishment includes fines and imprisonment for up to six years.³⁶⁶

International advocacy

On 14 March 2019, the **European Parliament** adopted a resolution on human rights in Kazakhstan in which it:

11. (...) urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of conscience and religion; demands the immediate release of persons convicted for holding a belief.³⁶⁷

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US Government urge Kazakhstan to cease the detention and sentencing of individuals for their peaceful religious expression and practice. Additionally, it recommended Kazakhstan for placement on the State Department's Special Watch List (SWL) for severe violations of freedom of religion.³⁶⁸

CASE STUDIES

Eight Sunni Muslims sentenced to between 5½ - 8 years imprisonment for WhatsApp group chat

In October 2018, eight Sunni Muslims were arrested for participating in a religious discussion chat group through WhatsApp: **Bolatbek Dyusenbekovich Nurgaliyev, Ernar Samatovich Samatov, Beket Tastanbekovich Mynbasov, Nazim Alimzhanovich Abdrakhmanov, Samat Asylkhanovich Adilov,**

³⁶⁶ Corley, Felix, "KAZAKHSTAN: Religious Freedom Survey, September 2018," Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020.

http://www.forum18.org/archive.php?article_id=2409, and,

Corley, Felix, "KAZAKHSTAN: Ever Harsher Jailings for Religious Talks," Forum 18: KAZAKHSTAN: Ever harsher jailings for religious talks - October 30, 2018. http://forum18.org/archive.php?article_id=2427.

³⁶⁷ European Parliament, Resolution on the human rights situation in Kazakhstan (2019/2610 (RSP)) March 14, 2019. https://www.europarl.europa.eu/doceo/document/TA-8-2019-03-14_EN.html#sdoc1.

³⁶⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2018*, 2018. <https://www.uscirtf.gov/sites/default/files/Kazakhstan.pdf>

Zhasulan Meiramovich Iskakov, Esim Kadirzhumanovich Suleimenov and Azamat Gaidarovich Umbetaliyev.

During their trial, prosecutors claimed that some messages in the chat amounted to ‘propaganda of terrorism’ and ‘incited hatred’. All eight men pled innocent.

On 5 August 2019, they were all found guilty under Article 174, Part 2. Nurgaliyev, Samatov and Mynbasov were also convicted under Article 256, Part 2 and so were sentenced to eight years, seven and a half years, and seven and a half years imprisonment respectively. The five men convicted solely under Article 174 were sentenced to five and a half years in labour camps each. Additionally, the men were ordered to pay the court fees and 48,100 Tenge (about one month's average wage for those in formal work) into the Victims' Compensation Fund each despite no victims being named in this case.

All eight men appealed their sentences and went on hunger strikes from September to October 2019 in protest of their convictions. On 20 November 2019, Almaty City Court rejected their appeals in absentia, as they were not allowed to attend the appeal hearing.

Seven of these men have been transferred to prisons scattered across Kazakhstan which makes it very challenging and expensive for their families to visit. Furthermore, they will most likely be added to the Finance Ministry Financial Monitoring Committee List.³⁶⁹

Kuanysh Bashpayev sentenced to 4 ½ years in prison for online sermons about Islam

On 13 October 2016, **Kuanysh Bashpayev** was arrested at Astana Airport upon arriving from Saudi Arabia for a short trip to visit family in Kazakhstan.

He was charged under Article 174, Part 1 for audio and video sermons about Islam that he had done which were posted online in 2008 and 2011. According to Forum 18, Kuanysh Bashpayev never called for violence or to violate the rights of others during these recordings, but they were deemed to be ‘inciting religious hatred’ nonetheless. It is possible he was targeted for having critiqued the state-controlled Muslim Board during these recordings.

On 7 April 2017, Pavlodar City Court No. 2 sentenced Kuanysh Bashpayev to four and a half years in prison, despite his pleas of innocence. In fact, the

³⁶⁹ Corley, Felix, “KAZAKHSTAN: Appeals rejected in absentia,” Forum 18, November 28, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2524.

recordings had been posted online without his knowledge. He was added to the Finance Ministry Financial Monitoring Committee List on 1 July 2017.

Kuanysh Bashpayev obtained a Master's degree in Islamic theology from Medina University in Saudi Arabia. Previously, Saudi authorities detained him on the request of Kazakh authorities from December 2015 to autumn 2016. He was freed with no formal criminal charges and the Saudi authorities apologised for his detention.

He has a wife and six children.³⁷⁰

Supreme Court annuls guilty conviction, then orders a new trial

On 23 April 2018, **Dadash Mazhenov** was arrested for posting talks about Islam by Kuanysh Bashpayev on his social media in 2015. Dadash Mazhenov removed these posts before they were banned as extremist in 2017, but he was accused of 'propaganda of terrorism' by one of three experts commissioned by the court. The other two experts found that these talks 'did not incite religious or other hatred and discord or the violent overthrow of the government'.

On 16 November 2018, Burabai District Court convicted Dadash Mazhenov under Article 256, Part 2 and sentenced him to seven years and eight months in a general regime labour camp. Additionally, he was ordered to pay a fee of 60,790.14 Tenge (about 134 EUR) and was added to the Finance Ministry Financial Monitoring Committee List on 25 February 2019. His fee was later reduced to 1,255 Tenge (about 3 EUR).

Dadash Mazhenov appealed this decision, but his appeal was rejected on 30 January 2019. He then appealed at the Supreme Court on the basis that the court expert claiming that these talks incited terrorism was not qualified to provide expert testimony. On 21 January 2020, the original guilty verdict was annulled, but instead of acquitting him, the Supreme Court ordered he undergo a new trial at the Akmola Regional Court.

In the summer of 2019, Dadash Mazhenov claimed to be tortured by prison officials in a labour camp in Shymkent for marking Eid al-Fitr and praying the *namaz*. Officials claimed to conduct a criminal case regarding his torture but concluded that his injuries were self-inflicted.

³⁷⁰ Corley, Felix, "KAZAKHSTAN: Eight Muslim prisoners of conscience sentenced," Forum 18, April 11, 2017, accessed June 2020. http://forum18.org/archive.php?article_id=2272, and, Mushfig, Bayram, 'KAZAKHSTAN: Criminal cases for meeting, criticising Muslim Board,' Forum 18, accessed June 2020. http://www.forum18.org/archive.php?article_id=2253.

The first hearing of Dadash Mazhenov's new trial was held online on 19 March 2020 due to preventative measures related to the COVID-19 pandemic. He participated from Almaty's Investigation Prison as he is currently being held in pre-trial detention.³⁷¹

Reasons for the Persecution of Sunni Muslims in Pakistan

In July 2018, the US government estimated the total population of Pakistan to be 207.9 million. 96% of Pakistanis are Muslim, of which between 85–90% are Sunni, 10–15% are Shi'a and 1% are Ahmadi. The remaining 4% of the population identify as Hindus, Christians, Sikhs, Buddhists, Baha'is, and Zoroastrians/Parsis.³⁷²

All Sunni Muslims who are detained have been sentenced to death or life in prison on blasphemy charges. Blasphemy laws are controversial in Pakistan. They have created a hostile environment not only for members of non-Muslim religious groups but also among Muslims. These blasphemy laws are usually misused as a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property.

Sunni Muslims in Prison in Pakistan

In 1956, Pakistan was established as an Islamic Republic. Islam is the official state religion, but the Constitution protects religious freedom by banning faith-based discrimination and upholding the right to religious practice and education.

However, controversial blasphemy laws have created a hostile environment not only for members of non-Muslim religious groups but also among Sunni Muslims. These blasphemy laws are usually misused as a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property.

Inadvertently burning pages of the Holy Quran, allegedly vandalising a poster with verses of the Quran and posting allegedly derogatory remarks about the Prophet are some of the incidents reported to the police by jealous neighbours against business competitors. In several cases, mentally ill Sunni Muslims were victims of these blasphemy laws and imprisoned for years.

³⁷¹ Corley, Felix, "KAZAKHSTAN: Conviction annulled, yet still jailed on trial," Forum 18, May 7, 2020, accessed June 2020. http://www.forum18.org/archive.php?article_id=2569 , and, Corley, Felix, "KAZAKHSTAN: 18 prisoners of conscience, 11 restricted freedom sentences," Forum 18, April 18, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2469.

³⁷² For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Pakistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/pakistan/>.

There are lengthy delays with trials related to blasphemy as these cases are often moved between judges and lawyers are too afraid to defend the accused. Final court decisions are usually life in prison or the death sentence.³⁷³

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **15 cases** of Sunni Muslims in its Prisoners' Database.³⁷⁴ In all of these cases, the convicted were found to be guilty of blasphemy. Ten were sentenced to life in prison, three received the death sentence and in two cases, the sentence was not available from open sources. Additionally, seven of these individuals have been detained since 2010 and eight between 2003 and 2010.

Articles of the Penal Code

Prisoners are typically charged under the blasphemy laws in the Pakistani Penal Code:

Section 295-A: 'Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both'.

Section 295-B: 'Defiling the Holy Qur'an. Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract there from or used it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life'.

Section 295-C: 'Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death and shall also be liable to fine'.³⁷⁵

³⁷³ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Pakistan.pdf>.

³⁷⁴ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

³⁷⁵ Pakistan Penal Code <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> & <https://www.refworld.org/pdfid/49b920582.pdf>

In the past 20 years, Pakistani authorities have not executed individuals sentenced to death on blasphemy charges;³⁷⁶ instead they are incarcerated indefinitely.

International advocacy

In a resolution dated 15 June 2017 about human rights defenders and the death penalty in Pakistan, the **European Parliament** expressed its deep concerns about ‘the continued use of the “blasphemy law”’ and believed this was heightening the climate of religious intolerance. It noted the findings of the Supreme Court of Pakistan that individuals accused of blasphemy ‘suffer beyond proportion or repair’ in the absence of adequate safeguards against misapplication or misuse of such laws. It called ‘on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of “blasphemy” charges’.³⁷⁷

On 19 January 2018, the **European Commission** released a report for the European Parliament and Council regarding *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 – 2017*. In this report, the European Commission raised concerns about Pakistan’s blasphemy laws being used to persecute individuals on religious grounds several times, and the state of religious freedom in Pakistan more broadly. The European Commission stated that:

Pakistan is requested to follow up on the recommendation to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant; and to ensure the investigation and prosecution of those involved in incitement of or engagement in violent acts against others based on allegations of blasphemy.³⁷⁸

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US State Department designate Pakistan as a Country of Particular Concern (CPC) for ‘engaging in systematic, ongoing, and egregious violations of religious freedom’. Despite being listed as a CPC in 2019, the US State Department waived Pakistan from any sanctions due to the “important national interest of the United States”.

³⁷⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Pakistan.pdf>.

³⁷⁷ European Parliament, Resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP)), https://www.europarl.europa.eu/doceo/document/TA-8-2017-0268_EN.html.

³⁷⁸ European Commission, *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 -2017 (SWD (2018) 29 final)*, Joint Staff working document, January 19, 2018. https://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156544.pdf.

USCIRF recommended that this waiver is rescinded in 2020 in light of the extreme abuses of religious freedom in Pakistan.

USCIRF also recommended that the US government:

- release blasphemy prisoners and other individuals imprisoned for their religion or beliefs;
- and repeal the blasphemy and anti-Ahmadiyya laws. Until repeal is possible, enact reforms to make blasphemy a bailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dismiss unfounded accusations, and enforce existing Penal Code articles criminalizing perjury and false accusations.³⁷⁹

CASE STUDIES

Mentally ill Sunni Muslim sentenced to life imprisonment

In October 2008, **Rehmat Ali** was arrested in Faisalabad for allegedly throwing pages of the Quran into a drain. He is mentally ill and has been a psychiatric patient in the past.

A passer-by claimed to witness this act and alerted other passers-by on the street. Together, they beat Rehmat Ali until the police arrived. However, the mob followed the police and Rehmat Ali, protesting for his death and storming the station where he was detained. The police had to use sticks and tear gas to force the mob to disburse.

Rehmat Ali was sentenced under Article 295, Sections A and B to life imprisonment.³⁸⁰

Professor receives death sentence after being held in solitary confinement for five years

Junaid Hafeez was a university professor in the city of Multan until he was accused of blasphemy for allegedly posting derogatory remarks against the prophet Mohammed on social media. He was arrested in March 2013 and, in

³⁷⁹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020.

<https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

³⁸⁰ Felix, Qaiser, "A Christian Man and His Daughter Arrested, Almost Lynched for Blasphemy," Asia News.it, October 15, 2018, accessed May 2020.

<http://www.asianews.it/news-en/A-Christian-man-and-his-daughter-arrested,-almost-lynched-for-blasphemy-13466.html>.

2014, he was placed in solitary confinement. He was held in solitary confinement until receiving the death sentence five years later in December 2019.

His lawyer, who had received death threats during his trial, was killed in 2014.

It is believed that Junaid Hafeez was viewed as a threat from Islamic political parties in Pakistan (such as Islami Jamiat Talaba, Jamaat-e-Islami, and Tehrik-tahafaz-e-Namoos-e-risalat). He was likely targeted because he was a Fulbright scholar to Jackson State University in the US and studied medical training and English literature.³⁸¹

Sunni Muslim sentenced to life imprisonment for trying to rescue pages of Quran from fire

On 24 March 2003, **Muhammad Shahzad** was arrested in Garjakh-Gujranwala for allegedly being an accomplice to an act of blasphemy. According to Muhammad Shahzad, he was working at his mill shop when he saw Mouhammad Yousaf, a mentally ill individual, burning the Quran. He rushed to stop Mouhammad Yousaf, but he arrived too late.

Muhammad Shahzad attempted to rescue pages from the flames and collected the burnt pages, but people who saw him mistakenly assumed that he was an accomplice in this act.

Despite pleading his innocence, he was sentenced under Article 295, Section B to life imprisonment on 18 January 2011.³⁸²

Reasons for the Persecution of Sunni Muslims in Tajikistan

In July 2018, the US government estimated the total population of Tajikistan to be 8.6 million. According to local academics, the population is more than 90% Muslim and the majority adheres to the Hanafi school of Sunni Islam. Approximately 4% of Muslims are Ismaili Shia, the majority of whom reside in the Gorno-Badakhshan Autonomous Region located in the eastern part of the country.³⁸³

³⁸¹ “Pakistani Professor Sentenced to Death for Blasphemy,” Jonathan Turley, December 21, 2019, accessed May 2020. <https://jonathanturley.org/2019/12/21/pakistani-professor-sentenced-to-death-for-blasphemy/>, and, “Pakistani professor sentenced to death for blasphemy,” France 24, December 12, 2019, accessed May 2020. <https://www.france24.com/en/20191221-pakistani-professor-sentenced-to-death-for-blasphemy>.

³⁸² United States Commission on International Religious Freedom, Annual Report 2014, *List of known blasphemy prisoners*, 2014. <https://www.uscirf.gov/sites/default/files/2014%20Annual%20Report%20Prisoners%20Lists.pdf>.

³⁸³ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Tajikistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/tajikistan/>.

Tajikistan has enshrined the separation of religion and state in its Constitution and claims to be a secular state. However, in practice, the government controls all religious activities and is especially repressive towards the Muslim majority. The Tajikistani government elects and controls the Muslim clergy as well as all religious literature importation or production. Religious education is banned for children and parents are not allowed to bring their children to religious activities except for funerals.

Piety is suspicious as it is interpreted as a potential sign of radicalism. Arrests and sentences to prison terms are justified by alleged concerns of Islamic extremism and adherence to Salafism, a movement that has been banned since 2009, or to the Egyptian Muslim Brotherhood, which has been banned since 2006.

Muslim men with beards and Muslim women wearing the hijab as well as any Muslims teaching or spreading Islam are harassed and penalised. Additionally, the government actively targets imams who received training in another country and restricts any imported literature or practices deemed to be ‘foreign’.³⁸⁴

Sunni Muslims in Prison in Tajikistan

Most Sunni Muslim prisoners are convicted on charges related to their real or supposed belonging to a banned religious movement that is not state-sanctioned nor state-controlled.

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **15 cases** of Sunni Muslims in its Prisoners’ Database.³⁸⁵ Of these cases, all had been detained since 2016 except for three: one Sunni Muslim has been detained since 2015, one since 2017 and one since 2019. The last individual is still awaiting trial, but the rest are serving sentences ranging from five to sixteen years for allegedly adhering to Salafism or to the Egyptian Muslim Brotherhood. Limited access to information in Tajikistan makes it impossible to confirm or deny these accusations.

Since 2016 there have been reports of mass raids and arrests of Sunni Muslims who have been accused of following banned movements.³⁸⁶ This strategy has

³⁸⁴ Mushfig, Bayram, “TAJIKISTAN: Religious freedom survey, January 2016,” Forum 18, January 7, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2138, and, United States Commission on International Religious Freedom, *Tajikistan: USCIRF-Recommended for Countries of Particular Concern (CPC)*, 2020. <https://www.uscirf.gov/sites/default/files/Tajikistan.pdf>.

³⁸⁵ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

³⁸⁶ Mushfig, Bayram, “TAJIKISTAN: Nine long jail terms – for what?,” Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

resulted in ‘[an] unknown number of individuals imprisoned under dubious charges of religious extremism and terrorism’. Subsequently, Tajikistan has an overcrowded prison system, which has led to riots and created a potential breeding ground for ISIS recruiters.³⁸⁷

Articles of the Penal Code

Prisoners are typically charged under these articles of Tajikistan’s Criminal Code:

Article 189, Part 1 which is ‘inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media’.

Articles 307, Part 1 which includes ‘public calls for extremist activity’. **Part 2** is the ‘organisation of an extremist association’. **Part 3** is the ‘participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity’.

These articles are punishable by prison terms between five and 12 years.³⁸⁸

International advocacy

On 13 October 2017, the *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan* was presented to the **UN General Assembly**. This report found that ‘[freedom] of expression in the religious sphere is under serious threat’ and that ‘the legislative framework that is currently in place is counterproductive to meet any genuine challenges of religious extremism’. In conclusion, the Special Rapporteur made a list of recommendations for the Tajikistani government, including:

84. The Special Rapporteur is deeply concerned by the allegations of undue interference by government authorities in manifestations of religious expression and education. He is particularly disturbed by the allegations of repression of individuals based on their apparent adherence to certain religious groups.

³⁸⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Tajikistan.pdf>.

³⁸⁸ Mushfig, Bayram, “TAJIKISTAN: Nine long jail terms – for what?,” Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

85. In that regard, the Special Rapporteur calls upon the Government to recognize, both in law and in practice, the expression of religious freedom as an individual right, subject only to those restrictions that are permitted under international human rights law. The Special Rapporteur urges the authorities to revise counter-terrorism legislation and its implementation to prevent its application to the legitimate exercise of freedom of religion as a private or collective matter.³⁸⁹

The **US State Department** has designated Tajikistan as a Country of Particular Concern (CPC) since 2016, and the **United States Commission on International Religious Freedom (USCIRF)** recommended that the US State Department re-designate it as a CPC in 2020 in its annual report.³⁹⁰

CASE STUDIES

Four Sunni Muslims sentenced to up to 16 years imprisonment

On 14 April 2016, Dushanbe's Ismoli-Somoni District Court convicted **Romish Boboyev, Otabek Azimov, Abdurahmon Ismoilov** and **Khurshed Suvanov** of being members of the Salafi movement and participating in 'extremist activity'. The Judge claimed that all members admitted guilt except for Otabek Azimov, but that the investigation proved his guilt as well.

Romish Boboyev received the harshest sentence of 16 years, then Otabek Azimov with 14 years. Abdurahmon Ismoilov and Khurshed Suvanov were sentenced to three years imprisonment. They have both served their time at the time of writing.

There is no knowledge of what exactly these four men did to merit such lengthy prison terms. Human rights defenders in Tajikistan shared with Forum 18 that 'The purpose of the arrests and imprisonments is to publicise widely the harassment and lengthy prison terms' with the purpose of '[scaring] the population away from the Salafi movement and Islamic Renaissance Party, or any active movement teaching or preaching and spreading Islam'.³⁹¹

³⁸⁹ General Assembly of the United Nations, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission (A/HRC/35/22/Add.2)*, October 13, 2017. <https://undocs.org/en/A/HRC/35/22/Add.2>.

³⁹⁰ Pompeo, Michael, *United States Takes Action Against a Violators of Religious Freedom*, Press Statement of U.S. Department of State.

<https://www.state.gov/united-states-takes-action-against-violators-of-religious-freedom/>, and, United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Tajikistan.pdf>.

³⁹¹ Mushfig, Bayram, "TAJIKISTAN: Imprisonments 'designed to scare the population'," Forum 18, May 19, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2180.

An Imam and four members of his mosque sentenced to up to eight years

In January 2016, five Sunni Muslims were arrested: **Khamid Karimov**, **Muhammadsayid Sayidov**, **Abdumajid Abdukadirov**, **Mirzomuhammad Rahmatov** and **Farhod Karimov**. On 18 April 2016, Sogd Region's Bobojon Gofurov District Court found all five men guilty under Article 307 Part 3. Khamid Karimov was also convicted under Article 189, Part 1.

Khamid Karimov was the Imam of the mosque in Unji-Bobojon village, and the four other men were members of his mosque. Khamid Karimov was sentenced to eight years imprisonment while the four others were sentenced to seven years in prison. They appealed their sentencing and have claimed innocence.

Police alleged to have discovered literature and materials in the men's homes about the Salafi movement, but the only evidence presented to the court was 'that they prayed differently and taught not according to the Hanafi but the Salafi school'. Khamid Karimov testified that his 'only guilt was active propagation of Islam in Sogd and teaching others to do so'.³⁹²

An Imam and four members of his mosque sentenced to five and a half years each

Five Sunni Muslims, an Imam and four members of his mosque, were arrested in September 2016 and held in pretrial detention until their trial on 20 November 2016. The Guliston City Court in the Sogd Region convicted all of them to five and a half years' imprisonment under Article 307, Part 3.

The only person identified publicly is Imam **Ilkhomidin Abdulloyev**, who graduated from Kuwait Islamic University. He was accused of allegedly spreading 'the ideas of the banned Salafi movement' within his mosque. However, a human rights defender said Abdulloyev is 'not an extremist at all', and instead it's believed that he was targeted because he was a 'disciple' of another Imam who has been charged with similar accusations.³⁹³

³⁹² Mushfig, Bayram, "TAJKISTAN: Imprisonments 'designed to scare the population'," Forum 18, May 19, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2180.

³⁹³ Mushfig, Bayram, "TAJKISTAN: Nine long jail terms – for what?," Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

Reasons for the Persecution of Sunni Muslims in Uzbekistan

The majority of Uzbekistan's 33 million inhabitants identify as Muslim (between 93% and 94%), and most of these Muslims adhere to Sunni Islam of the Hanafi School. Just 1% are Shia.³⁹⁴

Despite being the majority religion, most of the individuals imprisoned due to the exercise of their freedom of religion or belief are Sunni Muslims who were accused of religious extremism or of being followers of banned movements.

Uzbekistan's Constitution declares it a secular state and enshrines the right to FoRB.³⁹⁵ However, the government of Uzbekistan controls every aspect of religious life for all faith communities through a repressive legal framework, extreme surveillance and alarming rates of state sanctioned violence. Religious literature, places of worship, and religious leaders are controlled by the government. Additionally, it is forbidden to have religious literature in private homes and/or to meet in homes to pray and study together.³⁹⁶

Due to fears of radicalisation and terrorism, the government targets visibly devout Muslims or those that interpret Islam more conservatively. For example, there have been reports of the authorities forcing Muslim men to shave their beards or forbidding Muslim women from wearing hijabs in the name of combatting terrorism.³⁹⁷

Sunni Muslims in Prison in Uzbekistan

Sunni Muslims serving lengthy sentences are often accused of alleged separatism, extremism, planning to overthrow the government and/or belonging to a banned Islamist movement. However, they are not known to have committed acts of violence and the absence of the rule of law in Uzbekistan (for example, unfair trials and witness testimony obtained through torture) raises concerns that these charges are fabricated.³⁹⁸

³⁹⁴ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Uzbekistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/uzbekistan/>.

³⁹⁵ Shaheed, Ahmed, *Report of the Special Rapporteur on Freedom of Religion or Belief on his mission to Uzbekistan*, United Nations, 2018. <https://digitallibrary.un.org/record/1481445?ln=en#record-files-collapse-header>.

³⁹⁶ Mushfig, Bayram, "UZBEKISTAN: Religious freedom survey September 2017," Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

³⁹⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Uzbekistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Uzbekistan.pdf>.

³⁹⁸ Mushfig, Bayram, "UZBEKISTAN: Religious freedom survey September 2017," Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **26 cases** of Sunni Muslims in its Prisoners' Database.³⁹⁹ 19 of these individuals were arrested and detained before 2017 and are serving prison sentences that range from five to sixteen years. Four Sunni Muslims were detained in 2019, all of whom are still awaiting trial, and three have been imprisoned so far in 2020.

In 2019, there were 38 cases recorded in HRWF's database. There were ten more cases in 2018. Between late August and early September 2018, the authorities arrested many bloggers criticising the lack of religious freedom in an attempt to stop public discussions on such issues. At least eight of them were jailed for two weeks.⁴⁰⁰ Some Sunni imams were also prosecuted for criticising the state controlled *Muftiate* and the ban on the wearing of hijabs in schools.

Articles of the Penal Code

Prisoners are typically charged under these articles of the Uzbekistani Criminal Code:

Article 156, Part 2 which includes 'deliberate acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs'.

Article 159 which is 'attempts to change the Constitutional order', including acts of violence. It is punishable by up to 10 years in prison.

Article 244-1, Part 1 which is 'the production, storage, distribution or display of materials containing a threat to public security and public order'. **Part 2** is the 'dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order'. **Part 3 (a)** specifies when these acts are premeditated or by a group of people, **Part 3 (b)** specifies when they are committed by officials, and

³⁹⁹ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

⁴⁰⁰ Mushfig, Bayram, "UZBEKISTAN: Jailings 'to intimidate all who speaks about freedoms'," Forum 18, September 20, 2018, accessed May 2020. http://www.forum18.org/archive.php?article_id=2416.

Part 3 (c) specifies when they have received ‘financial or other material aid from religious organisations, as well as foreign states, organisations, and citizens’.

Article 244-2, Part 1 which is the ‘creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations’.

Article 246, Part 1 which includes ‘smuggling, that is carriage through the customs border - without the knowledge of or with concealment from customs control - materials that propagandise religious extremism, separatism, and fundamentalism’. It is punishable by between 10 to 20 years in prison.⁴⁰¹

Additionally, Sunnis may be charged under these articles of the Uzbekistani Code of Administrative Offences:

Article 240, Part 1 which includes the ‘carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, and the organisation and conduct of special children's and youth meetings, as well as vocational, literature and other study groups not relating to worship’. Individuals found in violation of this article may be jailed for up to 15 days or required to pay fines that are 50 to 100 times the minimum monthly wage.

Article 241 includes ‘teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately’. Individuals found in violation of this article may be jailed for up to 15 days or required to pay fines that are 50 to 100 times the minimum monthly wage.⁴⁰²

International advocacy

On 22 February 2018, the *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan* was presented to the **UN General Assembly**. In this report, the Special Rapporteur, Ahmed Shaheed, shared findings from his mission in October 2017, which included:

67. The number of detainees imprisoned on vague charges relating to ‘religious extremism’, ‘anti-constitutional’ activity or membership in an ‘illegal religious group’ — also known as ‘religious detainees’ — is unconfirmed. The estimate ranges between 5,000 and 15,000

⁴⁰¹ Mushfig, Bayram, “UZBEKISTAN: Religious freedom survey September 2017,” Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

⁴⁰² Ibid.

individuals⁴⁰³, while the official data is unknown. Thousands of Muslims have allegedly been imprisoned on accusations of belonging to terrorist, extremist or banned organizations or exercising the right to freedom of religion or belief. It is hard to know whether those detainees were indeed involved in violence or other crimes or whether they were only ‘guilty’ of taking their faith seriously.⁴⁰⁴

In February 2019, Principal Deputy Assistant Secretary for the **US Bureau of South and Central Asian Affairs** Alice G. Wells visited Uzbekistan. She raised concerns about religious freedom issues and specifically cited the release of prisoners of conscience as a positive step the government could take.⁴⁰⁵

The **US State Department** removed Uzbekistan from its list of Countries of Particular Concern (CPC) and placed it on its Special Watch List (SWL) for the first time in December 2018. It did so again in November 2019. Before this, Uzbekistan was designated as a CPC due to egregious violations of religious freedom.

The **United States Commission on International Religious Freedom’s** (USCIRF) 2020 Annual Report recommended that the US State Department keep Uzbekistan on the Special Watch List.⁴⁰⁶

CASE STUDIES

Two cousins sentenced to five years in prison each for music CD

On 25 May 2016, cousins **Mansurkhon Akhmedov** and **Jonibek Turdiboyev** were each sentenced to five years in prison. They were charged under Article 244-2, Part 1 for possession of a music CD. Despite both defendants pleading

⁴⁰³ The statistics mentioned by the Special Rapporteur were not supported by any source and the government of Uzbekistan fiercely denied such figures in its comments sent to the Special Rapporteur. However, USCIRF 2020 annual report was quoted as saying ‘Estimates from international and local human rights organizations generally range from 1,500 to 5,000 prisoners. According to human rights activists in Uzbekistan, many of the remaining religious prisoners were sentenced in connection with real or fabricated membership in the Islamist organization Hizb ut-Tahrir, which is banned in Uzbekistan’. See United States Commission on International Religious Freedom, Annual Report, USCIRF-Recommended for countries of particular concern: *Uzbekistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Uzbekistan.pdf>.

⁴⁰⁴ Shaheed, Ahmed, *Report of the Special Rapporteur on Freedom of Religion or Belief on his mission to Uzbekistan*, United Nations, 2018. <https://digitallibrary.un.org/record/1481445?ln=en#record-files-collapse-header>.

⁴⁰⁵ ‘Principal Deputy Assistant Secretary for South and Central Asian Affairs Alice Wells Travels to Kyrgyzstan and Uzbekistan,’ U.S. Department of State, February 24, 2019. <https://www.state.gov/principal-deputy-assistant-secretary-for-south-and-central-asian-affairs-alice-wells-travels-to-kyrgyzstan-and-uzbekistan/>.

⁴⁰⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Uzbekistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Uzbekistan.pdf>.

innocent, state experts alleged that the CD contained a recording of a sermon on the Islamic Caliphate.

Both men were tortured during detention and forced to sign confessions by the police. Additional ‘evidence’ was obtained through another relative of theirs who was already imprisoned. The defense lawyer for these two Sunni Muslims asserts that the police violated legal procedures throughout their investigation and presented fabricated evidence to the court.

There is reason to believe that Jonibek Turdiboyev was arrested because his mother refused to remove her hijab after being asked repeatedly by authorities.⁴⁰⁷

Davron Komoliddinov tortured to confess guilt then sentenced to seven years

Davron Komoliddinov was living in Russia with his family until 4 March 2015 when Russian authorities detained him and extradited him back to Uzbekistan. His whereabouts were unknown until 18 September 2015 when his relatives learned he was being held in a detention facility in Uzbekistan that is well-known for torture and treating prisoners poorly.

The reason Uzbekistani authorities requested his extradition was that he had been in contact with two Uzbekistani citizens in Russia three years earlier. Following that encounter, these two men were imprisoned in Uzbekistan in October 2012 and provided testimony against Davron Komoliddinov.

On 10 November 2015, Davron Komoliddinov was sentenced to seven years in prison under Articles 156, 159 and 244, Part 2. He appealed, but his appeal was rejected on 19 January 2016.

It is believed that he has been subjected to torture and mistreatment, both during his investigation to force a confession and while imprisoned. When his brother visited him on 24 February 2016, he reported that Davron Komoliddinov was covered in bruises and sores.⁴⁰⁸

⁴⁰⁷ Mushfig, Bayram, “UZBEKISTAN: Prisoners of conscience jailed, one extradited,” Forum 18, June 24, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2191.

⁴⁰⁸ “Torture concerns for prisoner in Uzbekistan,” Association for Human Rights in Central Asia, April 25, 2016, accessed June 2020. <http://ahrca.eu/uzbekistan/torture-prevention/888-torture-concerns-for-prisoner-in-uzbekistan>.

Khayrullo Tursunov serving 16-year sentence

On 13 March 2013, **Khayrullo Tursunov**, a devout Sunni Muslim, was extradited from Kazakhstan to Uzbekistan and then sentenced to 16 years in prison.

Khayrullo Tursunov's wife, Nodira Buriyeva, fled Uzbekistan after being interrogated and threatened with rape by the authorities for holding religious meetings in her home. He joined her and their three children in Kazakhstan where they applied for refugee status.

However, on 18 January 2012, Khayrullo Tursunov was charged by Uzbekistani authorities under Article 244-2, Part 1. A request for his return to Uzbekistan was sent to Kazakhstan on 13 April 2012. He was then arrested in Kazakhstan and held in a detention centre until being extradited back to Uzbekistan on 13 March 2013. This was in direct violation of an official request from the United Nations High Commissioner for Refugees (UNHCR) to not send him back.

On 6 June 2013, Khayrullo Tursunov was sentenced to 16 years in prison for alleged 'extremist' religious activity. The Judge claimed that he was an 'especially dangerous repeat offender' in his sentencing. Prior to this conviction, Khayrullo Tursunov had been jailed twice for exercising his freedom of religion or belief, once in October 2004 for five months and again in August 2009 for ten days.

Khayrullo Tursunov appealed this harsh sentence, but his appeal was rejected. His wife was granted refugee status and now lives in Europe with their children.⁴⁰⁹

Conclusions

Sunnis with specific characteristics are oppressed in different political contexts due to one common denominator: they are perceived, rightfully or not, as a threat to the security or the territorial integrity of the countries where they are repressed.

In Communist China, they belong to the Uyghur ethnic community living in the Western part of the country which is rich in mineral resources such as uranium, oil, coal. This region is where an armed group of secessionist political activists,

⁴⁰⁹ Mushfig, Bayram, "UZBEKISTAN: Devout Muslim 'may receive up to 15 years' jail," Forum 18, May 1, 2013, accessed May 2020. http://www.forum18.org/archive.php?article_id=1829,

Mushfig, Bayram, "UZBEKISTAN: Prisoner of conscience exposed to TB," Forum 18, November 5, 2013. http://www.forum18.org/archive.php?article_id=1893, and,

Mushfig, Bayram, "UZBEKISTAN: Prisoner of conscience 'saying his last goodbye to his sisters,'" Forum 18, February 17, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2149.

the East Turkestan Islamist Movement, claims independence and has had affiliations with violent jihadist movements.

In the Sunni Muslim majority countries of Central Asia (Kazakhstan, Tajikistan and Uzbekistan), the authorities claim that Sunnis are vulnerable to a foreign current of Sunni Islam which would instrumentalise them to overthrow their country's regimes and replace them with a Salafist Sunni theocracy.

Finally, Sunni Islam is generally associated by these countries to the Islamic State of Iraq and Syria (ISIS) and other jihadist and terrorist groups mainly active in the Middle East, Asia, Africa, Europe and North America.

HRWF advises that the aforementioned repressive regimes should not lump together groups involved in political or violent activities with the majority of Sunni Muslims, who are peaceful. Governments should only prosecute individuals who use or incite violence.

Tabligh Jamaat (Muslims)

Tabligh Jamaat (sometimes spelled Tablighi Jama'at) is a revivalist missionary movement within Islam that was founded in India in the early 20th century. The term means 'those who preach' and it is sometimes called the 'Society for Spreading Faith'. Adherents do not proselytise to non-Muslims. Instead their aim is to revive the faith of less devout Muslims and to follow Islamic religious practices more vigorously.

Tabligh Jamaat originated in the Deobandi School of Sunni Islam⁴¹⁰ in Uttar Pradesh in north India. Muhammad Ilyas Kandhlawi (1885-1944), an Islamic scholar and Sufi teacher, is credited as its founder. Its world headquarters are located in the New Delhi suburb of Basti Nizamuddin.

The movement has grown significantly over time. It is said to have around 80 million followers in 150 countries throughout Asia, Africa and Europe⁴¹¹ but it is particularly prevalent in South and Central Asia.

In Europe its headquarters, complete with a *madrasah* (religious school), are in the UK with about 50,000 followers in Dewsbury (Yorkshire). There are also centres in London, Glasgow, Leicester, and Birmingham. In France, Tabligh Jamaat has been able to attract a significant number of Muslims of Arabian and African origin and is estimated to have about 100,000 followers. Its activity is concentrated in the larger Paris region. In Spain it operates from Barcelona among a quickly growing number of Muslim migrants.

In North America, Tabligh Jamaat has met some success in gaining converts among African Americans and Caribbean immigrants. Chicago, Detroit, Los Angeles, Philadelphia, Atlanta, New York City, and Washington, D.C., are the major centres of Tabligh Jamaat activities in the US.

Tabligh Jamaat adherents never constitute themselves into formal 'trusts' or 'companies', and shun political, legal, or social engagement with the wider world. They have — intentionally — few formal points of contact within their communities.

Annual gatherings (called *ijtima*) are held in various countries and attract large crowds. The largest ones occur in India, Pakistan and Bangladesh. The annual

⁴¹⁰ Zacharias Pieri, "Tablighi Jamaat – Handy Books on Religion in World Affairs" (*Lapidomedia*, 2012) accessed May 2020.

http://www.lapidomedia.com/sites/default/files/resources/Tablighi_Jamaat_Introduction.pdf.

⁴¹¹ Taylor, Jenny, "Understanding and engaging with the Tabligh Jamaat," Lausanne Movement, November 2015. <https://www.lausanne.org/content/lga/2015-11/understanding-and-engaging-with-the-tablighi-jamaat>.

World Gathering in Tongi, Bangladesh, (called *Bishwa Ijtima*) is the most popular Tabligh Jamaat pilgrimage in the world with approximately five million people attending each year, significantly larger than the traditional *Hajj* to Mecca.

Teachings

Tabligh Jamaat's doctrine is based on six principles, commonly referred to as the *Six Points*. They are:

- Faith in the oneness of Allah (the *Kalima*)
- The offering of the five prayers daily (*Salat*)
- The knowledge and the remembrance of Allah (*Ilm & Dhikr*)
- Respect for every Muslim (*Ikram al Muslim*)
- Sincerity of intention (*Ekhlas*)
- Time set aside for this work (*Dawah & Tabligh*)

Those six points act as guidelines for both the experience and the critical faculties of devotees. They include 'respect for Muslims' — but not for non-Muslims.⁴¹²

Tabligh Jamaat followers aspire to imitate the life of Prophet Muhammad and so they adopt a lifestyle of personal piety and austerity. Members are expected to proselytise at least three times per month (approximately 130 days per year) as well as study at Tabligh Jamaat's central mosque in Pakistan for a month per year.

Their teachings about the role of women in their communities and their relations with political Islam have raised a number of questions for those outside of the movement.

Women

Women are under male control in Tabligh Jamaat. They are required to practice complete seclusion and segregation in everyday life,⁴¹³ and to cover themselves entirely in public with a *burka* or face veil. The Tabligh Jamaat movement has been strongly criticised on these points.

Women are encouraged to share their Islamic beliefs with other women and may travel for this purpose. However, only married women are allowed to undertake

⁴¹² Taylor, Jenny, "Understanding and engaging with the Tabligh Jamaat," Lausanne Movement, November 2015. <https://www.lausanne.org/content/lga/2015-11/understanding-and-engaging-with-the-tablighi-jamaat>.

⁴¹³ More information about the status of women in the movement in "The Tablighi Jamaat and Gender: Women, Narrative, and the Religious Discourse of Struggle in an Indian Muslim Reform Movement" by Megan Adamson Sijapati.

such missionary activities and they must always be accompanied by a male relative, preferably their husband.

In their daily lives, they are locked into a medieval system of patronage that results in illiteracy and disaffection. Female literacy rate in Mewat, a region of the Haryana and Rajasthan states in northwest India, where the movement started, is just 5% today. They still live in *zenanas* (harems) there. Even in countries such as the UK, women are usually forbidden from leaving the house unaccompanied by a male. Marriages are conducted in their name, not in their presence.⁴¹⁴

Politics

Tabligh Jamaat claims to be apolitical and does not advocate the use of violence, the overthrow of political leaders in Muslim majority countries nor the establishment of a caliphate.

Tabligh Jamaat's loose internal structure means that people associated with it may have diverse views and practices in different parts of the world.

In some countries, Tabligh Jamaat is perceived as rather innocuous whilst other states consider it a dangerous hotbed for radicalism and have banned it.

The movement is prohibited in **Iran**, **Kazakhstan** (2013), **Russia** (2009), **Tajikistan** (2006), **Turkmenistan**, and **Uzbekistan** (2004).

Reasons for the Persecution of Tabligh Jamaat Muslims in Kazakhstan

In July 2018, the US government estimated the total population of Kazakhstan to be 18.7 million. The national census reports that approximately 70% of the population is Muslim, most of whom adhere to the Sunni Hanafi school. There are no statistics about Tabligh Jamaat Muslims.⁴¹⁵

Kazakhstan claims to be secular but, in actuality, the state gives preference to ‘the “traditional” Hanafi Sunni school, while Islamic practice that deviates from the mainstream is viewed with suspicion’.⁴¹⁶ This may be the reason for the

⁴¹⁴ This and other facts can be found in Zacharias Pieri, *Tablighi Jamaat* (Lapido Media), available from Amazon in paperback or Kindle at <http://amzn.to/2DO5bQp>.

⁴¹⁵ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Kazakhstan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/kazakhstan/>.

⁴¹⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2019*, 2019. https://www.uscirf.gov/sites/default/files/Tier2_KAZAKHSTAN_2019.pdf.

persecution of members of Tabligh Jamaat, a new minority religious movement in Islam founded in India in the early 20th century.

The Tabligh Jamaat movement was banned by a court in Astana in February 2013 for allegedly being ‘extremist’, although it is unclear what exactly about the movement was deemed radical. Without any evidence, authorities claimed the group was working to create a caliphate which led to the assumption that there would be an attempt at ‘a violent change to the constitutional order’ in Kazakhstan.⁴¹⁷

This decision was contradictory to the results of a study commissioned by the secret police and the then Religious Affairs Committee that found that the Tabligh Jamaat movement ‘is not an extremist or terrorist organisation’.⁴¹⁸

Between January 2015 and August 2018, approximately 72 alleged followers of Tabligh Jamaat were convicted of criminal offences for exercising their right to freedom of religion or belief. 51 of these individuals were sentenced to prison terms while the remaining 21 were sentenced to house arrest, or what is called ‘restricted freedom’.⁴¹⁹

Tabligh Jamaat Muslims in Prison in Kazakhstan

Tabligh Jamaat is considered an extremist organisation and is banned in Kazakhstan even though it does not use or advocate for violence. As a result, any activity related to Tabligh Jamaat is illegal. Most religious prisoners in Kazakhstan are Sunni Muslims accused of involvement in the movement.

Tabligh Jamaat Muslims behind bars: some statistics

As of 1 June 2020, HRWF documented **eight cases** of Tabligh Jamaat Muslims in its Prisoners’ Database.⁴²⁰ Of these cases, six arrests were made in 2017, one in 2016 and one in 2018. They were all sentenced to prison terms of three or four years. Half of them are expected to be released in the summer of 2020 and the rest in 2021.

In addition to imprisonment, persecution of this group also occurs in the form of administrative convictions, house arrests and fines. For example, on 9 July 2018,

⁴¹⁷ Corley, Felix, “KAZAKHSTAN: Religious freedom survey 2018,” Forum 18, September 4, 2018, accessed May 2020. http://www.forum18.org/archive.php?article_id=2409.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

⁴²⁰ Our Database is updated on a regular basis. For more details about imprisoned Tabligh Jamaat Muslims, see <https://hrwf.eu/prisoners-database/>.

seven Tabligh Jamaat followers received terms of ‘restricted freedom’ of between one and three years because of their missionary activities.⁴²¹

Articles of the Penal Code

Prisoners are typically charged under this article of the Kazakh Penal Code:

Article 405, Part 1 which prohibits organising activities of a social or religious association or other organisation after a court has banned this group or demanded their liquidation due to connections with extremism or terrorism. **Part 2** prohibits participation in activities of a social or religious association or other organisation after a court has banned this group or demanded their liquidation due to connections with extremism or terrorism.⁴²²

Sentences include one to four years imprisonment in either a regime labour camp or prison, with a two-year ban on practicing their religion after completion of their term.

Additionally, after sentencing, individuals convicted under Article 405 are often added to the Finance Ministry Financial Monitoring Committee List. This blacklist is for individuals who are allegedly ‘connected with the financing of terrorism or extremism’ and enables the authorities to freeze all of their bank accounts. The authorities may grant their dependent family members access to their accounts, but only in small and controlled amounts. After their release, they remain on this list for six to eight years.⁴²³

International advocacy

On 14 March 2019, the **European Parliament** adopted a resolution on human rights in Kazakhstan in which it:

Notes the multi-ethnic and multi-religious character of Kazakhstan and stresses the need for the protection of minorities and their rights, in particular with regard to the use of languages, freedom of religion or belief, non-discrimination and equal opportunities; welcomes the peaceful coexistence of different communities in Kazakhstan; urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of

⁴²¹ Corley, Felix, “KAZAKHSTAN: Restricted freedom, community service for religious meetings,” Forum 18, July 26, 2018, accessed May 2020. http://www.forum18.org/archive.php?article_id=2398.

⁴²² Corley, Felix, “KAZAKHSTAN: Religious freedom survey 2018,” Forum 18, September 4, 2018, accessed May 2020. http://www.forum18.org/archive.php?article_id=2409.

⁴²³ Ibid.

conscience and religion; demands the immediate release of persons convicted for holding a belief.⁴²⁴

In its 2020 Annual Report, the **United States Commission on International Religious Freedom (USCIRF)** devoted a section to the imprisonment of Tablighi Jamaat followers and recommended Kazakhstan for placement on the US State Department's Special Watch List (SWL) for severe violations of religious freedom.⁴²⁵

CASE STUDIES

Tablighi Jamaat member sentenced to three years in jail followed by a five-year ban from practising his religion

Abilai Bokbasarov was arrested on 13 August 2018 for holding meetings about the Tablighi Jamaat movement at an apartment in the Karaganda Region. He was charged under Article 405, Part 1. During his pre-trial detention, he pled guilty and struck a plea deal with the Balkhash Prosecutor's Office.

He was sentenced to three years of imprisonment on 9 January 2019 by the Balkhash City Court with no opportunity for appeal. In addition to this prison sentence, he has been banned from exercising his freedom of religion or belief for five years upon release. It is unclear what this entails, and it is an unusually long ban for this conviction.

Additionally, Abilai Bokbasarov has been ordered to pay a victim compensation fee of 48,100 Tenge (the equivalent of two weeks' wages for the average worker) and a fee of 1,255 Tenge (2.57 EUR) for the psychological analysis that was conducted during his pre-trial detention. Despite there being no named victims from his actions, the judge has still ordered him to pay this compensation.

Furthermore, he was added to the Finance Ministry Financial Monitoring Committee List.⁴²⁶ If his family does not have any other source of income, they are able to withdraw small, controlled amounts.⁴²⁷

⁴²⁴ European Parliament, Resolution on the human rights situation in Kazakhstan (2019/2610(RSP)), Paragraph 11. https://www.europarl.europa.eu/doceo/document/TA-8-2019-03-14_EN.html#sdocal

⁴²⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2019*, 2019. https://www.uscifr.gov/sites/default/files/Tier2_KAZAKHSTAN_2019.pdf.

⁴²⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2019*, 2019. https://www.uscifr.gov/sites/default/files/Tier2_KAZAKHSTAN_2019.pdf.

⁴²⁷ Corley, Felix, "KAZAKHSTAN: Three years' jail, five years' religion ban," Forum 18, February 14, 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2452.

Tabligh Jamaat member sentenced to four years in jail followed by a two and a half-year ban from practising his religion

Iliyan Raimzhan, an ethnic Kazakh born in China, was arrested in April 2017 after his case was initiated by the National Security Committee (NSC) secret police. Prosecutors claimed that he was a member of Tabligh Jamaat and had studied at its centres abroad, including in India, Bangladesh and elsewhere. He was charged under Article 405, Part 1 and Part 2.

On 1 August 2017, Iliyan Raiymzhan was sentenced to four years in prison by the Tekeli Court in the Almaty Region. The Judge also banned him from exercising his freedom of religion or belief for two and a half years after his prison term.

On 19 September 2017, Iliyan Raiymzhan lost his appeal. His bank accounts have all been frozen by the authorities, creating economic hardship for his wife and two young children.⁴²⁸

Six Muslims sentenced as members of Tabligh Jamaat despite pleading innocence

Six Muslim men were arrested by secret police officers in November 2016. None of the six were held in pre-trial detention, but **Abduvakhob Shakirov** and **Bakhytzhan Baimusayev** were allegedly the leaders of the group and so had to pay bail. These six men were accused of being Tabligh Jamaat Muslims, but all six insisted that they are not a part of the Tabligh Jamaat movement during the investigation and their trial.

On 4 April 2017, the Sairam District Court found all six guilty and sentenced them to prison time and bans on religious activities. Abduvakhob Shakirov and Bakhytzhan Baimusayev, as the two alleged leaders, received the longest sentences of 4 years' imprisonment in a regime labour camp, plus a 4-year ban on religious activities after their release. It is unclear what this ban entails.

Furthermore, their bank accounts have been blocked by the authorities.⁴²⁹

⁴²⁸ Corley, Felix, "KAZAKHSTAN: 24 prisoners of conscience, 6 restricted freedom sentences," Forum 18, December 18, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2529.

⁴²⁹ Corley, Felix, "KAZAKHSTAN: Eight Muslim prisoners of conscience," Forum 18, April 11, 2017, accessed June 2020. http://forum18.org/archive.php?article_id=2272, and, Corley, Felix, "KAZAKHSTAN: 18 prisoners of conscience, 11 restricted freedom sentences," Forum 18, April 18, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2469.

Reasons for the Persecution of Tabligh Jamaat Muslims in Russia

In July 2018, the US government estimated the total population of Russia to be 142.2 million. A 2015-2016 poll by the Pew Research Centre reported that 71% of the population is Orthodox Christian, while 10% identify as Muslim. There are no statistics about Tabligh Jamaat Muslims.⁴³⁰

Russia is officially a secular country with legislation around the separation of church and state but, in reality, the government ‘gives preference to Orthodox Christianity, Hanafi Islam, Judaism, and Buddhism’ and especially favours the Orthodox Church.⁴³¹

Tabligh Jamaat is a peaceful missionary organisation that adheres to fundamentalist interpretations of Islamic doctrine and refrains from participating in political struggles. Its aim is to make Muslims more pious and to propagate Islam. It does not use or advocate for violence, and it also does not call for the overthrow of the political regime in Russia. The Moscow-based Sova Centre and other human rights groups monitoring the activities of Tabligh Jamaat in Russia have never found any evidence linking Tabligh Jamaat to terrorism or acts of violence. Nevertheless, the Russian Supreme Court banned this movement in 2009 based on accusations of extremism, spreading propaganda of hatred and intentions of seizing power.⁴³²

Both foreign and Russian NGOs receiving funding from abroad are administratively identified as ‘foreign agents’ and so are new religious movements of foreign origin. Tabligh Jamaat, which originated in India, is perceived by the Russian authorities as a potential threat for the so-called ‘spiritual security’ of the country, a concept introduced by Russian President Vladimir Putin in 2000.⁴³³

On 7 May 2009, the Constitutional Court upheld the decision to consider Tabligh Jamaat an extremist organisation and prohibit it from operating on Russian territory.

⁴³⁰ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>.

⁴³¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Russia 2019*, 2019. https://www.uscirtf.gov/sites/default/files/Tier1_RUSSIA_2019.pdf.

⁴³² SOVA Center for International and Analysis, *Anti-Extremist Policies in Russia, Kazakhstan, the Kyrgyz Republic and Tajikistan. Comparative Review*, April 2020. <https://www.sova-center.ru/files/books/wg-4-2020-eng.pdf>.

⁴³³ “2000 Russian National Security Concept of the Russian Federation,” The Ministry of Foreign Affairs of the Russian Federation, January 10, 2000. https://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptICk6B6Z29/content/id/589768.

Tabligh Jamaat Muslims in Prison in Russia

Tabligh Jamaat is considered an extremist organisation and is banned in Russia even though it does not use or advocate for violence. As a result, any activity related to Tabligh Jamaat is illegal. Most religious prisoners are Sunni Muslims accused of involvement in the movement.

Tabligh Jamaat Muslims behind bars: some statistics

As of 1 June 2020, HRWF documented **18 cases** of Tabligh Jamaat Muslims in its Prisoners' Database.⁴³⁴ Of these cases, six Tabligh Jamaat followers were arrested and detained in 2020. They were awaiting trial at the time this report was written. There were nine members in prison in 2019, 12 in 2018 and nine in 2017.

It is important to note that, in addition to prison terms, the Russian government has increasingly used administrative penalties, such as fines, to repress this movement.⁴³⁵

Articles of the Penal Code

Prisoners are typically charged under this article of the Russian Penal Code:

Article 282.2, Part 1 sanctions anyone convicted of organising for an extremist organisation or recruiting for it, while **Part 2** sanctions those participating in it. This article refers to organisations already banned by the court as extremist and included on a special list published by the Ministry of Justice.

Since the Tabligh Jamaat movement has been banned as extremist, any organisation of and/or participation in any activity linked to it is illegal under Article 282.2, regardless of whether there were any harmful consequences to said activities or not. Part I is punishable by six to ten years in prison or a fine between 400,000 and 800,000 Roubles (approximately 5,125-10,255 EUR), and Part II is punishable by two to six years in prison, a fine of 300,000 to 600,000 Roubles (approximately 3,846-7,692 EUR), or one to four years of assigned labour.⁴³⁶

⁴³⁴ Our Database is updated on a regular basis. For more details about imprisoned Tabligh Jamaat Muslims, see <https://hrwf.eu/prisoners-database/>.

⁴³⁵ Bayram, Mushfig, "TAJKISTAN: Raid, torture, interrogations, fines calendars destroyed," Forum 18, February 22, 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2455.

⁴³⁶ SOVA Center for International and Analysis, *Anti-Extremist Policies in Russia, Kazakhstan, the Kyrgyz Republic and Tajikistan. Comparative Review*, April 2020. <https://www.sova-center.ru/files/books/wg-4-2020-eng.pdf>.

International advocacy

On 7 February 2019, the **UN High Commissioner for Human Rights**, Michelle Bachelet, issued this statement in a press release:

We urge the Government of Russia to revise the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of ‘extremist activity,’ and ensuring that the definition requires an element of violence or hatred.

We also call on the authorities to drop charges against and to release all those detained for exercising their rights to freedom of religion or belief, the freedom of opinion and expression, and the right to freedom of peaceful assembly and association.⁴³⁷

On 18 December 2019, the **US Department of State** again placed Russia on its Special Watch List (SWL) for engaging in or tolerating severe violations of religious freedom, as it had in 2018. Countries on this list are not sanctioned or otherwise penalised by the US as they would be when classified as a Country of Particular Concern (CPC).⁴³⁸

The **United States Commission on International Religious Freedom** (USCIRF) recommended that Russia be designated as a CPC in its 2020 annual country report due to its extreme repression of religious freedom.⁴³⁹

CASE STUDIES

Renat Suleimanov serving four years at a labour camp

When Russia occupied the Crimean Peninsula in 2014, it extended its judicial rule over that region. This means that the ban against the Tabligh Jamaat movement was applicable to residents there. **Renat Suleimanov**, who lived with his wife and three daughters in a village north of Crimea's capital Simferopol, was arrested in October 2017. He was charged with allegedly organising meetings with three other Tabligh Jamaat Muslims.

Despite a preliminary hearing on 27 September 2018, Renat Suleimanov's pre-trial detention was repeatedly extended with no official trial date. After over a

⁴³⁷ “UN Rights Chief ‘Deeply Concerned’ over Jehovah's Witness Sentencing in Russia,” United Nations, February 7, 2019, accessed May 2020. <https://news.un.org/en/story/2019/02/1032151>.

⁴³⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Russia 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Russia.pdf>.

⁴³⁹ Ibid.

year of awaiting trial, he was sentenced to four years in prison and one year under restrictions on 22 January 2019. He has appealed this sentence twice and has received rejections both times. He intends on appealing in Strasbourg at the European Court of Human Rights next.

In May 2019, Renat Suleimanov was transferred to a Russian labour camp in Kabardino-Balkariya. Since then, he has been held in a ‘punishment cell’, which is a measure that prison authorities are only permitted to use as a disciplinary action. His lawyer is awaiting justification as to why he was placed in a punishment cell.⁴⁴⁰

Eight Tablighi Jamaat Muslims sentenced to 4 – 6½ years in prison

On 22 December 2016, eight Tablighi Jamaat Muslims were arrested in Moscow: **Islambek Kamchybekov, Shakir Kozhamkulov, Kanybek Cuyunduk Uulu, Ayrat Usmanov, Gazybek Kubatov, Akhmet Dzumayev, Zufar Mustafin and Bekzod Bakirov.** They were arrested for holding meetings at an apartment during which it was alleged that “they carried out ideological indoctrination of new supporters” and studied the literature of Tablighi Jamaat’.⁴⁴¹

Zufar Mustafin and Ayrat Usmanov were initially released after the mass arrest, only to be placed in pre-trial detention on 17 January 2017. The six other men have been held in detention since the date of their arrest.

In September 2018, the Babushkinsky District Court of Moscow found all eight to be guilty under Article 282.2. Three, who were the alleged organisers of these meetings, were sentenced to six and a half years each in a penal colony: Islambek Kamchybekov, Shakir Kozhamkulov and Kanybek Cuyunduk Uulu. The remaining five received four years each in a penal colony.

All eight members of the Tablighi Jamaat movement intend on appealing this decision.⁴⁴²

⁴⁴⁰ Corley, Felix, “CRIMEA: Prisoner sent to Russia, more awaiting,” Forum 18, July 26, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2496.

⁴⁴¹ “Eight Muslims Convicted of Involvement in Tablighi Jamaat in Moscow Are Political Prisoners,” Human Rights Center MEMORIAL, December 23, 2018, accessed May 2020. https://memohrc.org/en/news_old/eight-muslims-convicted-involvement-tablighi-jamaat-moscow-are-political-prisoners.

⁴⁴² “Moscow Court Convicts 8 Members of Banned Extremist Organization Tablighi Jamaat,” RAPSİ, September 17, 2018, accessed May 2020. http://rapsinews.com/judicial_news/20180917/287702590.html, and, “Eight Muslims Convicted of Involvement in Tablighi Jamaat in Moscow Are Political Prisoners,” Human Rights Center MEMORIAL, December 23, 2018, accessed May 2020. https://memohrc.org/en/news_old/eight-muslims-convicted-involvement-tablighi-jamaat-moscow-are-political-prisoners, and,

“Московское Дело ‘Таблиги Джамаат,’” Правозащитный центр “Мемориал”, accessed June, 2020. <https://memohrc.org/ru/special-projects/moskovskoe-delo-tabligi-dzhamaat>.

Six alleged Tabligh Jamaat Muslims awaiting trial

In February 2020, six individuals were arrested under accusations of being active in the Tabligh Jamaat movement: **Aybek Mamazhunusov, Murzy Kushuev, Aybek Halmatov, Asan Uulu, Artyk Kalbaev** and **Altynbek Kozonov**. They are all citizens of the Kyrgyz Republic.

They have been charged under Article 282.2, Parts 1 and 2. At the time of writing, they were still being held in pre-trial detention, and a trial date was not yet set.⁴⁴³

Conclusions

Members of Tabligh Jamaat may be vulnerable to exploitation by militant or terrorist organisations just like any other marginalised Muslims. Unfortunately, this has led to media and government authorities banning Tabligh Jamaat entirely, portraying it solely as a potential breeding ground for extremism instead of taking into account the movement's core teachings and beliefs.

HRWF and the Sova-Centre, a Moscow-based NGO, view the ban of the religious association Tabligh Jamaat in Russia and several post-Soviet countries as well as the criminalisation of its members' activities inappropriate. This organisation promotes Islam by increased spiritual edification of its followers and has never been implicated in incitements to violence. HRWF and the Sova-Centre consider the repression of the Tabligh Jamaat members to be unjustified and counter-productive.

⁴⁴³ "Misuse of Anti-Extremism in February 2020," SOVA Center for Information and Analysis, March 24, 2020, accessed April 2020. <https://www.sova-center.ru/en/misuse/news-releases/2020/03/d42228/>.

RESOURCES

Organisations Advocating for or Monitoring FoRB

ADF International

Aid to the Church in Need

Africa, Asia, Latin America, Middle East and North Africa, Sub-Saharan Africa, Central Africa

All Party Parliamentary Group for International Freedom of Religion or Belief/ APPG

Asia News

Asia

CAP Liberté de Conscience

Christian Solidarity Worldwide UK

South Asia, East Asia, Latin America, Middle East and North Africa, Sub-Saharan Africa

End Blasphemy Laws

European Center for Law and Justice/ ECLJ

European Parliament Intergroup on Freedom of Religion or Belief

FOREF

Forum18

Azerbaijan, Belarus, Crimea, Donbas, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Transdniester, Turkey, Turkmenistan, Uzbekistan

Human Rights Without Frontiers

International Christian Concern

Intolerance and Discrimination against Christians

Islamophobia Europe

Observatoire de la Christianophobie

Observatory of Religious Freedom in Latin America

Open Doors

Strasbourg Consortium

UN Special Rapporteur on FoRB

USCIRF Annual Report

US Department of State

Resources by Country

China

ADHRRF

Bitter Winter

ChinaAid

Falun Gong

The Church of Almighty God

Uyghur Human Rights Project

World Uyghur Congress

Egypt

Egyptian Initiative for Personal Rights

France

CCIF

Iran

Baha'i International Community

Baha'i World News Service

HRANA

Inside of Iran

International Organization to Preserve Human Rights (IOPHR)

Iran Human Rights

Iran Press Watch

Mohabat News

Radio Farda

Sen's Daily

VOA News on Iran

Pakistan

British Pakistani Christian Association
National Commission for Justice & Peace/ Pakistan
Pakistan Christian Post
The Persecution of Ahmadis
Times of Ahmad

Russia

Interfax-Religion
Jehovah's Witnesses Russia
Nursi Readers
Sova Center
Stetson Russia Religion News

UK

Law & Religion UK

Ukraine

Interfax-Religion
RISU
Stetson Russia Religion News

Vietnam

The 88 Project

Religious or Belief Communities

Ahmadis

The Persecution of Ahmadis
Times of Ahmad

Anglicans

Anglican Communion News Service

Baha'is

Baha'i International Community
Baha'i World News Service

Buddhists

Tibetan Centre for Human Rights and Democracy

Christians

Aid to the Church in Need

Asia News
Baptist Press
Belarusian Christian News
Bosnewslife
British Pakistani Christian Association
ChinaAid
Christian Aggression
Christian Solidarity Worldwide UK
Christianity Today
Eglises d'Asie
Evangelical Focus
Interfax-Religion
International Christian Concern
Middle East Concern
Morning Star News
Observatoire de la Christianophobie
Open Doors USA
Orthodox Rights
Pan-Orthodoxy
Pew Forum
Pravoslavie
Prisoner Alert
Release International
RISU
Russian Orthodox Church in Strasbourg Representation
Set my People Free
The Church of Almighty God
Union of Orthodox Journalists
World Watch Monitor
Zenit

Falun Gong

Falun Gong

Hindus

Struggle for Hindu Existence

Humanists/ Atheists

Atheist Alliance International
CIERL
Council of Ex-Muslims of Britain
European Humanist Federation
Humanists International

National Secular Society

Jehovah's Witnesses

Association of Jehovah's Witnesses

Jehovah's Witnesses Russia

Jews

European Jewish Press

Jewish Telegraphic Agency

Muslims

CCIF

Freedom of Belief Initiative

Islamophobia Europe

Millet News

World Uyghur Congress

Regional Sources

Radio Free Asia

Cambodia, China, Laos, Myanmar, North Korea, Tibet, Vietnam, Uyghurs

Radio Free Europe/ Radio Liberty

Caucasus (Armenia, Azerbaijan, Georgia),

Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan),

Eastern Europe (Belarus, Ukraine)

Iran

Russia

South Asia (Afghanistan, Pakistan),

South-Eastern Europe/ Balkans (Bosnia, Bulgaria, Kosovo, Moldova,

Montenegro, North Macedonia, Romania, Serbia)

UCA News

East Asia, South Asia, South East Asia

Other Sources

Amnesty International

Berkeley Center on Religion

CESNUR

CIC Suisse

COMECE

David Alton

Ecumenical News
European Court of Human Rights
European Court of Justice
Fides News Agency
Human Rights Centre Memorial
Human Rights Watch
ICLARS
ICLRS
Observatoire des Religions et de la Laïcité
ORLIR
Rapsi News
Religion News Service
Religious Freedom and Business
Religious Freedom Institute
Strasbourg Consortium
UN Universal Periodic Review
VOA News
War Resisters International
World Evangelical Alliance
World Religions

These are resources that Human Rights Without Frontiers regularly monitors. If you know other sources about freedom of religion or belief, please write to w.fautre@hrwf.org.

Human Rights Without Frontiers

2020 FoRB & Blasphemy Prisoners Database

What is it?

Human Rights Without Frontiers has an online database of freedom of religion or belief and blasphemy prisoners.

The database contains information on over 6,000 prisoners worldwide.

Over the past years, personal and legal information has been collected about each prisoner through open source investigation, as well as through communication with religious communities. While the list of prisoners is not comprehensive, it is regularly updated as new information becomes available.

Who is included?

The database includes believers of all faiths and atheists who have been imprisoned for activities relating to:

- > Freedom to have, keep, or change their religious beliefs
- > Freedom of expression on religious issues
- > Freedom of (religious) association
- > Freedom of (religious) assembly and worship
- > Conscientious objection to military service

The database does not include people who are believers or atheists who have been arrested for non-religious activities.

How can it be used?

It is the hope of Human Rights Without Frontiers that the new database format will serve as a useful tool for policy makers, academics, and civil society organisations to identify trends in religious persecution as well as individuals who are in need of help.

Users can sort information based on fifteen search criteria, including:

Religious affiliation	# of arrests	La...
Protestants	1	A Y
Atheists	1	AB
Salafists	1	AB
Sunnis	1	AB
Sunnis	1	AB
Tablighi Jamaat	1	AB
Tablighi	1	AP

An overview of 2020

As of August 2020

6,081

total number of prisoners

18

different religious or belief affiliations appear in the prisoners database

19

countries

Countries with the highest number of FoRB & Blasphemy prisoners

China
Iran
Vietnam
Eritrea
Russia
Pakistan

**To access the database, visit our website:
www.hrwf.eu**

