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## ***FREEDOM OF EXPRESSION RELATED TO RELIGIOUS ISSUES***

**Blasphemy, defamation of a religion, insulting religious beliefs**

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## **FREEDOM OF EXPRESSION RELATED TO RELIGIOUS ISSUES**

### **Blasphemy, defamation of a religion, insulting religious beliefs**

“Charges of “blasphemy”, “defamation of a religion” and “insulting religious beliefs” must be removed from the criminal code of countries which sentence to death or send to prison persons using their freedom of expression about religious issues.”

*Human Rights Without Frontiers Int’l*

The targeted countries are **Egypt, Indonesia, Iran, Pakistan, Saudi Arabia, Tanzania, Tunisia and Turkey.**

### **EGYPT**

#### **Copts**

##### **Demyana Ebeid ABD EL NOUR**

**Birth Year/ Age:** 24

**Place of residence:** Luxor

**Date & Place of Arrest:** 8<sup>th</sup> May, 2013

**Charges:** Accused of insulting Islam and Prophet Muhammad

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70)

**Statement of the defendant:** Taught a class on the history of Egypt during the Pharaohs

**Last court decision:** 11<sup>th</sup> June 2013, condemned to pay a fine of 100,000 Egyptian Pounds (10,866 Euro).

**Date of release:** Originally ordered to be held for four days, but this was extended by 15 more days on 11<sup>th</sup> May.

**Other information:** Demiana started a hunger strike on 10<sup>th</sup> May 2013. She was released on a very high bail of 20,000 EGP (2177 Euro)

##### **Makram DIAB**

**Age:** 49

**Date of Arrest:** February 2012

**Charges:** “Insulting the prophet” and “provoking students”

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE 500 (\$70)

**Statement of the defendants:** Stating to Makram Diab, a Salafi Muslim, that Muhammad had more than four wives, which resulted in an argument

**Place of detention:** Assuit General Prison

**First court decision:** 29<sup>th</sup> February 2012, sentenced to six years in prison

**Last court decision:** On 16<sup>th</sup> March and 4<sup>th</sup> April 2012, the two appeals were rejected

**Other information:** The first sentencing lasted only 10 minutes and no defence attorney was present. The first appeal process instigated a massive riot by Muslim attorneys, who assaulted the court room.

## **Bishoy KAMEL**

**Charges:** Posting cartoons deemed defamatory to Islam and the Prophet Mohammed on Facebook, as well as insulting President Mohamed Morsi and his family

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70))

**Last court decision:** July 2012, six years in prison

## **Ayman Youssef MANSOUR**

**Age:** 22

**Charges:** “Insulting the dignity of the Islamic religion”, “promoting extremist ideas” and “inciting sectarianism”

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70))

**Statement of the defendants:** Posting on Facebook (no details provided)

**First court decision:** October 2011, sentenced to three years in prison

## **Gamal Abdu MASSOUD**

**Age:** 17

**Place of residence:** Assiut

**Charges:** Blasphemy, defaming Islam and inciting riots

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70))

**Statement of the defendants:** Posting cartoons mocking Islam and the prophet Muhammad on Facebook in December 2011 and distributing the images to other students

**First court decision:** 4<sup>th</sup> April 2012, sentenced to three years in prison

**Last court decision:** Appeal lost

**Article of the criminal/civil/administrative code or law:** Article 98(f) of the Penal Code, “Confinement for a period of not less than six months and not exceeding five years... shall be the penalty inflicted on whoever makes use of religion in propagating, either by words, in writing or in any other means, extreme ideas for the purpose of inciting strife, ridiculing or insulting a heavenly religion or a sect following it, or damaging national unity”

## **Nabil RIZK (10) and Mina FARAG (9), two minors**

**Date of arrest:** October 2012

**Charges:** Tearing up a copy of the Quran

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70))

**Place of detention:** Juvenile detention center

## **Alber SABER (Ayad)**

**Date of Arrest:** 13<sup>th</sup> September 2012

**Charges:** Blasphemy and contempt of religion

**Article of the criminal code:** Article 98 (Anyone offending religion in any form can face up to six years in prison and be fined up to LE500 (\$70))

**Statement of the defendants:** Sharing an anti-Islam film (Innocence of Muslims) on social networking sites (Facebook)

**First court decision:** Sentenced to three years in prison

**Last court decision:** 25 January, a Cairo court upheld the lower court's verdict

## INDONESIA

### Muslims (Shia)

**Andreas GUNTUR** (belonging to Amanat Keagungan Ilahi)

**Place of residence:** Pulau Punjung

**Charges:** Blasphemy

**First court decision:** 11<sup>th</sup> March 2012, sentenced to four years in prison

**Other information:** A 2009 fatwa was issued against Amanat Keagungan Ilahi by the Indonesia Council of Ulema, claiming that they rejected conventional Islamic rituals

### **Tajul MULUK**

**Place of residence:** Sampang, East Java

**Charges:** Blasphemy and "causing public anxiety"

**Statement of the defendants:** Asserting that the current version of disseminated Quran is not the original one and dissenting belief concerning the five pillars of Islam and six pillars of Islamic faith

**First court decision:** 12<sup>th</sup> July 2012, sentenced to two years in prison

**Article of the criminal/civil/administrative code or law:** Penal Code (KUHP) under Article 156a and the 1965 presidential decree against blasphemy by promoting a heretical interpretation of Islam.

### Christian

**Antonius Richmond BAWENGAN**

**Place of residence:** Jakarta

**Date of Arrest:** 26<sup>th</sup> October 2010

**Charges:** Blasphemy

**Statement of the defendants:** Distributing pamphlets that allegedly disparaged the Kaaba.

**First court decision:** 8<sup>th</sup> February 2011, sentenced to five years in prison

**Article of the criminal/civil/administrative code or law:** Penal Code (KUHP), Article 156. Paragraph (a)

## IRAN

### Zoroastrian

#### **Pouria SHAHPARI**

**Date of Arrest:** 22<sup>nd</sup> August 2011

**Charges:** Blasphemy and propaganda for Zoroastrianism

**First court decision:** Sentenced to two and a half years in prison and 74 lashes

## PAKISTAN

The 2013 Annual Report of the U.S. Commission on International Religious Freedom has released a list of 79 prisoners<sup>1</sup> arrested/sentenced for alleged activities considered blasphemous or religiously insulting. A number of them have death sentences pending or are in the process of appeal and others were sentenced to life in prison for violation of Pakistan's blasphemy laws. One Christian (Ms. Ruqiya Bibi) was acquitted of all charges.

### Protestants

#### **Asia BIBI**

**Birth Year/ Age:** 37

**Family Status:** Married with two daughters

**Place of residence:** Ittanwali

**Date & Place of Arrest:** 19<sup>th</sup> June, 2009

**Charges:** Blasphemy

**Statement of the defendant:** Spoke about her beliefs with others

**Final court decision:** November 2010, sentenced to death

**Article of the criminal/civil/administrative code or law:** Subsection C of Pakistan's 295 blasphemy law

**Other information:** No Christian in Pakistan has ever been executed under the blasphemy law.

#### **Barkat MASIH**

**Birth Year/ Age:** 56

**Place of residence:** Bahawalpur in Punjab province

**Date & Place of Arrest:** 1<sup>st</sup> October 2011

**Charges:** Blasphemy

**Place of detention:** Bahawalpur District Jail

**Final court decision:** 28<sup>th</sup> January 2013, Judge Javed Ahmed of Bahawalpur High Court upheld the appeal and acquitted Masih

**Article of the criminal/civil/administrative code or law:** Article 295 C of the Pakistan Penal Code

**Date of release:** Exact date unknown

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<sup>1</sup> See the list at <http://www.uscirf.gov/images/Appendices%20Combined.pdf>

## SAUDI ARABIA

### Muslim

**Hamza KASHGARI**

**Charges:** (informal) Apostasy and blasphemy

**Statement of the defendant:** Made comments on Twitter which were deemed insulting to the Prophet Mohammad.

**Other information:** After threats to his life he fled in February 2012 to Malaysia. After a few days, Malaysian authorities deported him back to Saudi Arabia. Saudi Arabia's highest official clerics have declared Kashgari guilty of apostasy based on his now-deleted tweets and called for him to be put to death. He remains in detention in Jeddah awaiting formal charges and a trial.

## TANZANIA

### Christian

**Eva ABDALLAH**

**Birth Year/ Age:** 18

**Charges:** Urinating on a Koran, blasphemy

**Statement of the defendant:** Changed her religion from Islam to Christianity

**First court decision:** 23<sup>rd</sup> July 2012, sentenced to two years imprisonment

**Final court decision:** 9<sup>th</sup> January, 2013, the High Court of Tanzania ruled that Eva was not guilty

**Other information:** She has since been released although an exact date is unknown

Source: Prisoner Alert

## TUNISIA

### Muslim

**Jabeur MEJRI**

**Date & Place of Arrest:** 5<sup>th</sup> March 2012

**Charges:** Blasphemy

**Statement of the defendant:** Published caricatures of the Prophet Mohammed wrote a book expressing his views on Islam and drew a pig sleeping on the Kaaba

**First court decision:** 15<sup>th</sup> March 2012, primary court in Mahdia sentenced to seven and a half years in prison, and a fine of 1200 Tunisian Dinars (≈USD \$800)

**Last court decision:** 25<sup>th</sup> April 2013, Court of Cassation upheld his sentence

**Article of the criminal/civil/administrative code or law:** Article 121 (3) and 226 of Penal Code

**Other information:** Mejri has lost all appeals. Ghazi Beji was also tried in absentia and received the same sentence. Beji wrote a book called "the Illusion of Islam", discussing his views about Islam and religion. Mejri also wrote a book "Dark Land", where he "cursed the government, Islamists, and expressed his hatred towards Arabs" (Source: PEN Canada)

## TURKEY

**Sevan NIŞANYAN**

**Charges:** Publicly insulting the religious beliefs of a part of the population

**Statement of the defendant:** He had written on his blog: “Mocking an Arab leader who centuries ago claimed to have contacted God and made political, financial, and sexual benefits out of this is not a crime of hatred. It is an almost kindergarten-level case of what we call freedom of expression.”

**First court decision:** Decision of the Istanbul Court on 22 May 2013, 13 months in prison

## CONCLUSIONS

On 24 June 2013, the Council of the European Union adopted the Guidelines on the Promotion and Protection of Freedom of Religion or Belief and said the EU will

- recall at all appropriate occasions that laws that criminalize blasphemy restrict expression concerning religious or other beliefs; that they are often applied so as to persecute, mistreat, or intimidate persons belonging to religious or other minorities, and that they can have a serious inhibiting effect on freedom of expression and on freedom of religion or belief; and recommend the decriminalisation of such offences.
- forcefully advocate against the use of the death penalty, physical punishment, or deprivation of liberty as penalties for blasphemy.

HRWF Int’l director, Willy Fautré, said: “Throughout 2013, HRWF will use this list of ‘blasphemy prisoners’ in its contributions to the EU Human Rights Dialogues with the concerned countries. “

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