



General Assembly

Distr.: General
XX February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Arbitrary Detention of Individuals on the Basis of Faith: Cases from Algeria, Iran, Nepal, Pakistan

Jubilee Campaign would like to raise to the Council's attention the numerous cases around the world in which faith minorities and religious converts are detained for 'crimes' of blasphemy on exaggerated allegations, or in which they are imprisoned on the basis of their belief or religious activities.

Algeria

Hamid Soudad – In January 2021, Algerian authorities arrested Christian man Hamid Soudad for an allegedly blasphemous Facebook post depicting a cartoon of Muhammad that he had shared in 2018. Soudad was detained and questioned for just a few hours, but he was re-summoned to the police station the following day, at which point he was charged with “insulting the Prophet of Islam” and sentenced to five years’ imprisonment under Penal Code article 144-2. In March 2021, Oran City Court rejected Soudad’s appeal and upheld the maximum prison sentence. Soudad’s attorney Farid Khemisti believes that his client had been targeted for his Christian identity. The harsh penalty imposed upon Soudad deviates from the precedent in Algeria by which authorities apply milder sentences to individuals for sharing allegedly blasphemous posts in comparison to the individuals who originally created said posts. Moreover, the penalty is disproportionate to the perceived harm incurred; the five-year maximum prison sentence for sharing an allegedly blasphemous social media post is the same as the minimum sentence for serious crimes such as selling, distributing, or storing bladed weapons.

Rachid Seighir – In June 2021, Algerian officials arbitrarily closed down Oratoire Church located in Oran City and detained the pastor Rachid Seighir. With access to neither legal counsel nor a fair trial, Seighir was charged with “distributing publications or any other propaganda undermining the faith of a Muslim” and was sentenced to two years in prison and a fine. On appeal, Pastor Seighir was granted a commuted sentence of one year imprisonment and a reduced fine. In September 2021, Pastor Seighir sought to appeal his sentence once again hoping for a complete acquittal, but his suspended sentence was upheld by a regional court of appeals.

Suleiman Bouhafis – In August 2021, Algerian Christian refugee Suleiman Bouhafis was abducted from his home in Tunisia and reappeared days later in the capital Algeria. Bouhafis was originally detained in 2016 in Algeria for “harming the image of the Prophet” and “offending Islam” regarding some Facebook posts critical of Islam, and he was sentenced to three years in prison without having access to a lawyer or trial. Bouhafis received a presidential pardon in 2018, at which point he was released from prison and fled to adjacent Tunisia to escape persecution and the possibility of being re-detained. His neighbors in Tunisia noted that in August, plainclothes police forcibly removed Bouhafis and placed him in a van; it is believed that Algerian and Tunisian authorities cooperated to repatriate Bouhafis to Algeria despite the 1951 Convention Relating to the Status of Refugees which prohibits refoulement. Bouhafis is facing new charges of blasphemy in Algeria.

Iran

Mahrokh Ghanbari – In December 2018, Iranian intelligence authorities ambushed the home of then-65-year-old Christian woman Mahrokh Rokhsareh Ghanbari, confiscating her Bible and other religious materials. The following month, Ghanbari was summoned before a prosecutor under charges of “acting against national security”; by July, she was formally sentenced for “propaganda against the system”. In October 2019, Ghanbari presented herself at Shahid Kachooei Prison to start her

one year prison term and expressed in a video messages that she was being targeted “for the crime of believing in Jesus Christ.” In March 2020, in a positive turn of events, Ghanbari was temporarily released from prison in a move to reduce the population of Iranian detention centers and stymie the spread of COVID-19; in April, authorities informed Ghanbari that she was not required to return to prison. However, in January 2022, she was summoned to Karaj Revolutionary Court and is now facing the same set of charges of propaganda against the regime.

Nepal

Keshav Acharya – In March 2020, Pastor Keshav Acharya received a call from a local man requesting to visit the pastor’s home and pray together for his ill wife’s health. When Pastor Keshav opened the door, however, he was met with police officers who detained him for a video circulating that showed Pastor Keshav encouraging his congregation to pray together for an end to the COVID-19 pandemic. Authorities alleged that Pastor Keshav had provided false information about the disease by claiming that Jesus can stop the pandemic; however, in the video, while Pastor Keshav prayed for healing upon the ill, he did not discourage his congregants from seeking necessary medical treatment. After two weeks, authorities released Keshav on bail but promptly re-arrested him on new charges of allegedly using prayers against COVID-19 as a means “to convert people” to Christianity. While Pastor Keshav is an evangelist and has baptized Christian converts on request, he has never engaged in any fraudulent or coerced faith conversions. In November 2021, Pastor Keshav was found guilty of his charges and was transferred to prison to carry out his two year sentence. He has since been granted bail in December 2021, pending appeal at the High Court Jumla, but at least two other district courts are also waiting to hear charges against Pastor Keshav.

Pakistan

Nadeem Samson – In late 2017, Christian man Nadeem Samson was arrested after two men had falsely accused him of posting blasphemous remarks on his personal Facebook account. It was later revealed that the accusers had previously had a property dispute with Samson and conspired to fabricate charges against Samson in an act of vengeance. During pre-trial detention, Samson was physically beaten to extract a false confession; in June 2021, his bail request was denied, and in December his appeal hearing was postponed multiple times. In early January 2022, Jubilee Campaign learned from Samson’s lawyer Saif-ul Malook that Samson’s bail request has finally been granted; however, he explained that the possibility of an acquittal of charges is “a different story”.

Stephan Masih – In early 2019, Christian convert Stephan Masih made some verbally abusive remarks to a Muslim neighbor woman when she became involved in his family’s argument. The woman’s husband, a Muslim cleric, later visited Masih’s home where he physically attacked Masih and accused him of committing blasphemy. The following day, the Muslim cleric returned to Masih’s home, this time with a mob of individuals who began to beat Masih. When the local Punjab police arrived, however, they did not arrest the assailants but instead detained Masih for alleged blasphemy. Masih’s family has taken up the task of advocating for Masih’s acquittal as he is mentally disabled. In March 2020 a medical examination board was convened to review Masih’s condition but they withheld the results until July 2021, when they finally released their findings after receiving pressure from Masih’s lawyers; it was revealed that Masih suffered from Bipolar Affective Disorder that impairs his “judgement, behavior and the ability to think clearly”. Despite his condition, authorities have refused to release Masih, and he remains detained without access to treatment for his illness. The Lahore High Court in January 2022 ordered a new decision to be made by the sessions court regarding bail for Masih. A new bail application was submitted in January 2022.

Zafar Bhatti – In 2012, a local Muslim leader in Rawalpindi visited the police and filed a complaint claiming that he had been receiving blasphemous text messages from an unregistered phone number. Pakistani authorities arrested Christian man Zafar Bhatti despite that he had zero visible connection to the crime and charged him with blasphemy. Bhatti spent five years in pre-trial detention, during which he was repeatedly physically assaulted in attempts to extract a confession of guilt. During his trial which finally took place in 2017, Bhatti was sentenced to life in prison; his appeal hearing had been postponed for a total of 28 times between December 2018 and October 2021. In December, British Asian Christian Association (BACA) revealed that the Rawalpindi Sessions Court judge had heard the arguments for Bhatti's acquittal, including lack of evidence and witnesses. Regrettably, in early January 2022, Judge Sahibzada Naqeeb Shehzad sentenced Bhatti to death for blasphemy. Bhatti's wife is inconsolable, and his legal advocates have condemned the sentencing, explaining how absurd it is that a man should be sentenced to death for a non-violent "crime" without evidence while violent criminals are released from prison on financial bribes.

Recommendations

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Urge the governments of Algeria, Iran, Nepal, and Pakistan to cease the practice of arbitrarily detaining religious minorities.
2. Urge the governments of Algeria, Iran, Nepal, and Pakistan to release immediately and unconditionally religious prisoners of conscience.
3. Urge the governments of Algeria, Iran, Nepal, and Pakistan to abolish laws criminalizing apostasy and blasphemy, as they are used to fabricate charges against and detain faith minorities, and as they are inconsistent with their human rights commitments.
