



Jubilee Campaign Submission to the United Nations Secretary-General

Regarding his report on a moratorium on the use of the death penalty

THE DEATH PENALTY FOR APOSTASY & BLASPHEMY

I. The Death Penalty: Consensus, Progress, and Setbacks

Numerous human rights organizations have observed an expanding global support for abolishing the death penalty, such that in 2019 the number of corroborated executions was at its lowest in the past decade,¹ and that the number of Human Rights Council member states who have signed onto the moratorium of the death penalty has increased each year since 2007.² By 10 October 2021, the World Day Against the Death Penalty, over two-thirds (67%) of the world's nations have abolished capital punishment *in practice*. 108 countries have *legally* eliminated the death penalty in all instances, 28 have eliminated the penalty *in effect* by refraining from imposing it; regrettably, however, 55 countries still maintain the death penalty for "ordinary crimes".³

Despite numerous progresses made as regards abolition of capital punishment, there have been a few notable setbacks in recent years. In December 2021, after having recently hosted the 2020 Summer Olympics in Tokyo and the United Nations Congress on Criminal Justice in 2021, Japan executed three defendants.⁴ In early April 2022, Saudi Arabia carried out its largest mass execution in recent years, of 81 male defendants, for a wide range of crimes including murder, armed robbery, smuggling, "terrorism", "disrupting the social fabric and national cohesion", "participating in and inciting sit-ins and protests", and more. 41 of the executed men were of the largely persecuted Shi'a Muslim minority, and at least two were executed for their involvement in "anti-government protests".⁵

¹ Amnesty International, "[UN: Opposition to the death penalty continues to grow](#)", 16 December 2020.

² World Coalition Against the Death Penalty, "[Helping the World Achieve a Moratorium on Executions](#)", 20 October 2020.

³ Mohammed Hussein, "[Infographic: Which countries still have the death penalty?](#)", *Al Jazeera*, 10 October 2021.

⁴ Center for Prisoner Rights and Japan Innocence and Death Penalty Information Center, "[Protest Against Executions Ordered by Minister of Justice Yoshihisa Furukawa](#)", *World Coalition Against the Death Penalty*, 21 December 2021.

⁵ Amnesty International, "[Saudi Arabia: Mass execution of 81 men shows urgent need to abolish the death penalty](#)", 15 March 2022.

II. Death Penalty for Apostasy & Blasphemy

International attitude regarding the death penalty has increasingly centered on the consensus that it should not be applied as a punishment to crimes that are non-violent and/or victimless, as the sentence is unethically disproportionate to the crime. Led by Australia in March 2021, more than fifty nations signed onto a joint statement calling on “states where the death penalty remains an available punishment for blasphemy and apostasy to remove the possibility of that penalty being imposed or carried out, both in practice and in law” and to “release individuals currently on death row or otherwise imprisoned for these offences”.⁶

Currently, there are seven nations that maintain the death penalty for apostasy only: Malaysia, Maldives, Qatar, Somalia, United Arab Emirates, and Yemen. Additionally, there are seven countries which maintain the death penalty for both apostasy and blasphemy: Afghanistan, Brunei, Iran, Mauritania, Nigeria, Pakistan, and Saudi Arabia. The most recent removal from the list of nations that prescribe the capital punishment for apostasy is Sudan, whose civilian-led transitional government ratified the Miscellaneous Amendments Act in July 2020 which included provisions eliminating the crime of apostasy.⁷

It is important to note that in many of the nations in which the death penalty is prescribed for apostasy and blasphemy, while this sentence is handed out and prisoners are placed on death row, the execution is rarely, if ever, carried out. However, individuals who receive such a sentence are left to languish on death row for years and even decades on end.

It has been observed and pointed out by scholars and human rights activists alike that in nearly half (32) of the 71 nations that criminalize blasphemy, the majority religion is Islam. Half of the world's 49 Muslim-majority nations similarly criminalize apostasy; moreover, all nations with apostasy laws on the book are majority Muslim, except for India and Nigeria. Perhaps the most important fact to note, however, is that in 13 of the 14 nations that maintain the death penalty for apostasy and blasphemy, the national constitutions designate Islam as the official religion, and the vast majority of civilians identify as Muslims. The only exception is Nigeria, where despite being constitutionally secular and having a religious demography split relatively equally between Muslim and Christian citizens, some states maintain the death penalty for apostasy and blasphemy.⁸

Jubilee Campaign is currently monitoring a handful of current cases in which individuals of faith have been handed the death penalty for apostasy and blasphemy. In Nigeria, 22-year-old Islamic gospel singer Yahaya Sharif-Aminu was sentenced to death for blasphemy in March 2020 after audio recordings were released in which Sharif-Aminu “praised an imam from the Tijaniya Muslim brotherhood (Ibrahim Niasse) to the extent it elevated him above the Prophet Muhammed.”⁹ Upon appeal, a Kano State court ordered a retrial in the same Shariah court that originally sentenced

⁶ Australian Government Department of Foreign Affairs and Trade, [Joint statement led by Australia on the death penalty as a punishment for blasphemy and apostasy, 9 March 2021](#), 9 March 2021.

* Signatories: Albania, Andorra, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States

⁷ Humanists UK, [“Success! Sudan abolishes death penalty for apostasy”](#), 14 July 2020.

⁸ Ahmet T. Kuru, [“Execution for a Facebook post? Why blasphemy is a capital offense in some Muslim countries”](#), *The Conversation*, 20 February 2020. ; United States Department of State, [Custom Report Excerpts: Afghanistan, Brunei, Iran, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, Yemen](#), 12 May 2021.

⁹ USCIRF, [Yahaya Sharif-Aminu](#).

Sharif-Aminu; the defendant remains charged and detained. In Pakistan, numerous individuals remain on death row after being sentenced to death for blasphemy, including Zafar Bhatti, Salma Tanveer, Aneeqa Ateeq, Junaid Hafiz, and Asif Pervaiz, among many others. In Iran in April 2021, it was reported that two individuals were sentenced to death on charges of blasphemy, though the only information revealed is that one of the defendants faces additional charges for creating a messaging group in which he “insulted the founder of the Islamic Republic”.¹⁰

It is also of great concern to us that many individuals on death row for apostasy and blasphemy in numerous nations are subjected to mistreatment and denial of human rights. Zafar Bhatti spent five years in pre-trial detention during which he was physically assaulted in attempts to extract a coerced confession and force him to renounce his faith and convert to Islam.; he also suffered three heart attacks in detention.¹¹ Pakistani Christian woman Asia Bibi who spent seven years on death row for blasphemy before being acquitted and released in 2018 revealed that she was outfitted with neck restraints chained to a security guard in prison.¹² Another Pakistani Christian sentenced to death for blasphemy, Shafqat Emmanuel – already paralyzed since 2004 – was physically tortured to extract a false confession in order to protect his wife Shagufta Kausar who faced the same penalty.¹³

III. Recommendations

The United Nations General Assembly Resolution on a Moratorium on the use of the death penalty does briefly note that “...persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty...”¹⁴ We recommend that more specific language be inserted into the resolution regarding the need to eliminate the death penalty for non-violent ‘crimes’ such as apostasy and blasphemy. Such language could be modeled after the following underlined additions to the pre-existing moratorium:

4. “Also welcomes the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, including the removal of the death penalty for apostasy in Sudan, as well as steps taken to limit its application, including by commuting death sentences;”

7. *Calls upon* all States:

(addition) “To ensure that the death penalty is never imposed as a sanction for exercising a fundamental freedom, including the right to adopt or leave a religion or belief and the right to practice or express a new religion or belief.”

(addition) “To ensure that the death penalty is never imposed as a sanction for apostasy and blasphemy.”

(addition) “Calls upon States that have not yet done so to repeal the death penalty as a sanction for apostasy and blasphemy;

¹⁰ End Blasphemy Laws, [“Iran: two men sentenced to death for ‘blasphemy’](#)”, 4 May 2021.

¹¹ Church in Chains, [Zafar Bhatti](#), 11 March 2022.

¹² BBC, [“Asia Bibi: I always believed I would be freed”](#), 28 February 2020.

¹³ Church in Chains, [Shagufta & Shafqat](#), 2 September 2021.

¹⁴ United Nations General Assembly, [Moratorium on the use of the death penalty](#), A/RES/75/183, 28 December 2020.