



Jubilee Campaign Submission to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions

Regarding his Call for Input on the imposition of the death penalty and its impact

THE DEATH PENALTY FOR APOSTASY & BLASPHEMY

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

In February 2021 during the Human Rights Council's Biennial High-Level Panel Discussion on the Question of the Death Penalty, numerous reputable human rights experts asserted their [rejection] of the imposition of the death penalty. United Nations High Commissioner for Human Rights, Michelle Bachelet, stated that "there [is] no evidence that the death penalty deterred crime more effectively than any other punishment".¹ University of Oxford Professor of Criminology Carolyn Hoyle noted that "an analysis of hundreds of deterrence studies in the United States and Europe had found that while deterrent effects could be found in relation to minor crimes, there were no such effects on murder for any punishment, including execution". Christopher Arif Bulkan, a member of the United Nations Human Rights Committee, noted that the death penalty is akin to a "tool of slavery".

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,² 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 2007.³ In March 2022, Kazakhstan formally ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, after having previously signed it in late September 2020.⁴ In January 2022, after both the Prime Minister and Minister of Justice have verbally expressed commitment to eliminate capital punishment, Papua New Guinea's National Parliament passed a bill repealing the death penalty; the sentence had previously been

¹ United Nations Office of the High Commissioner for Human Rights, "[Human Rights Council Holds Biennial High-Level Panel Discussion on the Question of the Death Penalty](#)", 23 February 2021.

² Amnesty International, "[UN: Opposition to the death penalty continues to grow](#)", 16 December 2020.

³ World Coalition Against the Death Penalty, "[Helping the World Achieve a Moratorium on Executions](#)", 20 October 2020.

⁴ Zhanna Shayakhmetova, "[Kazakhstan Joins Second Optional Protocol to ICCPR Aiming at Abolishing Death Penalty](#)", *The Astana Times*, 25 September 2020. ; Aurélie Plaçais, "[Kazakhstan Ratifies the Second Optional Protocol to the ICCPR](#)", *World Coalition Against the Death Penalty*, 1 April 2022.

abolished in 1970 and reinstated in 1991, though the last execution took place in 1954.⁵ 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”.⁶

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.⁷ 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”.⁸

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”.⁹

In his annual report on the question of the death penalty in August 2020, the United Nations Secretary-General himself asserted his stance that capital punishment “should especially not be imposed as a sanction for forms of non-violent conduct such as apostasy, blasphemy, adultery and consensual same-sex relations”.¹⁰ He further expounded on this assertion in September 2021, stressing that he “opposes the use of the death penalty in *all* circumstances” and urges state actors to “adopt a moratorium on the carrying out of the death penalty”.¹¹

Currently, there are six 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,

⁵ Aurélie Plaçais, [“Papua New Guinea: one step away from full abolition of the death penalty”](#), *World Coalition Against the Death Penalty*, 21 January 2022.

⁶ Mohammed Hussein, [“Infographic: Which countries still have the death penalty?”](#), *Al Jazeera*, 10 October 2021.

⁷ 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.

⁸ Amnesty International, [“Saudi Arabia: Mass execution of 81 men shows urgent need to abolish the death penalty”](#), 15 March 2022.

⁹ 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

¹⁰ United Nations General Assembly Human Rights Council, [Question of the death penalty: Report of the Secretary-General](#), A/HRC/45/20, 13 August 2020.

¹¹ United Nations Secretary-General, [Secretary-General Strongly Condemns Executions in Yemen, Questioning Houthi Movement’s Adherence to Due Process Standards under International Law](#), SG/SM/20914, 20 September 2021.

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.¹²

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 12 of the 13 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, specifically blasphemy to Islam.¹³ In two of the 13 nations prescribing the capital punishment for apostasy and blasphemy, Mauritania and Maldives, constitutionally require all citizens to identify as Muslim and therefore their census data indicates as such, regardless of whether there exist communities of secret religious minority converts.¹⁴

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 Niase) to the extent it elevated him above the Prophet Muhammed."¹⁵ Upon appeal, a Kano State court ordered a retrial in the same Shariah court that originally sentenced 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".¹⁶

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

¹² Humanists UK, "[Success! Sudan abolishes death penalty for apostasy](#)", 14 July 2020.

¹³ 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.

¹⁴ 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.

¹⁵ USCIRF, [Yahaya Sharif-Aminu](#).

¹⁶ End Blasphemy Laws, "[Iran: two men sentenced to death for 'blasphemy'](#)", 4 May 2021.

three heart attacks in detention.¹⁷ 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.¹⁸ 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.¹⁹

Finally, it is no coincidence that nations whose legislations stipulate the death penalty for “religious offences” such as apostasy and blasphemy exhibit numerous instances of extrajudicial killings of faith minorities and perceived religious offenders. As such, it is our observation – and the consensus of many human rights and religious freedom activists – that such legislative frameworks embolden state and non-state actors to commit such extrajudicial killings in the belief that they are taking the enforcement of legally-stipulated punishments into their own hands.²⁰ In Pakistan, numerous faith minorities have been killed in relation to accusations of blasphemy levied against them or simply their religious identity: Tahir Ahmad Naseem, who was shot and killed in a court room [2020]²¹; Dr. Naemuddin Khattak, who was killed by a colleague with whom he engaged in a religious debate [2020]²²; Muhammad Waqas, who has been previously charged and then acquitted of blasphemy [2021]²³; Sri Lankan national Priyantha Diyawadana, who was killed and set on fire by a mob after rumors spread that he had removed posters with Qur’anic texts from his factory walls [2021]²⁴; mentally disabled Mushtaq Ahmed, who was lynched after rumors spread that he had burned a Qur’an [2022]²⁵; and teacher Safoora Bibi who was killed by a colleague and two female students, one of which dreamt that the Prophet told her to kill Bibi as she had blasphemed. [2022]²⁶ In Iraq, 20-year-old Christian convert woman Maria Iman Sami Maghdid was murdered by her uncle and brother days after she posted a video on social media website TikTok in which she declared her newfound faith by singing Christian songs. [2022]²⁷ In Yemen, the Muslim Brotherhood arrested and charged Bashir Al-Bakari with apostasy and evangelism, and it is suspected he may face execution. [2021]²⁸ In Somalia, an al-Shabaab militant court sentenced to death for blasphemy and subsequently executed 83-year-old Hassan Tohow Fidow. [2021]²⁹ In Nigeria, mentally ill water vendor Talle Mai Ruwa was stoned to death after allegedly insulted the Prophet. [2021]³⁰

III. Recommendations

¹⁷ Church in Chains, [Zafar Bhatti](#), 11 March 2022.

¹⁸ BBC, [“Asia Bibi: I always believed I would be freed”](#), 28 February 2020.

¹⁹ Church in Chains, [Shagufta & Shafqat](#), 2 September 2021.

²⁰ Christopher Alexander, Mai Sato, Nadirsyah Hosen, & James McLaren, [Killing in the Name of God: State-sanctioned Violations of Religious Freedom](#), Erios Justice & Monash University, October 2021.

²¹ Emma Graham-Harrison, [“He was such a kind soul’: daughter’s fight for US man killed at Pakistan blasphemy trial”](#), *The Guardian*, 30 August 2020.

²² Dawn, [“Professor belonging to Ahmadi community shot dead in Peshawar allegedly after religious argument”](#), 5 October 2020.

²³ David Averre, [“Man cleared of committing blasphemy in Pakistan is hacked to death ‘by policeman who refused to believe he was innocent’”](#), *Daily Mail*, 3 July 2021.

²⁴ Mubasher Bukhari & Asif Shahzad, [“Lynching of Sri Lankan manager by Pakistani mob was anti-Islam, court says”](#), *Reuters*, 19 April 2022.

²⁵ Ayaz Gul, [“Mob Kills Alleged Blasphemer in Pakistan”](#), *Voice of America*, 13 February 2022.

²⁶ Al Jazeera, [“Pakistani teacher killed for alleged blasphemy: Police”](#), 30 March 2022.

²⁷ Asia News, [“Maria, 20, killed in Erbil by relatives for converting to Christianity”](#), 9 March 2022.

²⁸ Voice of the Martyrs, [“YEMEN: Man Accused of Blasphemy Faces Death”](#), 9 March 2021.

²⁹ Horn Observer, [“Al-Shabaab executes old Man for alleged Blasphemy”](#), 5 August 2021.

³⁰ Oplndia, [“Nigeria: Man stoned to death, set ablaze in front of police by radical Islamist mob on charges of blasphemy”](#), 4 April 2021.

The United Nations General Assembly Resolution on Extrajudicial, summary or arbitrary executions does briefly urge nations to “ensure the effective protection to the right to life of all persons, to conduct, when required by obligations under international law, prompt, exhaustive and impartial investigations into all killings, including those targeted at specific groups of persons, such as [...] killings of persons belonging to national or ethnic, religious and linguistic minorities”.³¹ We recommend that more specific language be inserted into the resolution regarding the need to eliminate the death penalty – and extrajudicial killings committed by both state and non-state actors – for non-violent ‘crimes’ such as apostasy and blasphemy. Such language could be modeled after the following underlined additions to the pre-existing resolution on extrajudicial killings:

Deeply concerned about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to peaceful assembly, freedom of expression, and freedom of religion or belief, and against human rights defenders in all regions of the world,

(addition) Recognizes that the retention of the death penalty for non-violent conduct such as apostasy or blasphemy emboldens state and non-state actors to perpetrate extrajudicial killings against individuals who change religions or express certain religious beliefs.

(addition) Affirms that under no circumstances can the death penalty ever be applied as sanction against non-violent conduct, such as apostasy or blasphemy.

(addition) Encourages States to adopt the guidance provided by the Beirut Declaration on Faith for Rights and its 18 commitments to mobilize faith-based actors to promote the human rights framework and combat violence towards individuals on the grounds of their choice or expression of religion or belief.

(addition) Emphasizes that, to prevent extrajudicial, summary or arbitrary executions, motivated by religion, States should take effective measures to repeal laws which provide for the death penalty for religious offence and which criminalize conversion and expression of religion or belief; (A/HRC/40/58)

(addition) Welcomes the call of the Special Rapporteur for research and advocacy on the death penalty to focus on how existing capital offences such as apostasy and blasphemy laws target specific minorities.

³¹ United Nations General Assembly, [Resolution adopted by the General Assembly on 16 December 2020: Extrajudicial, summary or arbitrary executions](#), A/RES/75/189, 28 December 2020.