



# General Assembly

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## Human Rights Council

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Agenda item 10

### Technical assistance and capacity-building

## **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.

[22 August 2023]

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\*Issued as received, in the language of submission only.

## The Precarious Situation of Christian Converts in Somalia

### Item 10: Interactive Dialogue with the Independent Expert on the situation of human rights in Somalia

Jubilee Campaign would like to raise to the Council's attention the concerning trend in which Christian converts in Somalia are victims of persecution, arrest and imprisonment, and violence committed by non-state actors.

#### Legal Background: Blasphemy & Apostasy Laws

Somalia is one of twelve nations which impose the death penalty for individuals convicted of apostasy and/or blasphemy. The 2012 Constitution of Somalia in Article 2 asserts that "Islam is the religion of the State"; that "No religion other than Islam can be propagated in the country"; and that "No law which is not compliant with the general principles of Shari'ah can be enacted".<sup>1</sup> Article 313 of Part IV of the 1962 Penal Code of Somalia stipulates a two-year prison term for any individual who "publicly brings the religion of Islam [1 Const.] into contempt" and any individual who "publicly insults the religion of Islam [1 Const.] by bringing into contempt persons professing it or places or objects dedicated to worship".<sup>2</sup> According to these constitutional provisions, Somalia explicitly criminalizes remarks and acts perceived as blasphemous; the nation's proscription of apostasy - renunciation of a religion, in this case Islam - is more indirect. The constitution prohibits "propagation" of faiths other than Islam but does not specifically outlaw apostasy; however, it recognizes the preeminence of Sharia law which does unequivocally identify apostasy and conversion away from Islam as crimes punishable by death.<sup>3</sup>

It is worth noting that within Somalia are several "self-declared independent jurisdictions (though not internationally recognised as such)" which operate according to their own penal codes and governance, including Somaliland, Puntland, Galmadug, Hirshabelle, Jubaland, and South West. These autonomous regions, however, do similarly model their legislations after Sharia jurisprudence and therefore criminalize apostasy and religious conversion.<sup>4</sup>

#### Blasphemy and Apostasy Laws as a Tool to Oppress and Imprison Faith and Belief Minorities

In May 2022, Somaliland authorities on separate dates arrested two Christian convert women, 21-year-old Hanna Abdirahman Abdimalik and 27-year-old Hoodo Abdi Abdillahi. Hanna's 'crimes', in addition to her religious conversion, included "sharing her faith through a Christian Facebook group". The charges filed against Hanna in June 2022 include "crimes against the religion of the state", and she was sentenced to five years' imprisonment in Hargeisa where she has been prohibited from observing her faith. Less is known about Hoodo's case except that she was sentenced to seven years' imprisonment and has been detained since October 2022 in Gabiley.<sup>5</sup>

In January 2021, Somaliland authorities arrested four Christian converts, including married couple Mohamed and Hamdi, their newborn baby, and an Ethiopian woman named Aster. The day after their initial detention, their homes were searched and any religious items were confiscated for investigation, and another Christian woman who resided with the couple was arrested. Three months later in April, Mohamed and Hamdi were charged with "offenses against the state religion" (blasphemy), apostasy, proselytism/evangelism, and

<sup>1</sup> Constitute Project, *Somalia's Constitution of 2012*.

<sup>2</sup> *Somalia: Penal Code*, 3 April 1964.

<sup>3</sup> Humanists International, *The Freedom of Thought Report: Somalia*, 28 August 2020. ; Lionel Beehner, "Religious Conversion and Sharia Law", *Council on Foreign Relations*, 6 June 2007.

<sup>4</sup> Christopher Alexander, Mai Sato, Nadirsyah Hosen, & James McLaren, *Killing in the Name of God: State-Sanctioned Violations of Religious Freedom*, Elios Justice & Monash University, 2021.

<sup>5</sup> *Ibid.*

“inciting others to disobey laws relating to public order”. There were no updates regarding what charges await Aster and the other detained Somali Christian woman.<sup>6</sup>

In October 2020, a group of 13 Muslim boys in Dhobley physically assaulted the seven-year-old son of an unnamed Christian convert who had for years been experiencing persecution and castigation for his acceptance of Christianity in 2012 which caused him to have to relocate his entire family - a wife and five children - multiple times between locations in Somalia and Kenya. The father of the attacked boy stated: “it is not possible to get justice in this part of Somalia where almost everyone is a Muslim. We are being hunted down like wild animals because of putting our faith in Issa [Jesus].”<sup>7</sup>

Since March 2020, former professor of humanities and social sciences at the University of Hargeisa, Mahmoud Jama Ahmad, has been living in exile with his family in an undisclosed third country after being imprisoned and persecuted for his publication of a book on freedom and for his Facebook activity critiquing Islam in early 2019. After spending about a month in pre-trial detention during which he was interrogated and threatened with violence and death if he did not return to Islam, Ahmad was sentenced to two years’ imprisonment in April 2019 for blasphemy, though he was released approximately ten months into his prison term on presidential pardon. Ahmad was forced to escape Somalia after a local Islamic threatened him with death as “an apostate must be killed”.<sup>8</sup>

In August 2019, the Muslim husband of an unnamed Christian convert woman beat her in front of the couple’s two young children before commenting ‘talaq’, which nullifies marriages. The woman also explained that her husband “gave me a stern warning that I should not come close to the children, and that if I do, he will take the Bible to the Islamic court and I will be killed by stoning for becoming an apostate”. She additionally reported being subjected to violence at the hands of her brothers, including physical assault and forced starvation.<sup>9</sup>

### **Militant Violence: Al-Shabaab**

Somalia, due to widespread political instability, is the base of the dangerously proliferous Salafi-jihadist militant group Al-Shabaab which originally started in the early 2000s. To this day, al-Shabaab commits acts of terror against nationals and foreigners who do not ascribe to their Islamist nationalist cause and alternatively align with other religious identities - including primarily Christianity - and western values. They have also expanded their heinous activities to neighboring Ethiopia and Kenya.<sup>10</sup>

Domestically, the vast majority of Al-Shabaab terrorist activity is targeted at state actors and entities, including, but not limited to: military barracks, peacekeepers, government buildings, ministers and other high-level officials, polling locations, diplomatic missions, police checkpoints, and the presidential palace. Militants have also historically targeted civilian businesses and infrastructure - such as hotels, restaurants, cafés, tea shops, airports - though for non-religious reasons; these attacks typically result in civilian casualties, and sometimes deaths of military troops and police officers. Al-Shabaab terrorist activity occurring outside of Somalia - though often perpetrated by Somali nationals - is usually religiously motivated. This includes violent ambushes of houses of mosques and churches, as well as the killing of faith leaders such as Christian pastors and moderate Muslims who refuse to participate in Islamist jihadist pursuits.<sup>11</sup>

In August 2021, an al-Shabaab militant court in Galgaduud sentenced 83-year-old man Hassan Tohow Fidow to death for allegedly committing blasphemy and insulting the

<sup>6</sup> Barnabas Aid, “Six Somaliland Christian Converts Charged With Offenses Against Islam”, 12 April 2021.

<sup>7</sup> Morning Star News, “Muslim Boys in Somalia Beat Christian’s 7-Year-Old Son”, 30 October 2020.

<sup>8</sup> Humanists International, *Mahmoud Jama Ahmed*, last updated 15 March 2022. ; Mahmoud Jama Ahmad, “This is How Humanists International Helped My Family and I to Find Freedom”, *The Humanist*, 13 January 2022.

<sup>9</sup> Morning Star News, “Christian Mother in Somalia Divorced, Beaten”, 16 August 2019.

<sup>10</sup> Claire Klobucista, Jonathan Masters, & Mohammed Aly Sergie, *Al-Shabaab, Council on Foreign Relations*, last updated 6 December 2022.

<sup>11</sup> Jubilee Campaign, *Submission to the United Nations Human Rights Committee regarding the Federal Republic of Somalia*, May 2023.

Prophet. Upon delivering the sentence, the judge asserted that “anyone who insults the Prophet Muhammad or Allah will face a punishment of death”. Al-Shabaab militants then executed Hassan by firing squad near Elbur.<sup>12</sup>

### **Conclusion & Recommendations**

Jubilee Campaign makes the following recommendations to the Somalian government:

1. Reevaluate national legislation which is incompatible with international standards of human rights, including the right to freedom of religion or belief. This includes Article 313 of Part IV of the Penal Code of Somalia, which stipulates imprisonment as a sanction for alleged blasphemy, and constitutional provisions which allow Sharia law to sanction penalties for apostasy and religious conversion;
2. Eliminate the practice of unjustly arresting and sentencing individuals for their expressions of religious belief or non-belief;
3. Implement a moratorium on the death penalty, restrict the death penalty to only the most serious crimes, and ensure the death penalty is not a sanction for apostasy.
4. Take measures to counter and eradicate domestic militant violence which targets state actors and civilian infrastructure, as well as prosecute perpetrators;
5. [Request extradition when applicable] and prosecute Somali nationals engaged in militant activity, including members of Al-Shabaab, who conduct religiously motivated terrorist attacks abroad.

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<sup>12</sup> The Horn Observer, “[Al-Shabaab executes old Man for alleged Blasphemy](#)”, 5 August 2021.