

Summary: *Killing in the Name of God*, by Monash University

Overview

Killing in the Name of God addresses the extent of state-sanctioned killings motivated by alleged religious offending [apostasy, blasphemy, and others] or affiliation [most commonly, membership of a religious minority] in the at least 12 countries where the death penalty as a sentence for alleged offences on the grounds of religion or belief remain lawful.¹ The countries consist of Afghanistan, Brunei, Iran, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, and Yemen. The report reviews the at least 12 countries but does a deep dive into Afghanistan and Pakistan specifically.

The Death Penalty as a motivation for reporting blasphemy/apostasy charges

Pakistan has sentenced the most people to death for blasphemy, though never carried the penalty out.² Compiled statistics regarding the number of blasphemy accusations in Pakistan before and after the introduction of the death penalty for blasphemy in 1986 found that since the introduction of the death penalty for blasphemy, accusations have increased exponentially from less than 10 cases between 1927-1986 to at least 1,855 people accused of blasphemy from 1987 till 2020.³ While Pakistan maintains that its blasphemy laws are “non-discriminatory in nature,” the report finds that over 50 per cent of accusations of blasphemy were made against religious minorities, who comprise only 5 per cent of the total population.

In most of the states, religious minorities are disproportionately represented among those against whom blasphemy cases have been registered. The circumstances leading to individuals’ sentencing often occur with a pattern of incommunicado detention, physical and psychological torture, denied legal representation and medical care and prolonged detention, this has been observed in Yemen, Iran and Saudi Arabia, amongst others.⁴

Death penalty for apostasy and blasphemy and extrajudicial killings

The report describes extrajudicial killings in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen and killings by non-state actors in Afghanistan, Iran, Nigeria, Pakistan. Killings by extremist groups on the grounds of religion or belief were also observed in Afghanistan, Maldives, Nigeria, Pakistan, Saudi Arabia, Somalia and Yemen. The report considers these state-sanctioned in four of them: Afghanistan, Maldives, Pakistan and Somalia, since the extremist groups either exercise *de facto*

¹ Sato, Mai; Alexander, Christopher; Hosen, Nadirsyah; McLaren, James (2021): *Killing in the Name of God: State-sanctioned Violations of Religious Freedom*. Monash University. Report. <https://doi.org/10.26180/16748866.v1>, page 9.

² A reason for this can be that the death sentences are often appealed and charges later dropped following decades in detention, or due to the prolonged judicial review the individual dies in custody or is a victim of a hate crime by a non-state actor who takes the law into their own hands.

³ Sato, Mai; (2021): *Killing in the Name of God: State-sanctioned Violations of Religious Freedom.*, *supra note 1.*, page 65.

⁴ *Ibid*, page 36.

control of territory, or there is state collusion with extremist groups and/or “manifest failure of the State to protect persecuted minorities against systematic and protracted violence.”⁵

The report notes that Pakistan has the highest volume of violence committed by Pakistani civilians against religious offenders and minorities, which is “unparalleled.”⁶ Between 1987-2020 at least 78 people were killed in instances of mob violence following accusations of blasphemy [42 Sunnis and Shias, 23 Christians and 9 Ahmadis and two whose religious identities remain unknown] in Pakistan.⁷ These number of deaths are conservative in that they do not include killings on the grounds of religious identity, and also do not take into account honour killing motivated by the woman/girl’s choice or expression of religion or belief.

Executions on the grounds of apostasy and blasphemy - a summary execution

The Special Rapporteur on extrajudicial killings has noted that carrying out a death sentence may constitute a form of summary or arbitrary execution, where the death penalty is imposed for “victimless crimes,” such as apostasy and blasphemy.⁸ The known executions explicitly on the grounds of religion in the last 10 years have occurred in Iran and Saudi Arabia. Iran hanged a man for apostasy in 2015. However, there have been more executions where these states have executed alleged religious offenders and minorities using a pretext of political and security-related offences in a “deliberate attempt to avoid domestic and international criticism.”⁹ The report notes how the adoption of Islam as a state religion enables the government to frame blasphemy and changing or leaving religion as being against the state, thus using other offence categorisation to execute an individual for religious practice. While executions of this nature are legally distinct from those following an accusation explicitly citing alleged religious offending, “they are functionally equivalent irrespective of the formal charges laid.”¹⁰ Both forms of judicial executions are motivated by the State’s desire to silence religious dissidents or exterminate religious minorities.¹¹

Especially vulnerable groups

The report raises how individuals who suffer a mental disability are especially vulnerable to abuses of blasphemy laws, where they are easy targets for allegations and many times cannot defend themselves. Contrary to other state-penalised conduct, including crimes under international law, Pakistan, which maintains the death penalty blasphemy, persons with mental disabilities are denied clemency given the strict liability that exists for blasphemy charges such as in Pakistan, children are also at risk.¹² Another aspect, though not addressed explicitly in the report are the vulnerabilities women face, given that there are more visible indicators, including marriage to a non-Muslim or removal

⁵ Sato, Mai: Killing in the Name of God (2021), *supra note* 1, page 39.

⁶ *Ibid*, para 60.

⁷ *Ibid*. page 60.

⁸ Commission on Human Rights, *Report of the special rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission on Human Rights resolution 1999/35*, E/CN.4/2000/3, 25 January 2000, para 70.

⁹ Sato, Mai: Killing in the Name of God (2021), *supra note* 1, page 94.

¹⁰ *Ibid*, page 37.

¹¹ *Ibid*, page 37.

¹² Sato, Mai; Alexander, Christopher; Hosen, Nadirsyah; McLaren, James (2021): Killing in the Name of God: State-sanctioned Violations of Religious Freedom. Monash University. Report. <https://doi.org/10.26180/16748866.v1>, page 35.

of the hijab, which can be considered apostasy or a form of blasphemy. In the case of Sudanese woman Mariam Ibraheem, her marriage to a Christian man was considered adultery since having a Muslim father she was automatically considered a Muslim and thus her marriage was considered void. The Sudanese authorities sentenced her to 100 lashes for adultery and death for apostasy. In other countries the death penalty also exists for adultery— for a woman this could include marriage to a non-Muslim man, including if the conversion happened after the marriage, which implies that adultery penalties can be used to execute or penalise a women on the grounds of religion or belief.¹³ The killing of women on the grounds of religion or belief however, is not only restricted to state-sanctioned penalties, but extend to actions by family members in the confines of the home towards their wife, daughter or sister for renouncing Islam or practicing it according to a different interpretation and as mentioned above an interfaith relationship. Violence perpetrated by family members toward women in these cases is often classified as honour killing by states which apply the death penalty for apostasy or blasphemy, a crime which has lower penalties and where there is a “deadly and deliberate silence” maintained by authorities over such killings.¹⁴ With regards to honour killings, a more lenient punishment is often awarded on the grounds that the victim offered “provocation”¹⁵ by disobeying or violating perceived cultural norms – of which states who maintain the death penalty consider the apostasy and blasphemy laws to be.¹⁶ Similarly, to how the Special Rapporteur on extrajudicial killings called for a comprehensive policy to be drawn up to “abolish practices which impinge upon the life of any person purely because of sexual distinction”¹⁷ – the same should be done for the practices which impinge upon an individual’s fundamental right to choose religion or belief, of which penalties for apostasy and blasphemy constitute. The UN Special procedures and UN member states must continue to monitor individual cases to assess the level of impunity extended to crimes committed against individuals for their conversion, their religious identity or their tolerance of different beliefs.

The impact of the death penalty on freedom of religion or belief

The report after consulting several experts and local stakeholders from the countries in the report concluded that the death penalty for apostasy and blasphemy and other death sentences needs to be addressed.¹⁸ By legalising the death penalty for exercising a fundamental freedom the state has effectively placed a bullseye on the backs of individuals for extremists, “the use of the death penalty as a punishment for blasphemy serves as an official declaration that blasphemers deserve to die.”¹⁹ The death penalty has been shown to have ripple effects, even in states where there is a moratorium, since the state either has no interest or is crippled in effectively prosecuting individuals who incite violence on the grounds of blasphemy or apostasy allegations, as the actions the perpetrators are calling for are legitimised by the state.²⁰ The UN Secretary General Antonio Guterres has shared that even where a moratorium is in place these laws have a “chilling effect” on freedoms of “religion, expression, association and assembly,”²¹ and reiterated

¹³ “Sudan: Married Couple Facing Adultery Trial Following Husband's Conversion.” *CSW*, 13 Jan. 2022, <https://www.csw.org.uk/2022/01/13/press/5547/article.htm>.

¹⁴ Commission on Human Rights, *Report of the special rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission on Human Rights resolution 1999/35, E/CN.4/2000/3*, 25 January 2000, para 81.

¹⁵ *Ibid*, para. 81.

¹⁶ *Ibid*, para. 81.

¹⁷ *Ibid*, para 84.

¹⁸ Sato, Mai: *Killing in the Name of God* (2021), *supra note 1*, page 90.

¹⁹ Sato, Mai: *Killing in the Name of God* (2021), *supra note 1*, page 74.

²⁰ *Ibid*, page 74.

²¹ “Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, Yearly supplement of the Secretary-General to his quinquennial report on capital punishment”, A/HRC/42/28. para. 13, 34, 35.

that the death penalty “should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy, witchcraft, adultery and same-sex relations.”²²

The report suggests several external norm providers via hard power advocacy, such as the economic sanctions on Brunei and the European Parliament Resolution regarding Pakistan, as well as soft power advocacy via the UN mechanisms. For many of the at least 12 nations, advocating for the repeal of the death penalty for apostasy and blasphemy can come at high personal risk, especially if advocated for publicly, which is why external norm providers as well as local are key.²³

²² “Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, Yearly supplement of the Secretary-General to his quinquennial report on capital punishment”, A/HRC/42/28, para. 46

²³ Sato, Mai: Killing in the Name of God (2021), *supra note* 1, page 87, 88.