



PREPARED WRITTEN TESTIMONY OF

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**“Protecting Religious Freedom Abroad”**

## **I. Introduction**

Chairman Graham, Ranking Member Leahy, and distinguished Members of the sub-committee, on behalf of the American Center for Law and Justice and our global affiliates, and over 150,000 of our members who have signed our petition to protect persecuted Christians, thank you for allowing me to come before you to discuss the rapidly increasing persecution of Christians throughout the world. Please also allow me to thank you and your staff for holding this hearing to be a voice for persecuted religious minorities. With the ACLJ’s ongoing legal representation of Christians throughout the world who are persecuted for their faith, we are keenly aware of the vital importance of today’s hearing.

Christianity was born in Bethlehem, now the West Bank, but quickly spread through people like the Assyrians and Armenians—those who flourished in ancient Mesopotamia, spreading Christianity in what we now call the Near East and modern-day Turkey. Eastern Christian traditions believe that Christianity existed throughout parts of South Central Asia as early as 52 AD.<sup>1</sup> But despite the deep rooted history of Christianity in the Near East and South Central Asia, over the last century, the Christian Church’s anguish at the catastrophic decline of Christianity in the region is palpable. The “lion’s share” of persecution faced by Christians arises in countries where Islam is the dominant faith. But let me be clear, the “lion’s share” of persecution faced by Muslims also arises in countries where Islam is the dominant faith. There has been a mass exodus of Christians from these regions due to increasing levels of Christian persecution. In the Near East alone, estimates place between a half and two-thirds of all Christian populations have

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<sup>1</sup> Some Christians in India claim that the Apostle Thomas converted their ancestors near 52 AD. Though there is no scientific evidence of Apostle Thomas’s visit to India, historians report that around 180 AD a Gospel of Matthew written in the Hebrew language was found in India, which was left with the Christians there by St. Bartholomew.

left the region or been killed in the past century. Of course this threat has grown as of late with the intentional targeting of Christians by the Islamic State in Syria and Iraq.

My prepared remarks today will focus on the growing trends of religious persecution brought either through government restrictions or social hostilities that lead to discrimination, persecution, and all too often murderous actions towards religious minorities. While the issue is prevalent for other minority faiths, because of the ACLJ's work for Christians around the world my testimony will primarily focus on the growing persecution of the Christian community in those countries where the ACLJ's work can offer the most informed material for this hearing. Thus, I will focus my testimony on persecution in the Islamic Republic of Iran, the Republic of Turkey, at the hands of the Islamic State in the Syrian Arab Republic and the Republic of Iraq, and finally, the Islamic Republic of Pakistan.

The varying degrees of persecution in these countries range from the violent beheadings at the hands of the Islamic State in Syria and Iraq, to imprisonment and persistent intimidation in Iran, to desecration and confiscation of Christian properties in Turkey. But as Pope Francis recently said, "Even those Christians who are forced away in an 'elegant' way, with 'white gloves': that too is persecution."<sup>2</sup>

## II. International Standards for Freedom of Religion and Belief

After the horrors of World War II, a global consensus emerged demanding the international community protect each individual's human dignity and fundamental rights. The atrocities committed against specific ethnic and religious groups had shown that governments could gravely fail in their duty to protect the life and liberty of their citizenry. Emerging from this context, countries voted in favor of the Universal Declaration of Human Rights ("UDHR") as a non-binding but aspirational Declaration of the rights of humanity.<sup>3</sup>

One of the cornerstones of humanity is the fundamental right to religion or belief. The right to freedom of religion or belief, as defined by international standards, is a wide-ranging right covering a large number of distinct yet interrelated protections. Internationally, the primary instruments outlining this protected right are article 18 of the UDHR, article 18 of the International Covenant on Civil and Political Rights ("ICCPR"),<sup>4</sup> and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief ("1981 Declaration").<sup>5</sup>

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<sup>2</sup> *Pope: There Are More Christian Martyrs Today than Ever*, VATICAN RADIO, (June 30, 2014), [http://en.radiovaticana.va/news/2014/06/30/pope\\_there\\_are\\_more\\_christian\\_martyrs\\_today\\_than\\_ever/1102363](http://en.radiovaticana.va/news/2014/06/30/pope_there_are_more_christian_martyrs_today_than_ever/1102363).

<sup>3</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948). Note that almost all Islamic countries have also signed the Cairo Declaration of Human Rights in Islam. Cairo Declaration on Human Rights in Islam: World Conference on Human Rights, Aug. 5, 1990, U.N. GAOR, 44th Sess., Agenda Item 5, U.N. Doc. A/CONF.157/PC/62/Add.18 (1993). Article 10 of the Cairo Declaration seems to limit the right of conversion, and bounds all human rights to compliance with Shariah law.

<sup>4</sup> International Covenant on Civil and Political Rights (ICCPR), adopted Dec. 16 1966, G.A. Res. 2200A (XXI), U.N. Doc A/6316 (1966), 999 U.N.T.S. 171.

<sup>5</sup> Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. No. 51, U.N. Doc. A/RES/36/55 (Nov. 25, 1981) [1981

One of the articulated protections of this freedom is the freedom to practice the religion of one's choice free from any coercion. The UDHR sets forth, in article 18, the principle that "everyone has the right to freedom of thought, conscience and religion," and clearly articulates that such a right "includes freedom to change his religion or belief and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practise, worship and observance."<sup>6</sup> Article 18 of the ICCPR states that everyone's right to freedom of religion or belief includes the "freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private."<sup>7</sup> Paragraph 2 of Article 18 bars coercion that would impair this right, "including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert."<sup>8</sup> Article 1 of the 1981 Declaration states that "[t]his right shall include freedom to have a religion or whatever belief of [one's] choice" and that "[n]o one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice."<sup>9</sup> The right to change one's religion is absolute and is not subject to any limitation whatsoever. Any legislation that would prohibit or limit the right to change one's religion would be contrary to international human rights standards.<sup>10</sup> This includes any "[p]olicies or practices having the same intention or effect, such as, for example, those restricting political rights protected under article 25 of the ICCPR or access to education, medical care or employment."<sup>11</sup>

The right to manifest one's religion includes the right to worship and assemble, whether in private or in public;<sup>12</sup> to establish physical places of worship;<sup>13</sup> to establish religious education institutions; to worship in "a particular language customarily spoken by a group";<sup>14</sup> to write, issue, and disseminate relevant publications in these areas;<sup>15</sup> and to train, appoint, elect, designate, or replace appropriate religious leaders and teachers.<sup>16</sup> While the scope of freedom afforded to persons to manifest their religion or belief is wide, certain limitations can be imposed in exceptional circumstances when done in accordance with article 18, paragraph 3, of the ICCPR. Such limitations must be specified by law and be "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."<sup>17</sup> These limitations

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Declaration]. Iraq expressed a collective reservation on behalf of the Organization of Islamic Conference (now the Organization of Islamic Cooperation) that the vote of these bloc countries in favor of this non-binding declaration was limited to those provisions that were not contrary to Shariah law or to any legislation or act based on Islamic law.

<sup>6</sup> UDHR, *supra* note 3, art. 18.

<sup>7</sup> ICCPR, *supra* note 4, art. 18(1).

<sup>8</sup> *Id.* art. 18(2).

<sup>9</sup> 1981 Declaration, *supra* note 5, art. 1.

<sup>10</sup> HUMAN RIGHTS COMMITTEE, General Comment no. 22, the right to freedom of thought, conscience, and religion (Art. 18), UN Doc. CCPR/C/21/Rev.1/Add.4, ¶¶ 3, 5 (1994) [hereinafter HRC General Comment No. 22].

<sup>11</sup> *Id.* ¶ 5.

<sup>12</sup> ICCPR, *supra* note 4, art. 18(1).

<sup>13</sup> HRC General Comment No. 22, *supra* note 10, ¶ 4.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> ICCPR, *supra* note 4, art. 18(3).

must not be “applied in a manner that would vitiate the rights guaranteed in article 18” of the ICCPR.<sup>18</sup> Interpreting the allowance for limitations on the right to manifest one’s religion, the UN Human Rights Committee (now the Human Rights Council) held that limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition or religion.<sup>19</sup>

Islamic-based countries have often attempted to subject this right to Shariah law, or limited the manifestation of religious minorities under the guise that their practice threatens the country’s the national security. But the United Nations, interpreting the obligations under the ICCPR, has stated that concerns for national security are not grounds to limit the manifestation of religion.<sup>20</sup> Furthermore, a state religion recognized either officially or in practice “shall not result in any impairment of the enjoyment of any of the rights under the [ICCPR], . . . nor in any discrimination against adherents to other religions or non-believers.”<sup>21</sup> Similarly, “imposing special restrictions on the practice of other faiths [is] not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under ICCPR article 26.”<sup>22</sup> Finally, even if “a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the ICCPR nor in any discrimination against persons who do not accept the official ideology or who oppose it.”<sup>23</sup> Thus, the existence of a state religion cannot be a basis for discriminating against or limiting any rights of adherents of other religions or non-believers.

Finally, the obligation to protect religious freedom extends beyond a country’s obligations to its citizens. International human rights standards require a country to protect the rights to “all individuals within its territory and subject to its jurisdiction” and to do so “without distinction of any kind,” including distinctions based on religion.<sup>24</sup>

### III. Lack of Religious Freedom in the Islamic Republic of Iran

Today in Iran, Christians make up less than .04 percent of the overall population.<sup>25</sup> Two categories of Christians compose this small percentage: ethnic and non-ethnic. The ethnic Christians consist mainly of Armenians and Assyrians (or Chaldeans). Non-ethnic Christians, for the most part, are converts to Christianity. While historically, the Iranian government has

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<sup>18</sup> HRC General Comment No. 22, *supra* note 10, ¶ 8.

<sup>19</sup> *See Id.* ¶ 8.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* ¶ 9.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* ¶ 10.

<sup>24</sup> ICCPR, *supra* note 4, art. 2(1); *see also* UDHR, *supra* note 3, art. 2 (“Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as . . . religion . . .”).

<sup>25</sup> *See* Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2013: Iran*, U.S. DEP’T ST. (2014) (reporting that 300,000 Christians live in Iran), <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>; *The World Factbook*, CENT. INTELLIGENCE AGENCY (2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> (estimating Iran’s total population at 78,868,711).

granted ethnic Christians some religious rights, in recent years, the ethnic Christians have faced increased levels of persecution and discrimination. But, by and large, non-ethnic Christians face the higher levels of persecution and discrimination in Iran.

Persecution of Christians in Iran comes primarily at the hands of government officials, though there are some reported cases of societal hostility against the non-ethnic and evangelical Christians. Despite allegations by the Iranian government that its laws respect and recognize the Christian community, the Christian community in Iran faces systemic and systematic state persecution and discrimination.

The Constitution of the Islamic Republic of Iran (“Constitution”) states that Islam (Twelver Ja’fari school of Islamic jurisprudence) is the nation’s official religion.<sup>26</sup> Accordingly, all Iranian laws must be derived from and consistent with Islamic law.<sup>27</sup> Under the Constitution, Christianity is one of the three legally recognized religious minorities in Iran. Through this recognition, ethnic Christians maintain the right, at least in principle, to exercise their faith.<sup>28</sup> Article 13 of the Constitution states: “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, *within the limits of the law*, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.” As interpreted by the Iranian government, these rights pertain only to ethnic Christians in Iran who act within the limits of the law, including non-codified principles of Islamic law.

The Iranian government is quick to cite provisions of its Constitution that protect religious freedom for minority faiths,<sup>29</sup> but in reality these provisions protect only ethnic minorities who stay within the bounds of Shariah law, and who close off their religious practices to anyone outside the ethnicity. Even so, the actions of the Iranian government towards the Christian minority violate not only Iran’s Constitution, but also numerous international treaty obligations to which Iran has solemnly agreed to be bound.

Besides its domestic laws that purport to protect religious minorities, Iran voted in favor of the Universal Declaration of Human Rights, ratified the International Covenant on Civil and Political Rights (without reservation), and voted in favor of the 1981 Declaration (with

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<sup>26</sup> QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1980, art. 12.

<sup>27</sup> *Id.* art. 4.

<sup>28</sup> *Id.* art. 13 (emphasis added).

<sup>29</sup> Concerning freedom of thought, conscience, and religion, Article 23 of the Constitution provides that the “investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” *Id.* art. 23. Article 26 of the Constitution grants the recognized ethnic religious minorities the freedom to form associations, such as churches. The Constitution also dictates respect for the human rights of non-Muslims, but qualifies this protection by stipulating that “this principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.” *Id.* art. 14. Notably, prosecutors often bring charges against Christians, asserting that their Christian activities amount to crimes such as “propaganda against the Regime” and “acting against national security.” See generally U.N. Special Rapporteur on Human Rights to Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, U.N. Doc. A/HRC/22/56 (Feb. 28, 2013) [hereinafter SR 2013 Report].

reservation).<sup>30</sup> As addressed above, within each of these international laws, Iran has obliged itself to protect *every individual's* right to religious freedom, expression, peaceful assembly, to be free from arbitrary detainment, to be free from discrimination on the basis of religion, and to have a fair trial in the presence of an impartial tribunal.

Iran has shown utter disrespect for these obligations when it comes to its treatment of religious minorities in Iran. Recently, at least one news source reported that Iran's Judiciary Chief, Ayatollah Sadegh Larijani has "criticized the Universal Declaration of Human Rights" and stated that Iran made a mistake when it voted for the Declaration.<sup>31</sup>

The human rights situation for the Christian minority in Iran has regressed to the lowest levels we have seen since the early days of the Islamic revolution.<sup>32</sup> Just days ago, U.N. Secretary General Ban Ki-moon stated that

Members of ethnic and religious minority groups [in Iran] continue to face persecution, including arrest and imprisonment, the denial of economic opportunities, expulsion from educational institutions, deprivation of the right to work, and closure of businesses and the destruction of religious sites, such as cemeteries and prayer centres. Individuals seeking greater recognition for their cultural and linguistic rights risk facing harsh penalties, including capital punishment.<sup>33</sup>

Corresponding with the increase of persecution in recent years, government officials, including a President of Iran, and influential Muslim clerics have repeatedly demonized and called for the suppression of Christianity.<sup>34</sup> Various religious and political leaders, including Iranian Supreme Leader Ayatollah Ali Khamenei,<sup>35</sup> have publicly declared Christians to be enemies to Islam and enemies to Iran.<sup>36</sup> The governor of Tehran, Morteza Tamadon, referred to Christians as

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<sup>30</sup> See UDHR, *supra* note 3 (voted on Dec. 10, 1948); ICCPR, *supra* note 4 (entered into force March 23, 1976, ratified by Iran in 1975); 1981 Declaration, *supra* note 5 (joined the bloc reservation that its vote was limited to those provision consistent with Shariah law).

<sup>31</sup> *The Head of Iran's Judiciary: the Universal Declaration Mistakenly Joined*, BBC PERSIA (Persian) (Feb. 2, 2012), [http://www.bbc.co.uk/persian/iran/2012/02/120202\\_123\\_sadeq\\_larijani\\_iran\\_un\\_human\\_rights.shtml](http://www.bbc.co.uk/persian/iran/2012/02/120202_123_sadeq_larijani_iran_un_human_rights.shtml).

<sup>32</sup> U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, ANNUAL REPORT 2013, at 74 (2013) [hereinafter USCIRF Report 2013], *available at* [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

<sup>33</sup> ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL, SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, U.N. Doc. A/HRC/28/26, ¶ 45 (2015), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/28/26](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/28/26).

<sup>34</sup> President Ahmadinejad called for an end to Christianity in Iran. U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, ANNUAL REPORT 2013, at 76 (2013) [hereinafter USCIRF Report 2013], *available at* [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

<sup>35</sup> *Id.* at 74.

<sup>36</sup> "Ayatollah Ahmad Jannati, head of the Guardian Council, referred to them as 'sinful animals' and 'corrupt.'" U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, ANNUAL REPORT 5 (2013) [hereinafter USCIRF Report 2013], *available at* [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

“‘deviant’ and ‘corrupt’ and vowed to identify and detain more.”<sup>37</sup> Evangelical Christians have been characterized as terrorists, being backed by foreign enemies, and likened to the Taliban.<sup>38</sup> Such demonization reflects the government’s true sentiments towards Christianity and the official policy at the roots of religious persecution in Iran.

Counter to its obligations under the ICCPR, the Iranian government has recently taken systematic measures that restrict the right of religious assembly and right to manifest the Christian faith in the believers’ spoken language. By the end of 2013, the Iranian government had closed all Farsi-speaking government-approved churches and almost all Farsi-speaking services offered in government-approved churches that operate in a couple of languages (Armenian, Assyrian, etc.). The four remaining small elderly congregations that operate in Farsi operate under very strict guidelines. These congregations are forbidden from baptizing new members, and every week during their religious service, someone from the ministry of Intelligence monitors church attendance and disallows any new Farsi-speaking non-members from entering the church. No Farsi Christian literature or Bibles may be sold, provided, or given away by the church. The leadership of these small congregations has been put under such severe government pressure to leave the country or to close their church that many have left the country. Through these restrictions, the government is silently suffocating the remaining churches through severe restrictions on their finances, restrictions on their ecumenical fellowship (with the wider global church as well as between the remaining churches in Iran), an inability to train new leaders, and an intentional scarcity of Christian literature and scriptures in Farsi. The lack of freedom to gather with like-minded Christian believers without threat or intimidation has made even recognized ethnic religious minorities feel as though they are “second class citizens.”<sup>39</sup> and both categories of Christians are a far cry from realizing religious liberty.

The Iranian government has effectively forced Farsi-speaking Christians to move underground, worshiping in secret in private homes, but doing so comes at the risk of being detained and imprisoned for acts against national security. A member of the Assembly of Experts classified house churches as “against the national security” of Iran.<sup>40</sup> While meeting peacefully for religious gatherings in private homes is legal in Iran, the government frequently charges Christians with national security charges based on such legal gatherings. In fact, the government of Iran convicted American citizen Saeed Abedini of intentionally threatening the government of Iran solely because he had prayed with Christians in private homes. Pastor Saeed is presently serving an eight-year prison sentence under horrendous conditions and is suffering from untreated internal injuries that he obtained from beatings he endured since his arrest. After reviewing his arrest and detention, the United Nations ruled his detention “arbitrary” and in violation of numerous international covenants.<sup>41</sup>

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<sup>37</sup> U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 86 (2012) [hereinafter USCIRF Report 2012], *available at*

[http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf)

<sup>38</sup> *Id.*

<sup>39</sup> USCIRF Report 2012, *supra* note 36, at 82.

<sup>40</sup> INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, THE COST OF FAITH 26 (2013) [hereinafter THE COST OF FAITH], *available at* [http://www.iranhumanrights.org/2013/01/cost\\_of\\_faith](http://www.iranhumanrights.org/2013/01/cost_of_faith).

<sup>41</sup> Opinions adopted by the Working Group on Arbitrary Detention at its sixty-seventh session, U.N. Doc. A/HRC/WGAD/2013 (Oct. 21, 2013).

While international law prohibits arbitrary arrest and detention, this is one of the most regularly used methods of persecution against the Christian minority. At the close of 2014, ninety-two Christians remained detained or imprisoned by the Iranian regime. These are only the *known* cases, in which the victim and/or the victim's family has consented to the case being known to the public. Many Christians are threatened that if they seek legal counsel or speak of their detainment, more harm will come to them and their family; thus, ninety-two likely is a very low estimate of the actual number. Additionally, this number does not reflect the hundreds of Christians who have been arrested and released, but who remain under the intimidation of their case being brought to trial should they return to their Christian activities. Those Christians who are eventually released from detention regularly face exorbitant bail amounts, often requiring the deed to their family home be turned over to the government. In many cases the government never brings their case to trial leaving the charges and the property put up for bail hanging over Christians as a form of intimidation.

Many Christian converts have reported that their interrogators applied various means of coercion, including threats of execution, to force them to revert back to Islam, while other Christians have reported that they were forced to sign affidavits swearing that they would no longer participate in Christian activities in order to secure their release. Additionally, they are threatened with criminal prosecution, physical and psychological abuse, and the arrest or threat of harm to family members to pressure them to stop participation in Christian activities publicly or privately.<sup>42</sup>

The U.N. Special Rapporteur on Human Rights in Iran reported that of the 221 individuals he interviewed for his 2012 report for the General Assembly who had been arbitrarily detained,

[a]pproximately 73 per cent . . . alleged that they were blindfolded during interrogations; 58 per cent reported the use of prolonged solitary confinement; 62 per cent reported intimidation of family members for the purpose of placing pressure on the target of interrogations; 78 per cent stated that they were beaten during interrogations; and 8 per cent reported being hung from ceilings for the purpose of soliciting confessions. Moreover, 64 per cent of those interviewed alleged that they were denied adequate access to a lawyer after the investigative phase of their case, and another 82 per cent stated that they believed that the judge had already made up his mind about their case, and that he was being directed by the Prosecutor's Office.<sup>43</sup>

Many Christians are detained for months on end without ever knowing the formal charges against them. For example, after arresting him on December 26, 2010, Iranian authorities held

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<sup>42</sup> THE COST OF FAITH, *supra* note 40, at 45.

<sup>43</sup> U.N. Special Rapporteur on Human Rights to Iran, *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, U.N. Doc. A/67/369, ¶¶ 5, 46 (Sept. 13, 2012) [hereinafter SR Sept. 2012 Report], available at <http://www.shaheedoniran.org/english/dr-shaheeds-work/latest-reports/3078-special-rapporteur-s-september-2012-report-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran.html>.



Farshid Fathi for roughly 12 months without a formal indictment.<sup>44</sup> A year after his arrest, in his first appearance before a court, Judge Salavati informed Farshid Fathi of his charges: acting against national security, contact with enemy countries, and possessing religious propaganda.<sup>45</sup> In April 2012, the court sentenced Fathi to six years imprisonment, which he is currently serving.

Non-ethnic Christians, those who convert to Islam also face frequent threats of execution for their conversion to Christianity. In 2009, Pastor Youcef Nadarkhani was convicted and sentenced to death as an apostate. After spending almost three years in prison under the threat of execution, the Iranian government released Pastor Nadarkhani on September 8, 2012, but only after a large international campaign for his release. As further evidence of Iran's animus toward Christians, Iranian authorities rearrested Pastor Nadarkhani on Christmas Day of that same year and imprisoned him for an additional two weeks before again releasing him in January 2013.<sup>46</sup>

In December 1990, the Iranian government executed Hossein Soodmand for apostasy, evangelizing to Muslims, and serving as pastor of a church for converts from Islam.<sup>47</sup> At least one prominent human rights attorney in Iran has shared with the ACLJ that during the beginning of 2012, he successfully defended 19 Christians who were formally charged with apostasy.

On numerous other occasions, judges have urged prosecutors to pursue apostasy convictions against defendants even when the charge was not officially before the court.<sup>48</sup> The ACLJ has on file a 2008 Iranian ruling against Pastor Behnam Irani, who was charged with "acting against national security," but during his trial the judge noted that Pastor Irani was an apostate and that a new case should be brought against him seeking his execution. Many Christians, though never formally charged with apostasy, have been threatened with execution for choosing Christianity during their detention and interrogations.

Several Christians have reported their expulsion from secondary school and university programs because of their religion.<sup>49</sup> Iran's admission regulations for higher education mandate that "education authorities must deny admission to an 'enemy of the Islamic Republic' or those who 'repudiate to be morally corrupt.'"<sup>50</sup> Thus, converts to Christianity, who have been demonized as morally corrupt and enemies of the state, are regularly denied entrance to or expelled from educational institutions.

In violation of Article 28 of the Iranian Constitution, employers often discriminate against Christians upon finding out about an employee's conversion. Under Iranian law, it is mandatory that employment applications ask for the applicant's "religion" and as a result, it is nearly

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<sup>44</sup> THE COST OF FAITH, *supra* note 40, at 45. The ACLJ is also in contact with a close family friend of Farshid Fathi and has verified this account.

<sup>45</sup> See generally VOICE OF THE MARTYRS, [http://www.persecution.com/public/newsroom.aspx?story\\_ID=NTIy](http://www.persecution.com/public/newsroom.aspx?story_ID=NTIy).

<sup>46</sup> Lisa Daftari, *Christian Pastor Nadarkhani Freed from Jail in Iran after Christmas Day Arrest*, Fox News (Jan. 7, 2013), <http://www.foxnews.com/world/2013/01/07/christian-pastor-nadarkhani-released-form-iranian-prison/>.

<sup>47</sup> THE COST OF FAITH, *supra* note 40, at 32.

<sup>48</sup> See *id.*

<sup>49</sup> THE COST OF FAITH, *supra* note 40, at 68.

<sup>50</sup> *Id.* at 68 n. 306.

impossible for Christians, especially Protestants, to avoid discrimination.<sup>51</sup>

Iran's mechanism of persecution, though often less gruesome than other Islamic extremists, such as the Islamic State, represents a slow strangling of the Christian community within its borders. Through Iran's demonization and systematic oppression of Christians in Iran, it hopes Christians will ultimately be eradicated from the region.

#### IV. Struggles for Religious Freedom in Turkey

Turkey, which by many is considered to be a moderate Muslim state that has succeeded in establishing a democracy,<sup>52</sup> struggles to recognize the rights of its religious minorities. Turkey has ratified the ICCPR, but done so with limited reservations that have allowed it to limit religious freedom.<sup>53</sup> Under the push for a completely secular form of government, Turkey has enacted policies that violate the right of religious minorities to establish places of worship.<sup>54</sup> The Norwegian Helsinki Committee found in their report on religious freedom in Turkey, the government has denied 670 buildings being used for worship a "place of worship" status.<sup>55</sup> Almost 600 of the buildings that have been denied "place of worship" status are houses of worship for the Alevi minority.<sup>56</sup> Based on the opinion of Turkey's Directorate of Religious Affairs, many of the Alevi's applications are denied because "the places of worship [for] Muslims are mosques."<sup>57</sup> Therefore, the government prevents those who belong to the unrecognized Alevi religious minority from worshiping in their own facilities because they are considered Muslims for whom the only recognized place of worship is a mosque.<sup>58</sup>

The Greek Orthodox Church in Turkey has faced similar struggles. Ecumenical Patriarch Bartholomew is the head of the Greek Orthodox Church and the spiritual leader of all the world's 250+ million Orthodox Christians.<sup>59</sup> In 1923 and 1970, the Istanbul Governorate issued decrees dictating who might become Ecumenical Patriarch and the manner in which he must be elected.<sup>60</sup>

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<sup>51</sup> *Id.* at 12.

<sup>52</sup> See, e.g., Peter Kenyon, *The Turkish Model: Can It Be Replicated?*, NPR (Jan. 6, 2012, 12:01 AM), <http://www.npr.org/2012/01/06/144751851/the-turkish-model-can-it-be-replicated> (noting that, in the context of the Arab Spring, "many [were] looking to Turkey as an example of a modern, moderate Muslim state that works.").

<sup>53</sup> *Status of Treaties, Ch. IV Human Rights, 4. ICCPR Status*, UNITED NATIONS TREATY COLLECTION, (7 Mar. 2014, 5:03 PM), [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en). In ratifying the ICCPR, Turkey reserved the right "to interpret and apply the provisions of Article 27 . . . in accordance with the related provisions and rules of the Constitution" – but Article 27 is a crucial tool for protecting the religious freedom of minorities as it provides that religious "minorities shall not be denied the right, in community with the other members of their group . . . to profess and practise their own religion." ICCPR, *supra* note 4, art. 27.

<sup>54</sup> See HRC Comment No. 22, *supra* note 10, ¶ 4.

<sup>55</sup> NORWEGIAN HELSINKI COMM., THE RIGHT TO FREEDOM OF RELIGION OR BELIEF IN TURKEY 25 (2013), available at <http://inancozgurlugugirisimi.org/wp-content/uploads/2014/01/NHC-I%CC%87O%CC%88G-FoRB-Report-Eng.pdf>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> See Paul Nathanail, *The Ecumenical Patriarchate of Constantinople*, GREEK ORTHODOX ARCHDIOCESE OF AM., <http://www.goarch.org/ourfaith/ourfaith8880> (last visited Mar. 9, 2015).

<sup>60</sup> See A. Suat Bilge, *The Fener Greek Patriarchate*, PERCEPTIONS: J. INT'L AFF., Mar.–May 1998, at 75, 78, 82.

These decrees stated that candidates and electors must all be of Turkish citizenship and that the Governor of Istanbul would have the power to strike any name from the list of candidates he may deem unfit.<sup>61</sup> With the Orthodox population of Turkey plummeting over the last century to just a few thousand, these restrictions thus represent an existential threat to this ancient institution.

In 2011, then-Prime Minister Erdoğan issued an executive reform statement waiving the five-year residency requirement for Orthodox hierarchs wishing to apply for Turkish citizenship,<sup>62</sup> seemingly solving the problem of the dwindling Orthodox population in today's Turkey. While this was a positive step forward, this reform fell far short of full resolution of this ongoing problem. The discretionary nature of the decree means that it can be rescinded at any time, as illustrated by the fact that while 21 hierarchs have been awarded citizenship under this policy since 2011, five have been denied citizenship with no reason given.<sup>63</sup> Further, it is not clear that an executive decree from Ankara can override local policies of the Istanbul Governorate under the current constitutional structure.<sup>64</sup>

Turkey also restricts the ability for all faith groups to obtain “legal personality” and thus religious communities, including the Orthodox, are unable to buy property, hold title to property, or press claims in court as a community.<sup>65</sup> In theory, individuals from a faith group can register an association or foundation for the group,<sup>66</sup> but the utility of these vehicles is significantly restricted in reality.<sup>67</sup> For instance, Turkey's civil code prevents foundations from being formed with the purpose of supporting a particular religious community.<sup>68</sup> The only exception allowed is for religious foundations previously established under the 1923 Lausanne Treaty, which precludes newer faith groups from creating foundations.<sup>69</sup> Therefore, the foundation vehicle is not a viable alternative to legal personality for faith groups. An association is considered by some to be a better option than a foundation, but this vehicle is also inadequate. Associations are often hampered by significant bureaucratic obstacles,<sup>70</sup> subject to broad regulations formulated for other types of associations, and may even be restricted by Turkey's Constitution if the government interprets it as prohibiting associations formed specifically for religious purposes.<sup>71</sup>

The lack of legal personality has been incredibly troubling for the Orthodox faith. Refusing to recognize the Ecumenical Patriarchate as the global leader of the Orthodox faith, the government

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<sup>61</sup>*See id.*

<sup>62</sup>CONSTANTINE G. CARAS, ORDER OF ST. ANDREW, THE STATUS AND ISSUES OF THE ECUMENICAL PATRIARCHATE OF CONSTANTINOPLE 5 (2014).

<sup>63</sup>*Id.*

<sup>64</sup>*See id.*

<sup>65</sup>*Id.* at 27.

<sup>66</sup>Mine Yildirim, *TURKEY: Religious Freedom Survey, January 2014*, FORUM 18 NEWS SERVICE (Jan. 16, 2014), [http://www.forum18.org/archive.php?article\\_id=1916](http://www.forum18.org/archive.php?article_id=1916).

<sup>67</sup>Eur. Comm'n for Democracy Through Law, *Opinion on the Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to Use the Adjective “Ecumenical”*, ¶¶ 37-41, 82nd Sess., Op. No. 535/2009 (2010), available at [http://www.mfa.gr/images/docs/ellinotourkiko/gnomodotisi\\_epitropis\\_venetias.pdf](http://www.mfa.gr/images/docs/ellinotourkiko/gnomodotisi_epitropis_venetias.pdf).

<sup>68</sup>Yildirim, *supra* note 66.

<sup>69</sup>*Id.*

<sup>70</sup>*Id.*

<sup>71</sup>Eur. Comm'n for Democracy Through Law, *supra* note 67, ¶ 43.

of Turkey calls the Patriarchate the “Rum Patrikhanesi”—the Patriarch of the Romans (Byzantines)—or sometimes even just the Bishop of the Fenir District of Istanbul.<sup>72</sup> But after a 2008 victory at the European Court of Human Rights, the Buyukada Orphanage was returned to the Ecumenical Patriarchate in title to “Rum Patrikhanesi.”<sup>73</sup> This decision to register the property under that name was, in itself, an important development. The Ecumenical Patriarchate had never been afforded the legal personality necessary to own property and this title, despite not going as far as to provide full legal status as a global institution, has provided de facto legal status to the Patriarchate.<sup>74</sup>

The historical lack of legal personality for the Ecumenical Patriarchate has resulted in government seizure of thousands of church properties over the last 80 years.<sup>75</sup> Since Turkey began the EU accession process, a series of reforms have allowed minority religious foundations to apply for the return some of their seized properties or to be compensated by the government.<sup>76</sup> Virtually none of those applications were granted until the most recent reform of August 2011.<sup>77</sup>

This reform, an executive decree by then-Prime Minister Erdoğan, gave minority religious foundations one year to apply to regain seized properties.<sup>78</sup> As of October of 2014, roughly 25% of minority foundation applications had received a positive response.<sup>79</sup> Thus, where these applications represent a fraction of confiscated properties, minority religious foundations are still left seeking compensation for or return of a staggering majority of confiscated properties. Unfortunately, most of the property has been returned after years of dilapidation and thus require incredible resources to restore the facilities.<sup>80</sup>

As a party to the ICCPR, Turkey must ensure that “everyone [has] the right to freedom of thought, conscience and religion,” which includes the freedom “to manifest . . . religion or belief in worship, observance, practice, and *teaching*.”<sup>81</sup> Turkey is also a party to the Treaty of Lausanne, which specifically grants non-Muslims the ability “to establish, manage and control . . . *any* schools and other establishments for instruction and education.”<sup>82</sup> However, many non-

<sup>72</sup>See Bill Wunner, *The Last Orthodox Patriarch in Turkey?*, CNN (Aug. 27, 2010, 3:13 PM), <http://www.cnn.com/2010/WORLD/europe/08/26/wus.patriarch/>.

<sup>73</sup>See *Legal Entities of Non-Muslims: “Problems and Rights”*, ORDER OF ST. ANDREW THE APOSTLE (Feb. 7, 2014), [www.archons.org/news/detail.asp?id=721](http://www.archons.org/news/detail.asp?id=721).

<sup>74</sup>See *id.*

<sup>75</sup>COMM’N ON SECURITY & COOPERATION IN EUR., THE GREEK ORTHODOX CHURCH IN TURKEY: A VICTIM OF SYSTEMATIC EXPROPRIATION 5–6 (2005), *available at* [http://www.csce.gov/index.cfm?FuseAction=Files.Download&FileStore\\_id=656](http://www.csce.gov/index.cfm?FuseAction=Files.Download&FileStore_id=656).

<sup>76</sup>U.S. DEP’T OF STATE, INT’L RELIGIOUS FREEDOM REPORT FOR 2012, 12, *available at* <http://www.state.gov/documents/organization/208588.pdf>.

<sup>77</sup>*Id.*

<sup>78</sup>U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, 2012 ANNUAL REPORT 5, *available at* <http://www.uscirf.gov/sites/default/files/resources/2012ARChapters/turkey%202012.pdf>.

<sup>79</sup>EUR. COMM’N, TURKEY PROGRESS REPORT 16 (2014), *available at* [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf).

<sup>80</sup>U.S. DEP’T OF STATE, INT’L RELIGIOUS FREEDOM REPORT FOR 2013, TURKEY: EXECUTIVE SUMMARY 15 (2014), *available at* <http://www.state.gov/j/drl/rls/irf/2013/eur/222277.htm>.

<sup>81</sup>ICCPR, *supra* note 4, art. 18 (emphasis added).

<sup>82</sup>Treaty of Lausanne, art. 40, 24 July 1923, <http://www.mfa.gov.tr/lausanne-peace-treaty.en.mfa>.

Muslim religious institutions have no means of training clergy<sup>83</sup> since the Turkish government prohibited private higher education in 1971.<sup>84</sup> This is a significant obstacle for religious minorities because they are unable to train native future leaders for their congregations, thus limiting the availability of individuals who can become religious leaders in their communities.

For the Orthodox, this battle has played out over the forcible closure of Halki School of Theology, the main seminary of the Orthodox that had trained most of the Patriarch since the school's founding in 1844 was forced to stop accepting new students.<sup>85</sup> This closure has forced the Church to send would-be priests abroad for education, with many such students then electing not to return to Turkey.<sup>86</sup> Despite what appeared to be a promise in 2012 by then-Prime Minister Erdoğan to President Obama to reopen Halki,<sup>87</sup> the school remains closed to this day.<sup>88</sup>

Unfortunately, as chronicled above, virtually all positive reforms promised and hoped for in the last decade have fallen short. As one legal expert called them, they are all “reforms but”—reforms that certainly move the situation in the right direction but with considerable carve-outs and caveats that cause them to fall far short of affording the Ecumenical Patriarchate and religious minorities the legal rights and protections required for basic human dignity.<sup>89</sup>

Disturbingly, the Turkish government has also aligned itself with Hamas, a recognized terrorist organization by the U.S. State Department.<sup>90</sup> Hamas was founded as the “jihad” wing of the “Moslem [Muslim] Brotherhood in Palestine” which is committed to the annihilation of Israel and the Jewish people<sup>91</sup> and has conducted numerous terrorist attacks on Israeli citizens.

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<sup>83</sup> ASS'N OF PROTESTANT CHURCHES COMM. FOR RELIGIOUS FREEDOM & LEGAL AFFAIRS, “A THREAT” OR UNDER THREAT?: LEGAL AND SOCIAL PROBLEMS OF PROTESTANTS IN TURKEY 29 (2010) [hereinafter PROBLEMS OF PROTESTANTS IN TURKEY], [http://www.olir.it/areetematiche/233/documents/rapporto\\_minoranze\\_turchia.pdf](http://www.olir.it/areetematiche/233/documents/rapporto_minoranze_turchia.pdf).

<sup>84</sup> Pelin Turgut, *The Pope's Push to Protect Minority Christians in the Muslim World*, TIME (Nov. 29, 2006), <http://content.time.com/time/world/article/0,8599,1564055,00.html>.

<sup>85</sup> *Id.*

<sup>86</sup> See Ines San Martin, *Orthodox leader to Turkey: Re-open Our Seminary*, CRUXNOW.COM (Nov. 27, 2014), <http://www.cruxnow.com/church/2014/11/27/orthodox-leader-to-turkey-re-open-our-seminary/>.

<sup>87</sup> See *Remarks by President Obama and Prime Minister Erdogan of Turkey after Bilateral Meeting*, WHITEHOUSE.GOV (Mar. 25, 2012, 4:49 PM), <http://www.whitehouse.gov/the-press-office/2012/03/25/remarks-president-obama-and-prime-minister-erdogan-turkey-after-bilatera>.

<sup>88</sup> Endy Zemenides, *Our Complicit Silence*, WORLD POST (Jan. 21, 2015, 7:41 PM), [http://www.huffingtonpost.com/andy-zemenides/our-complicit-silence\\_1\\_b\\_6492996.html](http://www.huffingtonpost.com/andy-zemenides/our-complicit-silence_1_b_6492996.html).

<sup>89</sup> See *Promised Legal Reforms Disappoint Turkey's Religious Minorities*, CHRISTIANTODAY.COM (Oct. 4, 2013), <http://www.christiantoday.com/article/promised.legal.reforms.disappoint.turkeys.religious.minorities/34253.htm>.

<sup>90</sup> *Foreign Terrorist Organizations*, U.S. DEP'T ST., <http://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Mar. 9, 2015). In addition to the U.S., Canada, and the EU have also designated Hamas a terrorist organization. See Adrian Croft, *EU to Appeal Ruling that Hamas Should be Off Terror List*, REUTERS, 19 Jan. 2015, available at <http://www.reuters.com/article/2015/01/19/us-eu-hamas-courts-idUSKBN0KSON820150119> (noting EU's terrorist designation for Hamas is subject of ongoing litigation).

<sup>91</sup> The Covenant of the Islamic Resistance Movement art. 2 (1988), available at [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp); see also *id.* pmb., ¶ 8 (“Our struggle against the Jews is very great and very serious. . . . The Movement is but one squadron that should be supported by more and more squadrons from this vast Arab and Islamic world, until the enemy is vanquished and Allah's victory is realized.”); *id.* art. 7, ¶¶ 6-7 (“The Prophet, Allah bless him and grant him salvation, has said: ‘The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him.’”).

Turkey's ruling Justice and Democracy Party (AKP) has long had ties to Hamas and has been supportive of its terrorist tactics. Senior Turkish officials have met with Khaled Mashal, the head of Hamas's military wing, on numerous occasions.<sup>92</sup> In December of last year, Prime Minister Davutoğlu invited Mashal to be the "surprise guest" speaker at the AKP convention.<sup>93</sup> Hamas has established a headquarters in Istanbul, Turkey, which is operated by Salah al-Arouri, a Hamas leader who is believed to have orchestrated the terrorist attacks on Israel that led to weeks of armed conflict between Hamas militants and Israel Defense Forces last year.<sup>94</sup> There are also links between AKP leadership, including then-Prime Minister Erdoğan, and the deadly attempt by a Turkish operated flotilla to break Israel's legal blockade of Gaza in 2011.<sup>95</sup> In addition, there are new reports that Hamas terrorists are "undergoing military training on Turkish soil, with the knowledge, support and assistance of local [Turkish] authorities."<sup>96</sup>

Turkey's ties to terrorist groups like Hamas raise significant concerns about continued U.S. aid and its commitment to the North Atlantic Treaty Organization (NATO). U.S. law strictly forbids foreign aid to nations that have been found to "repeatedly provided support for acts of international terrorism."<sup>97</sup> NATO's mandate, which Turkey joined in 1952, includes a recent reaffirmation of its commitment to counter-terrorism, calling it a "core task[]" of the Alliance.<sup>98</sup> The U.S. must reassess its foreign aid and relations with Turkey in light of its growing support for Hamas terrorists and urge its NATO ally to renounce its ties with this terrorist group that is dedicated to destroy Israel and Jews in particular.

## V. Persecution by the Islamic State

ISIS—the Islamic State—has unleashed an unparalleled assault on religious minorities, especially Christians, in its quest to establish a worldwide Islamic Caliphate. The heinous atrocities committed by ISIS against Christians from Iraq, Syria, Libya, Egypt, and now Nigeria<sup>99</sup> is nothing short of genocide. ISIS is systematic in its slaughter and barbaric and its brutality.

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<sup>92</sup> STEVEN G. MERLEY, JERUSALEM CTR. FOR PUB. AFFAIRS, TURKEY, THE GLOBAL MUSLIM BROTHERHOOD, AND THE GAZA FLOTILLA 44 (2011), available at [http://www.jcpa.org/text/Turkey\\_Muslim\\_Brotherhood.pdf](http://www.jcpa.org/text/Turkey_Muslim_Brotherhood.pdf); Soner Cagaptay, *Islamists in Charge*, WALL ST. J. (Aug. 18, 2006), <http://www.wsj.com/articles/SB115584938301538731>.

<sup>93</sup> Behlül Özkan, *Can Turkey Lead the Islamic World and Still Be a Western Ally?*, WORLD POST (Jan. 15, 2015, 1:59 PM), [http://www.huffingtonpost.com/behlal-azkan/turkey-islamic-world-west\\_b\\_6474746.html](http://www.huffingtonpost.com/behlal-azkan/turkey-islamic-world-west_b_6474746.html).

<sup>94</sup> Bassem Dabbagh & Mohammad al-Fadilat, *Hamas Leader Strengthens Alliance with Turkey*, AL-ARABY AL-JADEED (29 Dec. 2014), <http://www.alaraby.co.uk/english/politics/2eb167f5-b491-4fb3-9aea-3a5f3d88ed17>.

<sup>95</sup> MERLEY, *supra* note 92, at 7.

<sup>96</sup> Alex Fishman, *Forced from Damascus, Hamas Establishing Itself in Turkey*, YNETNEWS.COM (Feb. 25, 2015, 12:47 AM), <http://www.ynetnews.com/articles/0,7340,L-4630331,00.html>.

<sup>97</sup> 22 U.S.C. § 2371 (this law tasks the Secretary of State with the authority determine whether a country repeatedly provided aid to terrorists).

<sup>98</sup> *NATO's Policy Guidelines on Counter-Terrorism*, NATO, [http://www.nato.int/cps/en/natohq/official\\_texts\\_87905.htm](http://www.nato.int/cps/en/natohq/official_texts_87905.htm) (last updated May 24, 2012).

<sup>99</sup> On Sunday, March 8, 2015, Boko Haram declared public allegiance to the Islamic State. Nima Elbagir, Paul Cruickshank and Mohammed Tawfeeq, *Boko Haram Purportedly Pledges Allegiance to ISIS*, CNN (March 9, 2015, 10:39 AM ET), <http://www.cnn.com/2015/03/07/africa/nigeria-boko-haram-isis>.

In the summer of 2014, ISIS made a public and direct proclamation to Christians living in Iraq – one of the oldest contiguous Christian communities in the world: Convert, pay a tax (the *jizya*), leave, or die.<sup>100</sup> ISIS gave Christians until July 19, 2014 to comply or face extermination.<sup>101</sup>

This was not an empty threat. ISIS has since beheaded, crucified, buried alive, raped, and desecrated Christian men, women, and children without mercy.

Since ISIS's reign of terror began, thousands of Christians have been forced from their homes. In Mosul, for example, one of the largest Christian communities in the Middle East was forced to abandon their homes and flee for their lives.<sup>102</sup> In the nearby town of Qaraqosh, nearly 50,000 Christians were displaced when ISIS cut off their supply of electricity and water.<sup>103</sup>

The jihadist army has marked the homes of Iraqi Christians with the Arabic letter “N” (pronounced “noon”), which stands for “Nazarene” or “Nasrani,” a pejorative term used to label Christians.<sup>104</sup> ISIS placed the mark of the Nazarene on the homes of thousands of Christians branding them for extermination.

ISIS has burned,<sup>105</sup> destroyed, and otherwise desecrated some of the oldest Christian churches in the world. It has demolished ancient religious artifacts, including the tomb of the Old Testament prophet Jonah,<sup>106</sup> throughout Iraq and Syria.<sup>107</sup> ISIS has also reportedly attempted to sell other religious artifacts to fund its operations.<sup>108</sup>

Yet religious relicts are not the main target of ISIS's barbarity; ISIS is systematically slaughtering and committing heinous atrocities against Christians, Yazidis, and other religious

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<sup>100</sup> Kelly Phillips Erb, *Islamic State Warns Christians: Convert, Pay Tax, Leave Or Die*, FORBES (July 19, 2014, 11:29 PM), <http://www.forbes.com/sites/kellyphillipserb/2014/07/19/islamic-state-warns-christians-convert-pay-tax-leave-or-die/>.

<sup>101</sup> *Convert, Pay Tax, or Die, Islamic State Warns Christians*, REUTERS (July 18, 2014), <http://www.reuters.com/article/2014/07/18/us-iraq-security-christians-idUSKBN0FN29J20140718>.

<sup>102</sup> Alissa J. Rubin, *ISIS Forces Last Iraqi Christians to Flee Mosul*, N.Y. TIMES (July 18, 2014), <http://www.nytimes.com/2014/07/19/world/middleeast/isis-forces-last-iraqi-christians-to-flee-mosul.html>.

<sup>103</sup> *Tens of Thousands of Christians Flee ISIS Attack on Nineveh Town of Qaraqosh (Hamdaniya)*, CHRISTIAN SOLIDARITY INTERNATIONAL, <http://www.prnewswire.com/news-releases/tens-of-thousands-of-christians-flee-isis-attack-on-nineveh-town-of-qaraqosh-hamdaniya-264802541.html> [hereinafter *Christians Flee ISIS*].

<sup>104</sup> See Heba Kalso, *Symbol of ISIS Hate Becomes Rallying Cry for Christians*, CBS NEWS (Oct. 20, 2014, 5:30 AM), <http://www.cbsnews.com/news/for-christians-symbol-of-mideast-oppression-becomes-source-of-solidarity/>; Christine Sisto, *As Jihadists Expel Christians from Mosul, the International Community Responds*, NATIONAL REVIEW (July 23, 2014, 6:31 PM), <http://www.nationalreview.com/article/383493/christian-genocide-symbolized-one-letter-christine-sisto>.

<sup>105</sup> *ISIS burns 1,800-year-old church in Mosul*, AL ARABIYA NEWS (July 20, 2014), <http://english.alarabiya.net/en/News/middle-east/2014/07/20/ISIS-burns-1-800-year-old-church-in-Mosul.html>.

<sup>106</sup> Dana Ford and Mohammed Tawfeeq, *ISIS Militants Destroy the Tomb of Johah*, CNN (July 25, 2014), <http://edition.cnn.com/2014/07/24/world/iraq-violence/>.

<sup>107</sup> Polly Mosendz, *Replicas and at Least One Treasure Destroyed by ISIS in Museum*, NEWSWEEK (Feb. 26, 2015, 4:30 PM), <http://www.newsweek.com/replicas-and-least-one-treasure-destroyed-isis-museum-309810>.

<sup>108</sup> Perry Chiaramonte, *ISIS reportedly Selling Christian Artifacts, Turning Churches into Torture Chambers*, FOX NEWS (Dec. 23, 2014), <http://www.foxnews.com/world/2014/12/22/isis-reportedly-selling-christian-artifacts-turning-churches-into-torture-1596164509/>.

minorities in Iraq, Syria, and beyond. It views these religious minorities as “infidels without human rights.”<sup>109</sup>

Last August, ISIS drove out and corralled thousands of members of the Yazidi faith on the top of Mount Sinjar in northern Iraq. It had an entire religious minority besieged and on the brink of extinction.<sup>110</sup>

ISIS is abducting, raping, and selling Christian women as sex slaves, specifically targeting religious minorities.<sup>111</sup> ISIS’s jihadist army has beheaded Christian children.

A United Nations committee has concluded that ISIS is “systematic[ly] killing . . . children belonging to religious and ethnic minorities . . . , including several cases of mass executions of boys, as well as reports of beheadings, crucifixions of children and burying children alive.”<sup>112</sup> The report goes on to detail how ISIS has perpetrated “systematic sexual violence,” and “the abduction and sexual enslavement of children” belonging to these religious minority communities.<sup>113</sup>

The Reverend Canon Andrew White, the Christian “Vicar of Baghdad”, recounted multiple such atrocities:

“Things were bad in Baghdad, there were bombs and shootings and our people were being killed, so many of our people fled back to Nineveh, their traditional home.” . . .

“[ISIS] came in and they hounded all of them out. They killed huge numbers, they chopped their children in half, they chopped their heads off, and they moved north and it was so terrible what happened.” . . .

. . .  
“Islamic State turned up and said to the children, you say the words that you will follow Mohammed.” . . .

“The children, all under 15, four of them, said no, we love Yesua [Jesus], we have always loved Yesua, we have always followed Yesua, Yesua has always been with us.

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<sup>109</sup> *Christians Flee ISIS*, *supra* note 103.

<sup>110</sup> *Thousands of Yazidis 'Still Trapped' on Iraq Mountain*, BBC (Aug. 12, 2014), <http://www.bbc.com/news/world-middle-east-28756544>.

<sup>111</sup> Sam Webb and Khaleda Rahman, *The Price of a Slave... as Determined by Official ISIS Price List: Islamist Group Sets Prices for Yazidi and Christian Women - with Girls Under Nine Fetching the Highest Price*, DAILY MAIL (Nov. 4, 2014), <http://www.dailymail.co.uk/news/article-2820603/The-price-slave-determined-official-ISIS-price-list-Islamist-group-sets-prices-Yazidi-Christian-women-girls-nine-fetching-highest-price.html>.

<sup>112</sup> Stephanie Nebehay, *Islamic State Selling, Crucifying, Burying Children Alive in Iraq – UN*, REUTERS, Feb. 4, 2015, available at <http://in.reuters.com/article/2015/02/04/mideast-crisis-children-idINKBN0L828E20150204>.

<sup>113</sup> *Id.*



“They said: ‘Say the words.’ They said: ‘No, we can’t.’ They chopped all their heads off. How do you respond to that? You just cry.”<sup>114</sup>

Last month, ISIS released a propaganda video showing the grizzly beheading of twenty-one Egyptian Christians in Libya.<sup>115</sup> ISIS had abducted these twenty-one Coptic Christian men, specifically seeking them out because of their faith,<sup>116</sup> from a Christian village in Libya.<sup>117</sup> It not only executed them in the most grotesque manner, but it recorded and widely publicized the massacre, making it crystal clear that these men were targeted for slaughter because of their Christian faith.

Two weeks ago, ISIS jihadists raided several Christian villages in northeastern Syria, abducting<sup>118</sup> over 200 Christian men, women, and children.<sup>119</sup> It is feared that ISIS is planning another propaganda massacre of even more horrific proportions.<sup>120</sup>

Notably, the recent kidnapping of Coptic Christians occurred outside of Iraq and Syria. It took place in Libya and was specifically directed at Egyptian Christians,<sup>121</sup> showing ISIS’s jihadist goal to murder Christians far exceeds the bounds of its current territory. In fact, a recent edition of its propaganda magazine, *Dabiq*, depicted the black flag of ISIS flying over the Vatican.<sup>122</sup> In that magazine, ISIS spokesman Mohammed al-Adnani wrote these chilling words:

“[Our goal is to] conquer your Rome, break your crosses, and enslave your women, by the permission of Allah, the Exalted.”

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<sup>114</sup> Jack Moore, *ISIS Beheads 4 Christian Children in Iraq for Refusing to Convert to Islam Claims ‘Vicar of Baghdad’*, INTERNATIONAL BUSINESS TIMES (Dec. 8, 2014, 1:35 PM), <http://www.ibtimes.co.uk/isis-beheads-4-children-iraq-refusing-convert-islam-claims-vicar-baghdad-1478586>; see also *Before Being Killed, Children Told ISIS: ‘No, We Love Jesus’*, ORTHODOX CHRISTIAN NEWS (Nov. 28, 2014), <http://myocn.net/before-being-killed-children-told-isis-no-we-love-jesus/>.

<sup>115</sup> *ISIS video appears to show beheadings of Egyptian Coptic Christians in Libya*, CNN (Feb. 16, 2015), <http://edition.cnn.com/2015/02/15/middleeast/isis-video-beheadings-Christians/>.

<sup>116</sup> Ian Lee and Jethro Mullen, *After ISIS Slaughters Christians, an Egyptian Village Mourns its Sons*, CNN (Feb. 19, 2015), <http://edition.cnn.com/2015/02/18/middleeast/egypt-Christians-grieving-village/>.

<sup>117</sup> *Id.*

<sup>118</sup> Suleiman al-Khalidi, *Islamic State in Syria Abducts at Least 150 Christians*, REUTERS, (Feb. 25, 2015), available at <http://www.reuters.com/article/2015/02/25/us-mideast-crisis-Christians-idUSKBN0LS0MH20150225>.

<sup>119</sup> *Activists Say Islamic State Releases 19 Syrian Christians*, ASSOCIATED PRESS, (Mar. 1, 2015), available at [http://www.washingtonpost.com/world/middle\\_east/activists-say-islamic-state-releases-19-syrian-Christians/2015/03/01/867cabba-c036-11e4-a188-8e4971d37a8d\\_story.html](http://www.washingtonpost.com/world/middle_east/activists-say-islamic-state-releases-19-syrian-Christians/2015/03/01/867cabba-c036-11e4-a188-8e4971d37a8d_story.html)

<sup>120</sup> Though ISIS has since release nineteen of these more than 220 Christians hostages, each over the age of fifty, *id.*, it did so only after they paid the *jizya* tax and accepted ISIS as their rulers. Ben Brumfield, *ISIS Releases Some Christian Hostages -- but Why?*, CNN (Mar. 2, 2015), <http://edition.cnn.com/2015/03/02/middleeast/isis-hostages-why-now/>.

<sup>121</sup> Lee and Mullen, *supra* note 116.

<sup>122</sup> Carol Kuruvilla, *Islamic State's Black Flag Flies Over Vatican on Cover of Propaganda Magazine*, HUFFINGTON POST (Oct. 14, 2014, 10:35 AM), [http://www.huffingtonpost.com/2014/10/14/isis-vatican-flag\\_n\\_5979424.html](http://www.huffingtonpost.com/2014/10/14/isis-vatican-flag_n_5979424.html).

“If we do not reach that time, then our children and grandchildren will reach it, and they will sell your sons as slaves at the slave market.”<sup>123</sup>

With the new allegiance pledged by Boko Haram—the terrorist group in Nigeria that has killed thousands, targeted Christian villages, and forced millions to flee their homes since 2009—ISIS has spread its influence deeper into Africa.<sup>124</sup> This allegiance increases the risks of the terrorist organization spreading to other African countries neighboring Nigeria, something the Boko Haram has attempted in recent weeks as it conducted terrorist attacks in Niger and Chad.<sup>125</sup>

ISIS is not just persecuting Christians; it is waging an all out genocide against Christians. It is specifically targeting Christians, along with other religious minorities and Muslims who do not adhere to its specific brand of radical Islam.

Yet the Christians ISIS seeks to silence, enslave, and exterminate are holding true to their faith. The twenty-one Christians beheaded last month had the name of Jesus on their lips as they drew their last breath.<sup>126</sup>

## VI. Persecution in the Islamic Republic of Pakistan

In the Islamic Republic of Pakistan, religious minorities are persecuted both by the Pakistani government and by the majority Muslims. While Pakistan’s blasphemy laws provide a tool for the majority Muslims to persecute minorities on account of their religion and to settle personal scores, the government does not provide adequate protection to its vulnerable citizens and gives a free hand to the culprits. Additionally, due to widespread corruption, coupled with religious bias, law enforcement officials allow criminals to go unpunished.

When Pakistan gained independence from India in 1947, Pakistan’s founding father, Muhammad Ali Jinnah, had envisioned a secular, democratic Pakistan. In his first address to the Constituent Assembly, Jinnah said: “You are free; you are free to go to your temples, you are free to go your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed -- that has nothing to do with the business of the State.”<sup>127</sup> In practice, however, Pakistan quickly became discriminatory and regressive, incorporating Shariah law into the Constitution and the Penal Code.

The Pakistani Constitution of 1973 states that “sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through

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<sup>123</sup> *Id.*

<sup>124</sup> Elbagir, *supra* note 99.

<sup>125</sup> *Nigeria’s Boko Haram Militants Attack Chad for First Time*, BBC (13 Feb. 13, 2015, 09:30 ET), <http://www.bbc.com/news/world-africa-31453951>; Abdoulay Massalaki, REUTERS, Feb 12, 2015, *available at* <http://www.reuters.com/article/2015/02/12/us-nigeria-violence-niger-idUSKBN0LG1DE20150212>.

<sup>126</sup> Lee and Mullen, *supra* note 116.

<sup>127</sup> Muhammad Ali Jinnah’s first Presidential Address to the Constituent Assembly of Pakistan (August 11, 1947), *available at* [http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/txt\\_jinnah\\_assembly\\_1947.html](http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/txt_jinnah_assembly_1947.html).

its people for being exercised within the limits prescribed by Him is a sacred trust.”<sup>128</sup> According to article 2, Islam is the State religion.<sup>129</sup> Article 227 of the Constitution mandates that “all existing laws shall be brought into conformity with the Injunctions of Islam.”<sup>130</sup>

An eventual outgrowth of Pakistan’s institutionalized Shariah, with its aspect of religious discrimination, was the gradual adoption of the infamous blasphemy laws. The most onerous blasphemy law, added in 1986, is Section 295-C of the Pakistan Penal Code, which states:

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.<sup>131</sup>

While the text of this law allows for the punishment of life imprisonment as an alternative to the death sentence, in 1991 Pakistan’s Federal Shariat Court (FSC) held that “[a]lternative [p]unishment of life imprisonment as provided in S.295-C, Penal Code, 1866, [is] repugnant to the Injunctions of Islam as given in Holy Quran and Sunnah.”<sup>132</sup> The FSC was established by a presidential order, which is now incorporated in the Pakistani Constitution under Chapter 3A.<sup>133</sup> The FSC is empowered to decide whether “any law or provision of law is repugnant to the Injunctions of Islam.”<sup>134</sup>

Between 1987 and 2014, over 1,300 people have been accused under blasphemy laws.<sup>135</sup> The overwhelming majority of them are Christians, Ahmadis, Hindus, and Shias. Currently, there are at least 17 individuals on death row and 19 others serving life sentences. Many others have been charged and await trial.<sup>136</sup> Even those who are acquitted often spend substantial time incarcerated. Most blasphemy cases are marred by false accusations and planted evidence, as blasphemy charges are oftentimes brought as a way to settle unrelated personal disputes.<sup>137</sup> Such false accusations are facilitated by the lack of procedural safeguards in the law.<sup>138</sup> Despite the serious penalties, the so-called crime does not require proof of intent or evidence to be presented.<sup>139</sup> Further, there are no penalties for false allegations.<sup>140</sup> Not only that, the laws are

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<sup>128</sup>PAKISTAN CONST. Annex, art. 2(A). Article 2-A consists of an annexed proposal known as the “Objectives Resolution” presented by then-Prime Minister Liaquat Ali Khan to the Constituent Assembly in 1949. This proposal was annexed as part of Pakistan’s 1973 constitution after serving as the preamble to earlier versions of Pakistan’s constitution.

<sup>129</sup>PAKISTAN CONST. art. 2.

<sup>130</sup>*Id.* art. 227(1).

<sup>131</sup>PAK. PENAL CODE § 295-C, *inserted by Criminal Law (Amendment) Act, III of 1986*, S. 2.

<sup>132</sup>*Muhammad Ismail Qureshi v. Pakistan through Secretary, Law and Parliamentary Affairs*, 1991 PLD 10.

<sup>133</sup>PAKISTAN CONST. chap. 3(A).

<sup>134</sup>*Id.* art. 203D(2).

<sup>135</sup>*What are Pakistan’s Blasphemy Laws?*, BBC NEWS (Nov. 6, 2014), <http://www.bbc.com/news/world-south-asia-12621225>.

<sup>136</sup>U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 75 (2014) [hereinafter USCIRF REPORT 2014], *available at* <http://www.uscirtf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>.

<sup>137</sup>*Id.*

<sup>138</sup>*Id.*

<sup>139</sup>*Id.*

vague as to what constitutes a violation, which allows courts and law enforcement to apply their personal religious interpretation.<sup>141</sup>

Targets of religious persecution and religiously-motivated violence in Pakistan include Christians, Shia Muslims, Ahmadis, and Hindus.<sup>142</sup> Shia events and places of worship have been frequently attacked.<sup>143</sup> For instance, in January 2013, a Shia pool hall was bombed.<sup>144</sup> In January 2014, a bus carrying Shia pilgrims was also bombed. Overall, 700 Shias were killed in Pakistan in 2014 alone.<sup>145</sup> Ahmadis are regularly murdered in drive-by shootings.<sup>146</sup> In May 2010, 94 people were killed and 120 injured in coordinated attacks against the Ahmadis.<sup>147</sup> Hindus are fleeing the country because of attacks and forced conversions.<sup>148</sup>

Violence against Christians is also widespread and frequent.<sup>149</sup> Despite constituting less than three percent of the entire country's population, Christians are frequent targets of societal abuse, harassment, and terrorism.<sup>150</sup> In late July 2009, Muslims burned 45 Christian homes and killed 9 Christians in Gojra and Korian after allegations were made that a Christian had defiled a Quran.<sup>151</sup>

In March 2013, a personal dispute between two men resulted in the Muslim man accusing the Christian of blasphemy.<sup>152</sup> Within one day, the blasphemy accusation had instigated two large mob attacks against a Christian colony in Lahore, attacks that resulted in the destruction of over 100 homes.<sup>153</sup> The government arrested few, if any, perpetrators.<sup>154</sup>

On September 22, 2013, two Taliban suicide bombers detonated their bombs inside the All Saints Church of Pakistan at the conclusion of a church service.<sup>155</sup> The suicide bombing at the

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<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> USCIRF REPORT 2014, *supra* note 136, at 75–76.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> Thomas J. Reese & Daniel I. Mark, *Pakistan's War on Conscience*, USCIRF (June 9, 2014), <http://www.uscifr.gov/news-room/op-eds/the-philadelphia-inquirer-pakistans-war-conscience>.

<sup>147</sup> Rizwan Mohammed & Karin Brulliard, *Militants Attack Two Ahmadi Mosques In Pakistan; 80 Killed*, WASH. POST (May 29, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/28/AR2010052800686.html>.

<sup>148</sup> *Id.*

<sup>149</sup> USCIRF REPORT 2014, *supra* note 136, at 76.

<sup>150</sup> *ECLJ Condemns the Deadly Attack on the Christian Community in Pakistan*, ECLJ (Sept. 24, 2013), <http://eclj.org/Releases/Read.aspx?GUID=a2b8b34b-8a7f-410e-8c4b-d3da680b8eb1>.

<sup>151</sup> *Id.*

<sup>152</sup> Declan Walsh & Waqar Gillani, *Attack On Christians Follows Claim Of Blasphemy In Pakistan*, N.Y. TIMES (Mar. 9, 2013), [http://www.nytimes.com/2013/03/10/world/asia/explosion-rips-through-mosque-in-peshawar-pakistan.html?\\_r=0](http://www.nytimes.com/2013/03/10/world/asia/explosion-rips-through-mosque-in-peshawar-pakistan.html?_r=0).

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> Saima Mohsin & Emma Lacey-Bordeaux, *Suicide Bombers Kill 81 at Church in Peshawar, Pakistan*, CNN (Sept. 23, 2013), <http://edition.cnn.com/2013/09/22/world/asia/pakistan-attack/>.

Christian church was one of the deadliest attacks ever against Pakistan's Christian community, killing at least 81 Christians and leaving over 120 wounded.<sup>156</sup>

More recently, on November 4, 2014, a Muslim mob in Pakistan burned to death a young Christian couple, Shahzad Masih and his wife Shama Bibi, based on an accusation that Shama, the mother of the couple's four children, had burned pages of the Quran.<sup>157</sup> Although police were present during the murder, they claimed that, due to the large number of people, they could not intervene.<sup>158</sup>

Another prominent blasphemy case is that of Aasiya Noreen (also known as Asia Bibi), a Christian mother of five.<sup>159</sup> In 2009, Asia Bibi was falsely accused of blaspheming Muhammad. The Muslim workers refused to drink from a bucket of water she had drunk from, calling it unclean because she was a Christian.<sup>160</sup> After suffering for almost five years in prison, in 2014, an appeals court upheld her 2010 conviction and execution sentence.<sup>161</sup> Her lawyers have appealed to Pakistan's Supreme Court.<sup>162</sup> Salman Taseer, Governor of the Punjab Province and a prominent advocate of blasphemy law reform was assassinated by his own security guard shortly after he met with Asia Bibi in an effort to seek a Presidential pardon for her.<sup>163</sup>

Shortly after Taseer's assassination, Federal Minister for Minorities Affairs, Shahbaz Bhatti, was also assassinated by gunmen in Islamabad.<sup>164</sup> Bhatti, who was the only Christian minister in the Pakistani Cabinet, had previously received death threats because of his outspoken calls for reform to Pakistan's blasphemy laws.<sup>165</sup>

In 2012, a man was charged with planting blasphemy evidence against an underage, mentally-handicapped Christian girl named Rimsha Masih.<sup>166</sup> Unfortunately, a year later the government dropped all charges against the man who had fabricated the blasphemy evidence.<sup>167</sup>

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<sup>156</sup> *Id.*

<sup>157</sup> Jay Sekulow, *Dozens Arrested in Islamic Mob Execution of Christians Burned Alive in Pakistan*, ACLJ, <http://aclj.org/persecuted-church/dozens-arrested-in-islamic-mob-execution-of-christians-burned-alive-in-pakistan> (last visited Mar. 4, 2015).

<sup>158</sup> *Id.*

<sup>159</sup> Jordan Sekulow, *Christian Mom Asia Bibi Sentenced to Death Will Hang for "Blasphemy" Pakistan Appeals Court Says*, ACLJ, <http://aclj.org/persecuted-church/christian-mom-to-hang-blasphemy> (last visited Mar. 4, 2015).

<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> M. Ilyas Khan, *Punjab Governor Salman Taseer Assassinated In Islamabad*, BBC NEWS (Jan. 4, 2011), <http://www.bbc.com/news/world-south-asia-12111831>.

<sup>164</sup> Orla Guerin, *Pakistan Minorities Minister Shahbaz Bhatti Shot Dead*, BBC NEWS (Mar. 2, 2011), <http://www.bbc.com/news/world-south-asia-12617562>.

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

<sup>167</sup> Angelo Young, *Judge Tosses Out Case Against Pakistani Christian Girl Accused of Blasphemy*, INT'L BUS. TIMES (November 20, 2012, 9:38 AM EST), <http://www.ibtimes.com/judge-tosses-out-case-against-pakistani-christian-girl-accused-blasphemy-891836>.

On September 18, 2014, a liberal Muslim scholar named Muhammad Shakil Auj—the dean of Islamic studies at the University of Karachi—was shot and killed in Karachi because of a supposedly blasphemous speech he gave during a visit to the United States.<sup>168</sup>

The Organization for Legal Aid (OLA), the European Centre for Law and Justice's (ECLJ)<sup>169</sup> affiliate in Pakistan, was created to provide legal assistance to the persecuted religious minorities in Pakistan. In the last five years, the OLA has represented clients in a variety of matters, including blasphemy, murder, torture, rape and trafficking, bonded labor, and illegal occupation of Christian churches and cemeteries.

In a recent case, Zanobia Mary, a Christian teacher, was falsely accused by her superiors of teaching the Bible to Muslim students. The principal of the school, who had resented Mary due to her Christian religion, suspended her. Through the timely intervention of OLA attorneys, Mary was reinstated to her position as teacher. However, the legal battle and religiously motivated threats against Mary are not over yet.

The OLA is also seeking justice for Nazia Bibi, a victim of attempted rape by Niamat Ali, an influential Muslim landlord of Nazia's village. The police refused to register a criminal case against Ali. Lack of police intervention is common in Pakistan due to the high level of corruption prevalent in the country. OLA attorneys filed a petition for registration of the case at a Sessions Court. Subsequently, the court ordered the police to register a formal case against Ali. Nonetheless, the investigation officers declared Ali innocent in their report.

Rape incidents are all too common in Pakistan. In another unfortunate case, OLA attorneys are representing a seven-year-old Christian girl, Saira Iqbal, against her Muslim neighbor, Fakhar Alam, who kidnapped and raped her. Two influential landlords of the village, Ahmed Yaar and Zulfiqar Ali, have been pressuring the family not to pursue the case.

In a similar case, OLA is representing Saleem Masih, a Christian farmhand, who was beaten by his Muslim landlord's sons for taking two days off for Easter this past year. Through a petition filed by OLA attorneys, the court directed the police to register the case. After the court ordered the police to register the case, the defendants repeatedly visited Masih and forced him to settle the case. The police have yet to carry out the court's orders.

Pressuring victims to not pursue legal action is also common in Pakistan. Most victims of religious persecution are poor and, hence, cannot afford to fight legal battles. The persecution, however, does not end there and is not limited to physical violence. Often times, Christian properties are illegally occupied by influential Muslims.

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<sup>168</sup> Zia ur-Rehman, *A Pakistani Scholar Accused of Blasphemy Is Shot Dead*, N.Y. TIMES (Sept. 18, 2014), [http://www.nytimes.com/2014/09/19/world/asia/pakistan-shakil-auj-assassinated-blasphemy-karachi.html?\\_r=0](http://www.nytimes.com/2014/09/19/world/asia/pakistan-shakil-auj-assassinated-blasphemy-karachi.html?_r=0).

<sup>169</sup>The ECLJ is an international, Non-Governmental Organization dedicated, *inter alia*, to the promotion and protection of human rights and to the furtherance of the rule of law in international affairs. The ECLJ has held Special Consultative Status before the United Nations/ECOSOC since 2007.

For instance, OLA is representing the United Presbyterian (U.P.) Church in the city of Pasroor. The Muslim landlords of the village forcibly encroached upon part of the church land and annexed it with their house. Masih filed a suit for permanent injunction in Pasroor Civil Court. The court issued an order in the church's favor. The defendants, however, filed an appeal against this order. The court accepted the appeal and remanded to the trial court. OLA is currently waiting for the court to set the date for trial.

OLA is also representing Ishaque Masih and three other Christians from Lahore who are struggling to save the graveyard where their forefathers are buried. The Muslim landlords, whose farm is adjacent to the graveyard, have encroached upon the graveyard land. In another case of illegal occupation of a Christian graveyard, OLA is representing the local Christians of Kasur. Illegally encroaching upon Christian cemeteries and churches is common in Pakistan.

As illustrated by the numerous cases mentioned above, Pakistan's blasphemy laws are used to target religious minorities. The unjust blasphemy laws place Pakistan in violation of the International Covenant on Civil and Political Rights (ICCPR),<sup>170</sup> a covenant to which it is currently a party. Pakistan's blasphemy laws violate articles 18 and 19 of the ICCPR, which involve freedom of religion and freedom of expression.<sup>171</sup> Further, since 2002, USCIRF has recommended that the United States Department of State label Pakistan as a "country of particular concern" (CPC) under the International Religious Freedom Act.<sup>172</sup> This is due to its "systematic, egregious, and ongoing violations of religious freedom or belief."<sup>173</sup> "In April 2013, the Human Rights Commission of Pakistan concluded that Pakistan is 'on the verge' of becoming an undemocratic society where violence is the accepted form of communication."<sup>174</sup> As the United States gives nearly 2 billion dollars in military and economic aid to Pakistan annually, the United States should demand that Pakistan comply with its commitments to religious freedom.<sup>175</sup>

## VII. Recommendations

As religious persecution of Christians exponentially increases, we must ensure that religious liberty for all is a top priority in U.S. foreign policy. The fact is most countries that violate religious freedom pose a serious risk to U.S. national security. At best, the United States has sent mixed messages to the world as to our priority on religious liberty issues. We must not sit idly by; rather the United States must lead by example—show the world that religious liberty and human rights are the foundation of peaceful and secure societies.

Mr. Chairman, the ACLJ and its global affiliates recommend the following steps be taken to ensure greater protection of religious liberty for all:

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<sup>170</sup> See *supra* note 4.

<sup>171</sup> *Id.* at arts. 18, 19.

<sup>172</sup> Reese & Mark, *supra* note 146.

<sup>173</sup> *Id.*

<sup>174</sup> USCIRF REPORT 2014, *supra* note 136, at 76.

<sup>175</sup> *Aid to Pakistan by the Numbers*, CENTER FOR GLOBAL DEVELOPMENT, <http://www.cgdev.org/page/aid-pakistan-numbers> (last visited Mar. 4, 2015).

## Senate Testimony of Dr. Jay A. Sekulow on Religious Freedom Abroad

*Wednesday, March 11, 2015*

- The Obama Administration, and any Executive to follow, regularly fulfill the statutory requirements under Section 402b(2) of the International Religious Freedom Act (IRFA), which require the President to submit to Congress a list of government officials or persons acting on their behalf who are responsible for human rights violations and particularly severe violations of religious freedom. We specifically request that the President take the following “commensurate actions” under IRFA Section 405: bar from entry into the United States and freeze the assets of any government officials or their agents who have engaged in particularly severe religious freedom violations; and work with our European allies also to ban from entry and freeze the assets of government officials who have engaged in particularly severe religious freedom violations;
- Amend Sections 401-405 of the IRFA to include the actions of non-state actors.
- The Obama Administration should appoint an Ambassador to lead a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia;
- Evaluate all foreign aid packages to countries listed as a Country of Particular Concern or recommended as a Country of Particular Concern by USCIRF and implement positive benchmarks for the release of aid when the country makes improvements in its protections of religious freedom and belief. Furthermore, concerns of religious freedom should be included regularly in U.S. engagements, including diplomatic exchanges, strategic dialogues, and during country visits;
- At present, according to the Government Accountability Office, the Ambassador at Large for International Religious Freedom was the lowest-positioned Ambassador at Large in the State Department hierarchy. We recommend Congress legislatively elevate the Ambassador at Large for International Religious Freedom within the State Department in the bureaucratic hierarchy to allow the Ambassador regular direct access to the Secretary of State. Furthermore, the position should have jurisdictional authority, as needed, in bureaus that cover country specific diplomacy where the country has a proven record of violations of religious freedom and belief.
- Amend legislation to require the U.S. Government to address Congress annually with a list of Countries of Particular Concern, explaining why it has not taken any recommendation of USCIRF.