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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 May 2023]

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



Deteriorating Status of Freedom of Expression in Countries of Interest: Nigeria, Nepal, and the Islamic Republic of Iran

Jubilee Campaign and Set My People Free would like to raise to the Special Rapporteur and the Council's attention United Nations Member States where the inalienable right to freedom of expression is increasingly being infringed upon, largely with the application of blasphemy and apostasy laws to persecute faith minorities.

Nigeria

Though Nigerian national legislation does not include penal provisions criminalizing blasphemy and/or apostasy, twelve out of Nigeria's 36 states have enacted penal codes based on Sharia law, with punishments ranging from amputation to death by stoning.[1]

In May 2022, Christian university student Deborah Yakubu Emmanuel was stoned to death and set on fire by Muslim classmates angered over her allegedly blasphemous comments in their class messaging group. Following her lynching, Sokoto state authorities detained only two suspects despite a video recording of the incident revealing multiple perpetrators. The suspects were arraigned on the grossly inadequate charges of "criminal conspiracy and disturbing the peace" and were soon released from police custody and remain at large, which exhibits the government's refusal to address the gravity and brutality of Deborah's murder.[2] Another Christian woman, middle-aged Rhoda Jatau, was detained a week later after she shared a video of an individual condemning the incident to her work group chat, which Muslims deemed blasphemous. Absurdly, Rhoda faces the charge of "inciting public disturbance", which is the same charge raised against Deborah's killers, suggesting that the government disgracefully considers committing alleged blasphemy to be of the same caliber of criminality as savagely ending an individual's life.[3]

In April 2020, Mubarak Bala, an atheist and the president of the Humanist Association of Nigeria was accused by a Kano State law firm of making blasphemous remarks about the Prophet on the internet, which the firm alleged would lead to "public disturbance". In September 2021, a group of human rights attorneys led by Kola Alapinni sent a letter to the Nigerian government noting that Bala had been held in pre-trial detention for over one year.[4] In April 2022, Kano State High Court convicted Bala on 18 criminal counts, including blasphemy and public disturbance, and sentenced him to 24 years in prison.[5]

In March 2020, authorities in Kano State arrested 22-year-old Islamic gospel musician Yahaya Sharif-Aminu on accusations of blasphemy after audio recordings were released in which he "praised an imam from the Tijaniya Muslim brotherhood (Ibrahim Niasse) to the extent it elevated him above the Prophet Muhammed." Authorities charged Sharif-Aminu with "insulting the religious creed" under the state's Sharia penal code, and in August 2020 a Sharia court sentenced him to death.[6] Attorney Alapinni and his legal team assisted in appealing the sentence and in January 2021, the High Court of Kano State overturned the unlawful death sentence and ordered a retrial; however, the case was remanded to the same court which originally sentenced Sharif-Aminu.

Nepal

The Constitution of Nepal affords freedom of expression and freedom of religion or belief to its citizens in Articles 26 and 17(2a); however, actions by government authorities towards Pastor Keshav have violated such rights. In March 2020, Nepali authorities arrested Christian Pastor Keshav in his home after a video circulated online in which he was praying for an end to COVID-19 in Jesus' name. Authorities alleged that Pastor Keshav shared false information and allegedly spread rumors, which is prohibited by Section 70 of the national Penal Code. Pastor Keshav, with the assistance of his wife, was able to pay fines for his release on bail, though he was rearrested a second time on new and separate charges of proselytism. Once again, Pastor Keshav was released after paying a much higher bail than for his previous release; however, he was arrested a third time and transferred to a distant detention center in Dolpa. Pastor Keshav was convicted and initially sentenced to two years' imprisonment, a term which was later commuted to one year in prison accompanied by a fine.[7] Currently, Pastor Keshav is released on bail as the Supreme Court is reviewing the admissibility of his appeal.

Nepal must review Article 158 of the 2017 National Penal Code of Nepal which stipulates, among other provisions, that "no person shall do any act or conduct which undermines the religion, opinion or faith of any caste, race, community or convert any one into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion." [8]

The Islamic Republic of Iran

In violation of international law, Article 513 of the 1991 Islamic Penal Code of the Islamic Republic of Iran prescribes the death penalty or a term of imprisonment between one and five years for "insulting the sacred values of Islam or any of the Great Prophets or [twelve] Imams or the Holy Fatima". [9] In the Islamic Republic of Iran in 2021, then president Hassan Rouhani ratified parliamentary amendments to the Penal Code which stipulate that individuals convicted of insulting "divine religions or Islamic schools of thought" or engaging in proselytism face terms of imprisonment between two and five years. [10]

In May 2020, Iranian authorities arrested two citizens, Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare, for establishing and participating in a Telegram messaging channel called "Critique of Superstition and Religion" in which they allegedly shared opinions about religion which were considered blasphemous and derogatory towards the Prophet. [11] During the first two months of their pre-trial detention, Mehrdad and Fazeli-Zare were interned in solitary confinement units in Arak Prison in Markazi province before being placed in prison general population, where they were then routinely denied family visits and access to legal representation for an additional six months. In April 2021, Branch 1 of the Arak Criminal Court convicted Mehrdad and Fazeli-Zare of blasphemy and sentenced them to death. Later in 2021, the Iranian Supreme Court rejected Mehrdad's and Fazeli-Zare's appeals and upheld their original sentences, claiming that the defendants had admitted to their crimes; however, it is worth noting that the Islamic Republic of Iran has a nefarious track record of inflicting physical torture to extract coerced confessions. In May 2023, the Iranian government media agency reported that Mehrdad and Fazeli-Zare had been transported to solitary confinement prior to the imposition of their sentence, and even though international outcry caused Iranian authorities to remand the defendants to general prison population, such progress was temporary as, days later, the two men were executed by hanging. [12] The deplorable execution of Mehrdad and Fazeli-Zare poses terrifying implications for the numerous other Iranian prisoners of conscience who have similarly been detained for expressions and/or manifestations of their beliefs.

Conclusion and Recommendations

Jubilee Campaign and Set My People Free urge the UN Special Rapporteur on Freedom of Expression to engage in constructive dialogue with the nations discussed herein and raise the following recommendations:

- (1) Reevaluate the non-compliance of national legislation with obligations pursuant to international conventions and covenants which protect the individual's right to freedom of thought, conscience, and religion, as well as the right to freedom of expression and opinion.
- (2) Take concrete measures to reconcile discrepancies between national legislation and international human rights obligations by incorporating the rights and freedoms outlined in superseding United Nations conventions into domestic laws and practices.
- (3) Release unconditionally and with immediate effect all individuals detained and imprisoned for manifesting their religious beliefs or lack thereof.
- (4) Immediately repeal the sanction of the death penalty for blasphemy and apostasy which is a grave violation of international law which limits the death penalty to only the most serious crimes, which refers to crimes where there is the use of violence.

Set My People Free, NGO(s) without consultative status, also share the views expressed in this statement.

- [1] United States Commission on International Religious Freedom, Shari'ah Criminal Law in Northern Nigeria: Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017-2019, December 2019.
- [2] Magdalene Kahi, "Christian Entity Calls for More Arrests, 'murder charge' for Killers of Nigerian Student", *Acia Africa*, 18 May 2022.
- [3] Morning Star News, "Christian Woman on Trial for Blasphemy in Northeast Nigeria", 5 October 2022.
- [4] Sahara Reporters, "Lawyers Write Buhari Over 17-month Illegal Detention of Outspoken Atheist, Bala For Alleged Blasphemy", 23 September 2021.
- [5] Ishaq Khalid, "Nigeria atheist Mubarak Bala jailed for blaspheming Islam", *BBC*, 5 April 2022.
- [6] United States Commission on International Religious Freedom, Yahaya Sharif-Aminu.
- [7] Jubilee Campaign, Keshav Acharya.
- [8] [Nepal] The National Penal (Code) Act, 16 October 2017.
- [9] Iran Human Rights Documentation Center, Islamic Penal Code of the Islamic Republic of Iran – Book Five, 15 July 2013.
- [10] End Blasphemy Laws, "Iran: Parliament passes law to further choke freedoms and target minorities", 19 February 2021.
- [11] United States Commission on International Religious Freedom, Yusef Mehrdad, updated 8 May 2023. ; United States Commission on International Religious Freedom, Seyyed Sadrullah Fazeli Zare, updated 8 May 2023.
- [12] David Gritten, "Iran executes two men convicted of blasphemy", *BBC*, 8 May 2023.