



## Jubilee Campaign contribution to UN Secretary-General call for input: developments on the use of capital punishment since the 2022 moratorium on the use of the death penalty

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### **Background**

In August 2019, the Human Rights Council reported that “a number of States have expanded the application of the death penalty to behavior and conduct the criminalization of which may already be in breach of the International Covenant on Civil and Political Rights, such as adultery, consensual same-sex relations, blasphemy and apostasy. Implementation of such cases could thus constitute arbitrary deprivation of life.” Even when and where there is a moratorium on the death penalty in place, “such laws can have a significant chilling effect on the legitimate exercise of human rights, in particular by religious or sexual minorities”.<sup>1</sup>

### **Provisions of Capital Punishment for Religious Conduct**

Currently, there are at least 11 nations that maintain the death penalty for apostasy and/or blasphemy: Afghanistan, Brunei, Iran, Maldives, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, and Yemen.<sup>2</sup> Some of the 11 above-listed nations classify only apostasy as a capital offense, either explicitly via penal codes’ inclusion of “apostasy” as a crime (**Qatar, Yemen**) or implicitly via provisions requiring Sharia punishments for religious offenses outlined in Islamic jurisprudence (**Maldives, Somalia, United Arab Emirates**). **Brunei** only directly identifies apostasy as a capital offense, however its definition of apostasy (*irtidad*) includes conduct which falls more under the scope of blasphemy. **Iran**’s penal code only mandates the death penalty specifically for blasphemy; it indirectly stipulates the death penalty for apostasy by requiring judges to issue sentences for religious offenses - including blasphemy - in line with Sharia jurisprudence. **Saudi Arabia**, unlike the other countries listed herein, does not have a written penal code; however, customary judicial precedent identifies apostasy and blasphemy as religious offenses to be penalized in accordance with Sharia law. **Mauritania** is the only country whose legislation specifically mandates the death penalty for both apostasy and blasphemy, and **Pakistan** is the sole country which stipulates the death penalty for blasphemy rather than apostasy. In November 2022, one year after the Taliban seized control in **Afghanistan**, Taliban spokesperson Zabihullah Mujahid publicly instructed judges to “strictly enforce Shariah law”.<sup>3</sup>

### **Concerning Developments**

In March 2024 a draft for **Saudi Arabia**’s first ever penal code was disclosed and included provisions sanctioning the death penalty for *hadd* crimes including apostasy and blasphemy. While the former is not explicitly defined, the law’s definition of blasphemy is “vague and overly broad” and essentially grants judges the personal discretion to convict individuals and sentence them to death for religious offenses as they [the judges] deem appropriate. Additionally, as noted by Amnesty International, “the draft code stipulates that if the conditions (which the draft code does not define) for considering blasphemy a *hadd* crime are not met, the punishment is imprisonment for seven to 15 years”.<sup>4</sup>

In **Iran** in May 2023, two men who had been previously convicted of blasphemy and sentenced to death in 2021, Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare, were executed. Mehrdad and Fazeli-Zare had been initially

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<sup>1</sup> United Nations Human Rights Council, *Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty*, A/HRC/42/28, 28 August 2019.

<sup>2</sup> United States Commission on International Religious Freedom (USCIRF), *Blasphemy Law Compendium*, 2023. ; Chris Alexander, Mai Sato, Nadirsyah Hosen, & James McLaren, *Killing in the Name of God: State-sanctioned Violations of Religious Freedom*, Monash University & Elios Justice, October 2021.

<sup>3</sup> Al Jazeera, “*Transcript of Taliban’s first news conference in Kabul*”, 17 August 2021. ; Jacques Follorou, “*The return of the Taliban to hardline Sharia law*”, *Le Monde*, 16 November 2022.

<sup>4</sup> Amnesty International, *Manifesto for Repression: Saudi Arabia’s Forthcoming Penal Code Must Uphold Human Rights in Line with International Law and Standards*, MDE 23/7783/2024, 19 March 2024.

arrested for creating and participating in an online social media forum in which they allegedly shared opinions about religion which the court deemed an act of “desecrat[ing] the sanctities”.<sup>5</sup> The men spent two months of pre-trial detention in solitary confinement, and for another six months in general prison population they were denied family visits and legal representation. In July 2021, the Supreme Court rejected Mehrdad’s and Fazeli’s appeals, claiming that the defendants had confessed to their crimes; however, it is noteworthy that the Iranian prison system is infamous for inflicting physical torture to extract coerced confessions.<sup>6</sup>

In July 2023, 19-year-old **Mauritanian** high school student Mariya Oubed was charged with blasphemy on allegations that she had written derogatory remarks about the Prophet on a mock exam paper. Despite Mariya’s young age, the Association of Mauritanian Ulama (religious scholars) castigated the government for its leniency towards the girl and issued a fatwa for her execution if her guilt was ‘proven’.<sup>7</sup>

In **Pakistan**, authorities routinely arrest, convict, and sentence alleged ‘blasphemers’ to death. In March 2024, a court in Punjab convicted an unnamed 22-year-old university student to death for circulating “blasphemous pictures and videos with intention to outrage the religious feelings of Muslims”. Also convicted as an accomplice of the same ‘crime’ was a 17-year-old who was slapped with an unconscionable life imprisonment sentence, as domestic legislation does not permit execution of minors.<sup>8</sup> Endless Christian and Ahmadi Muslim Pakistani civilians, and even scholars, remain on death row for years on blasphemy convictions: Anwar Kenneth (detained 23 years; has filed final appeal and will stand trial following Eid al-Fitr in 2024)<sup>9</sup>; evangelical pastor Zafar Bhatti (12 years detained; deteriorating diabetes and heart condition)<sup>10</sup>; university lecturer Junaid Hafeez (11 years detained)<sup>11</sup>; school principal Salma Tanveer (11 years detained; of questionable mental stability)<sup>12</sup>; Asif Pervaiz (11 years detained; accused by vengeful work supervisor)<sup>13</sup>.

### **Conclusion & Call to Action**

We urge the UN Secretary-General, UN Member States, and specifically the 51 nations who signed a joint statement with Australia calling for the global repeal of capital punishment for blasphemy and apostasy<sup>14</sup>, to take the following actions:

- Encourage diplomatic efforts by international organizations, such as the UN and regional bodies like the European Union and the Organization of Islamic Cooperation, to engage with governments of countries where the death penalty is imposed for apostasy and blasphemy. Utilize diplomatic channels to advocate for the abolition of such laws and ensure compliance with international human rights standards;
- Advocate for the imposition of a moratorium on the death penalty for apostasy and blasphemy offenses, with the ultimate goal of abolishing these laws entirely. Emphasize the disproportionate impact of these laws on religious and minority communities and the chilling effect they have on freedom of expression;
- Offer humanitarian assistance to individuals and families affected by apostasy and blasphemy laws, including those who have been forced to flee their home countries due to death threats upon themselves and their families stemming from their religious beliefs and expressions thereof. Collaborate with local and international NGOs to provide aid and advocacy for victims of religious intolerance;
- Consider targeted sanctions or other diplomatic measures against governments that continue to enforce apostasy and blasphemy laws in violation of international human rights standards. Such repercussions may include, but are not limited to: travel bans, asset freezes, international criminal tribunals, etc.

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<sup>5</sup> United States Commission on International Religious Freedom (USCIRF), [Yusuf Mehrdad](#), updated 8 May 2023. ; USCIRF, [Seyyed Sadullah Fazeli Zare](#), updated 8 May 2023.

<sup>6</sup> Iran International, [“Iran Uses Secret Prisons To Get Forced Confession From Protester, CNN”](#), 22 February 2023. ; Jon Gambrell, [“Iran hangs 2 in rare blasphemy case as executions surge”](#), *Associated Press*, 8 May 2023.

<sup>7</sup> Mariam Ahmed Abbe, [“A Mauritanian high school student faces the death penalty over blasphemy”](#), *Global Voices*, 29 August 2023.

<sup>8</sup> Patricia Gossman, [“Pakistan’s Blasphemy Law Targets Youth on Social Media”](#), *Human Rights Watch*, 11 March 2024. ; Ehtisham Shami, [“Pakistan blasphemy: Student sentenced to death over WhatsApp messages”](#), *BBC*, 8 March 2024.

<sup>9</sup> Jubilee Campaign, [“Urgent Call for Intervention in the Case of Pakistani Christian Anwar Kenneth. Unjustly Imprisoned 22 Years on Death Row for Expression of Religious Belief”](#), 3 April 2024.

<sup>10</sup> Church in Chains, [Zafar Bhatti](#), (updated 7 March 2024).

<sup>11</sup> BBC News, [“Junaid Hafeez: Academic sentenced to death for blasphemy in Pakistan”](#), 21 December 2019. ; USCIRF, [Junaid Hafeez](#).

<sup>12</sup> Ross Ibbetson, [“School principal is sentenced to death for blasphemy in Pakistan after she was accused of distributing material deemed insulting to Prophet Muhammad”](#), *Daily Mail*, 28 September 2021. ; USCIRF, [Salma Tanveer](#).

<sup>13</sup> Asad Hashim, [“Pakistani Christian sentenced to death for ‘blasphemous texts’”](#), *Al Jazeera*, 8 September 2020. ; Church in Chains, [Asif Pervaiz](#). 10 February 2022.

<sup>14</sup> Australia Department of Foreign Affairs and Trade, [Joint statement led by Australia on the death penalty as a punishment for blasphemy and apostasy](#). 9 March 2021. \*\*\*Albania; Andorra; Argentina; Australia; Austria; Belgium; Brazil; Bulgaria; Canada; Chile; Costa Rica; Croatia; Cyprus; Czechia; Denmark; Estonia; Fiji; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Latvia; Liechtenstein; Lithuania; Luxembourg; Malta; Mexico; Monaco; Montenegro; Netherlands; New Zealand; North Macedonia; Norway; Poland; Portugal; Romania; San Marino; Slovakia; Slovenia; Spain; Sweden; Switzerland; Ukraine; United Kingdom; United States\*\*\*