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**IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF**

Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in
accordance with Commission on Human Rights resolution 1994/18

CONTENTS*/

INTRODUCTION

I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR

**II. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES EXAMINED BY THE
SPECIAL RAPPORTEUR**

Afghanistan
Albania
Algeria
Germany
Saudi Arabia
Austria
Bangladesh
Benin
Belarus
Bhutan
Bulgaria
Canada
Cyprus
Cuba
Egypt
United Arab Emirates
Ethiopia
Russian Federation
Ghana
Greece
India
Indonesia
Iran, Islamic Republic of

Iraq
Israel and the occupied territories
Kazakhstan
Kenya
Lebanon
Liberia
Malaysia
Morocco
Mexico
Mongolia
Myanmar
Nepal
Nigeria
Uzbekistan
Pakistan
Philippines
Romania
Rwanda
Sudan
Sri Lanka
Switzerland
Tanzania (United Republic of)
Turkey
Viet Nam
Yemen
Zimbabwe
Former Yugoslavia

III. VISIT BY THE SPECIAL RAPPOREUR TO CHINA

A. Introduction

B. Working methods and activities

C. Legislation in the field of tolerance and non-discrimination in relation to religion or belief

D. Implementation of legislation and policy on tolerance and non-discrimination based on religion or belief

E. Conclusions and recommendations

Appendix 1 - Members of religious orders subject to various restrictions

Appendix 2 - Reply from the Chinese authorities

IV. CONCLUSIONS AND RECOMMENDATIONS

Annex. Questionnaire addressed to Governments and relating to freedom of religion and belief in primary and secondary schools

INTRODUCTION

1. At its forty-second session, the Commission on Human Rights decided, in resolution 1986/20 of 10 March 1986, to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures for such situations.

2. In accordance with the terms of that resolution, the Special Rapporteur submitted his first report to the Commission at its forty-third session (E/CN.4/1987/35). His mandate was extended for one year by

resolution 1987/15 of 4 March 1987, at the same session of the Commission.

3. From 1988 onwards, the Special Rapporteur has submitted yearly reports to the Commission (E/CN.4/1988/45 and Add.1; E/CN.4/1989/44; E/CN.4/1990/46; E/CN.4/1991/56; E/CN.4/1992/52; E/CN.4/1993/62 and Add.1 and Corr.1). In its resolutions 1988/55, 1990/27 and 1992/17, the Commission twice decided to extend the Special Rapporteur's mandate for two years, and then for a further three years, until 1995.

4. After the resignation of Mr. d'Almeida Ribeiro, the Chairman of the Commission appointed Mr. Abdelfattah Amor as Special Rapporteur. The latter submitted his report (E/CN.4/1994/79) to the Commission on Human Rights at its fiftieth session.

5. In chapter I of this report, the Special Rapporteur recalls the terms of his mandate and their interpretation and describes the working methods he used.

6. Chapter II contains allegations transmitted in 1994 to 49 Governments regarding situations which in the Special Rapporteur's view departed from the provisions of the Declaration, as well as the observations formulated in that respect by Governments.

7. Chapter III contains the report of the Special Rapporteur's visit to China from 21 to 30 November 1994.

8. Lastly, chapter IV contains conclusions and recommendations, based on an analysis of the information available regarding the numerous infringements of the rights set out in the Declaration during the period covered by this report and on the study of measures which could contribute to preventing intolerance and discrimination based on religion or belief.

I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR

The Special Rapporteur has followed his working method of transmitting to Governments summaries of allegations sent to him and appearing, *prima facie*, to represent infringements of or impediments to the exercise of the right to freedom of thought, conscience and religion.

The Special Rapporteur noted that some of the allegations transmitted to the Governments concerned mentioned various forms of harassment, arbitrary arrest and detention, torture or ill-treatment suffered by the victims of religious intolerance, as well as attempts on their lives. In addition, some of the reports received referred to the desecration, or even the destruction, of religious sanctuaries or property and cemeteries.

This state of affairs prompted the Special Rapporteur to ask some Governments specific and concrete questions, particularly when the allegations made against them contained descriptions of specific cases of individuals persecuted on the basis of their religion or beliefs, or of places of worship which had been damaged. These questions were in many cases accompanied by requests for legislative and other relevant texts.

In some cases, having been notified in good time of serious allegations, concerning amongst others harassment, arbitrary detention and attempts on people's lives, the Special Rapporteur decided to resort to the urgent appeal procedure (see chap. II).

The Special Rapporteur is particularly grateful for the efforts of those Governments which attempted to shed light on the allegations submitted to them, in accordance with the wish expressed by the Commission on Human Rights in its resolution 1994/53, to the effect that Governments should respond "expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned ... may carry out their mandates effectively". The replies provided by Governments are invaluable in enabling the Special Rapporteur to reach an informed opinion on the

situation in a given country with regard to religious freedom.

As for the follow-up to allegations communicated to Governments and the replies received from them, the Special Rapporteur has reported his views and observations and has reverted to specific situations whenever the problems and manifestations of religious intolerance so required, or as long as Government replies - or the lack of them - failed to provide the necessary clarification. The Special Rapporteur will also in future apply himself to studying the question of Governments which do not furnish replies to the allegations transmitted to them, a problem to which he wishes to call the Commission's attention.

In accordance with his mandate and with resolution 1994/18, in which the Commission encouraged the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in that regard, the Rapporteur, after a meeting with representatives of the programme of advisory services, has put forward a number of recommendations in that respect (chap. IV).

Recalling that, in resolution 1994/18, the Commission encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively, the Special Rapporteur wishes to emphasize the importance which he attaches to visits to be made *in situ* in order to further the dialogue already initiated with many Governments and also to better appreciate the full complexity of the situations of religious intolerance which he is, and will be, called upon to encounter during his mandate.

In a letter of 31 August 1993 addressed to the Permanent Representatives of Greece, India, the Islamic Republic of Iran and Pakistan, the Special Rapporteur announced his wish to visit their countries to obtain information from their authorities and other parties concerned on various matters falling within his mandate. In a letter of 31 August 1993, the Special Rapporteur also wrote to the Government of the Sudan to confirm that he was pleased to accept the invitation extended to his predecessor to visit the Sudan. The choice of the above-mentioned countries was determined by the Special Rapporteur's concern to study in detail a number of problems of religious intolerance which had been brought to his attention, while maintaining an appropriate geographical balance.

The Special Rapporteur recalls his wish to visit the Governments of India, the Islamic Republic of Iran and Sudan and is still awaiting their replies.

The Government of Greece, in a letter of 14 April 1994, agreed in principle to a visit *in situ* by the Special Rapporteur. However, the visit was postponed to a more convenient date. The Government of Pakistan, in a letter of 15 February 1994, agreed to a visit by the Special Rapporteur, but has still not confirmed the dates of the visit.

The People's Republic of China, in letters of 9 May, 30 June, 8 August and 2 November 1994, took the initiative of inviting the Special Rapporteur to visit China from 21 to 30 November 1994. The report of his visit to China is given in chapter III of this report.

The Special Rapporteur strongly encourages all Governments wishing to do so to invite him to visit their countries in order to strengthen mutual cooperation and understanding, for the sake of eliminating all forms of intolerance and of discrimination based on religion or belief. He is also considering asking some Governments to allow him to visit their countries. He considers that, while it is still worth attaching importance to traditional visits, it would also be useful, in some circumstances, to make contact visits for the purpose of establishing a dialogue with some Governments and furthering understanding.

Moreover, the Special Rapporteur wishes to maintain and strengthen the cooperation already established with other special rapporteurs or independent experts responsible for special procedures with a bearing on his mandate by, among other things, examining specific problems with them in greater detail. Another possible method of collaboration, in the context of specific situations, would be to organize joint *in situ* visits by several special rapporteurs and/or independent experts.

In this regard, the Special Rapporteur took part in the meeting of special rapporteurs, representatives, experts and chairpersons of working groups on the special procedures of the Commission on Human Rights and on the advisory services programme, held in Geneva from 30 May to 1 June 1994, and endorses the meeting's recommendations (see note by the High Commissioner for Human Rights E/CN.4/1995/5).

As in his previous report, the Special Rapporteur has endeavoured, as the terms of Commission resolution 1994/18 require, to make full use of credible and reliable information provided to him, while exercising the necessary impartiality, independence and discretion. In order to do so, he has drawn on a very broad range of governmental and non-governmental sources, of very varied geographical origins, and comprising both organizations and individuals. He has also spoken with the representatives of some Governments and a number of non-governmental organizations. He has taken due account of information from religious groups and denominational communities. He has given priority to the use of recent information covering the period since the Commission's previous session. However, in the case of situations mentioned for the first time or of problems, the origins or the manifestations of which go back a number of years, he has sometimes made use of earlier information and referred to it. The information gathered is also used specifically to document religious intolerance.

It should be made clear that the dialogue established with Governments by the Special Rapporteur and the transmittal of allegations concerning their countries in no way implies any kind of accusation or value judgement, but rather a request for clarification with a view to finding, along with the Government concerned, a solution to a problem which goes to the very heart of fundamental rights and freedoms.

In accordance with his mandate, and in application of paragraph 14 of resolution 1994/18, in which the Commission encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance, he has undertaken consultations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Bureau of Education (IBE) with a view to benefiting from their experience and expertise in this field and exchanging views.

The Special Rapporteur visited UNESCO in Paris on 2 and 3 June 1994. There he gathered information and relevant documentation concerning programmes for the teaching of human rights. He also discussed the possibility of preparing a questionnaire on problems concerning freedom of religion and belief in educational establishments and requested their cooperation in that respect.

Following these consultations, the Special Rapporteur prepared the questionnaire (contained in the annex) and sent it to the Governments on 27 October 1994 (see chap. IV).

The Special Rapporteur held similar consultations with IBE. He also sent the forty-fourth session of the International Conference on Education a proposal for a special paragraph to be inserted in the text intended to modify, replace or be added to the 1974 Recommendation on international education, in the event that the Conference should decide to revise the text or make additions. The paragraph is as follows: "Urges all States to take all appropriate measures to combat hatred, religious intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief".

Within the framework of the International Conference on Education, the Special Rapporteur also took part in a round table on the role of religions in education for tolerance and mutual understanding, organized by the non-governmental organization World Conference on Religion and Peace. At the meeting, he drew attention to the importance of prevention with regard to religious tolerance through the strategic role of education, information and culture. In this respect, he referred to the initiatives and actions which, in his view, would be worth taking or undertaking in this respect. He also enjoyed the cooperation of non-governmental organizations through the Committee on Non-Governmental Organizations. He intends to follow up this aspect of his mandate further in future and, in accordance with resolution 1994/18 of the Commission on Human Rights, invites them to consider what further contribution they could make to the implementation and dissemination of the Declaration.

II. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES EXAMINED BY THE SPECIAL RAPPORTEUR

In 1994, the Special Rapporteur addressed specific requests for information to 49 Governments, in accordance with paragraph 13 of resolution 1994/18, in which the Commission encouraged the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures.

In those communications, the Special Rapporteur, *inter alia*, requested the views and comments of the Governments concerned in order to ascertain whether they had taken or were contemplating, in accordance with paragraph 7 of the above-mentioned resolution, "all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief", with due regard for internationally established standards of religious freedom.

In this connection, urgent appeals were addressed to five States: Bangladesh, Iran (Islamic Republic of), Iraq, Pakistan and Saudi Arabia. The Special Rapporteur received a reply to his appeal to Bangladesh but is still awaiting replies from the Governments of the other four States concerned.

Afghanistan

In a communication of 18 August 1994 addressed to the Afghan Government, the Special Rapporteur transmitted the following information:

"According to the information received, in September 1993 the draft constitutional principles prepared under the auspices of President Rabbani declared the Hanafi rite (Sunnite) to be the Islamic basis of the State. The Shiite Muslim community is said to have strongly opposed the draft principles and the Shi'a Wahdata militia are reported to have rioted by attacking the Sunnite forces of Abdul Rasul Sayyaf.

Non-Muslims are allegedly forbidden to proselytize.

The Special Rapporteur was informed that, following the destruction of the Ayodhya mosque in India in December 1992, extreme religious violence broke out against Hindu and Sikh communities, particularly in urban areas.

Acts of vandalism are said to have been committed against 'zairats', 'shrines of Sufi Muslim orders' and pre-Islamic funerary 'totems' in Nuristan."

Albania

In a communication of 31 August 1994 addressed to the Albanian Government, the Special Rapporteur transmitted the following information:

"According to the information transmitted, although the Albanian Government has recognized the right of the Greek minority to practise its Orthodox religion, no progress has been made in returning the religious property confiscated from the Greek community under the former regime.

Moreover, it is reported that four bishops appointed by the Ecumenical Patriarchate to help Archbishop Anastasios restore the Orthodox Church in Albania were refused entry to Albanian territory on the grounds that they were not nationals, when this nationality requirement could not be met since all religious activity by the Greek minority was seriously affected for 45 years.

The Special Rapporteur has also been informed that Orthodox priests have allegedly been subjected to pressure by the authorities to conduct their liturgy in Albanian rather than in Greek."

Algeria

In a communication of 18 August 1994 addressed to the Algerian Government, the Special Rapporteur transmitted the following information:

"The Special Rapporteur is concerned by the tragic upsurge in murders carried out by armed groups of Islamist militants, who are reportedly continuing to kill civilians and targeting a larger and larger proportion of the population. They are even said to be stepping up their campaign of violent attacks directed against civilians. It is alleged that women, journalists, judges, doctors and intellectuals, among others, have been killed, wounded, abducted or threatened, while others who have escaped death are living in constant fear.

It is reported that communiqués signed by the Islamic Armed Group (GIA) call for 'enemies of Islam', and particularly journalists, intellectuals, women and foreigners, to be killed and that journalists are continuing to pay a very heavy price. The Special Rapporteur has been informed of the following alleged cases:

In September 1993, Saad Bakhataoui, an unemployed journalist, was targeted by four Islamists and Abderrahmane Chergou, an employee of Hebdo libéré, had his throat slit;

In October 1993, Djamel Bouhidel, a photographer, was murdered at Blida; Mustapha Abad, formerly acting director of television, was murdered by a shot in the head; and Smail Yefsah, a television journalist, was stabbed outside his home and then shot to death;

In February 1994, Olivier Quemener, a French journalist, was murdered in the Algiers Kasbah while on a reporting assignment and his colleague, Scott Allan White, was seriously wounded;

In March 1994, Majid Yasef, a cameraman working for Hebdo libéré, was shot down and three other persons, including the magazine's editor, were wounded.

Intellectuals are reportedly fleeing the country in order to shield themselves from extremism and avoid being murdered like Youssef Sebti (a poet), Ahmed Asselah (Director of the Higher Fine Arts Academy), Abdelkader Allouala (a playwright), Djilali Belkhenchir (Vice-Chairman of the Committee against Torture) and Salah Djebaili (Rector of the Bab-Ezzouar University of Science and Technology).

It is further alleged that women are being threatened so as to make them respect the Islamic dress code and that a growing number of women have been killed in attacks by Islamists. Katia BENGHANA, a 17-year-old high school student, is said to have been shot to death at Blida on 28 February 1994 after being threatened for failing to wear the hijab (Islamic scarf).

Foreigners, as one of the Islamists' main targets, have allegedly been forced to leave the country. At least 12 French nationals are reported to have been killed, including 2 members of religious orders in Algiers on 8 May 1994, namely Hélène Saint-Raymond, Little Sister of the Assumption, and Henri Vergès, a Marist brother. It is alleged that 12 Croatian and Bosnian workers of the Catholic faith were murdered in the Tamezguida region on 14 December 1993 and that 7 Russian nationals have been murdered since October 1993, while other foreign nationals have been killed and/or permanently threatened.

According to some reports, not a day goes by without murders, attacks, abductions, destruction of public property, citizens going into hiding to escape threats, intelligentsia leaving the country, etc. A veritable spiral of violence, terror and serious human rights violations caused by the Islamists is said to have seized all sectors of Algerian society."

Germany

In a communication of 20 October 1994 addressed to the German Government, the Special Rapporteur transmitted the following information:

"According to information received, the Church of Scientology is subject to various forms of discrimination.

This discrimination is said to be practised in particular by the political parties.

In December 1991, the Christian Democratic Union (CDU) is said to have adopted a resolution prohibiting Scientologists from becoming members, leading in particular to the exclusion of members from the party because of their religious belief. In addition, the Youth Union, affiliated to the CDU, is reported to have published a brochure entitled 'Insects: No Thank You' with a fly-swatter. The brochure was reportedly distributed at the CDU Federal Party Convention in February 1994.

In February 1993, the Social Democrats (SPD), the Christian Democratic Union (CDU), the Free Liberal Party (FLP) and the STAAT party are said to have declared membership of the Church of Scientology incompatible with the principles of their political parties.

The Special Rapporteur has also been informed of several cases of discrimination:

In Hamburg, the Senate is said to have notified the Hamburg Church of Scientology on 26 March 1992 that it was refusing to rent out rooms to it.

In Baden-Württemberg, the Government of the State of Baden-Württemberg is said to have taken a series of discriminatory measures against the Church of Scientology and its parishioners. These measures allegedly requested the Government to:

Withdraw legal capacity from Scientology organizations;

Start criminal investigations of the Church;

Determine whether being an adherent of the religion could be regarded in the same way as drug dependence;

Expand 'explanatory' campaigns on Scientology in schools and government offices and for the general public;

Prevent Scientology from exerting economic 'influence', in cooperation with the Employers' Association and the Chamber of Industry and Commerce;

Continue to solicit the support of trade unions which have agreed to inform their members about the economic influence of Scientology and to counter that influence through trade union publications attacking anyone following Scientology;

Draw up a complete list of other measures designed to 'reduce the activities of Scientology'.

Identical measures are reported to have been taken in the States of Saarland, North Rhine-Westfalia, Bremen and Mecklenburg-Vorpommern.

According to information received, persons and organizations associated with Scientology have been blacklisted and subjected to an economic boycott. The following cases were brought to the attention of the Special Rapporteur:

In May 1993, Chick Corea, the jazz musician, was reportedly invited to take part in a concert on the

occasion of the World Athletics Championship at Stuttgart. The Government of Baden-Württemberg is said to have cancelled the concert after learning that Chick Corea was a Scientologist.

In March 1992, the administrative director of the State capital Düsseldorf is said to have distributed a list naming firms employing Scientologists and in particular the Director-General of Düsseldorf Fair Ltd. In March 1993, it is alleged that the city of Düsseldorf published an order against the Director-General of the Kempe Ltd. real estate company and cancelled the right of Mr. and Mrs. Kempe to recruit apprentices to learn the trade of estate agent because of their religion.

In 1993, in the State of Rhineland-Palatinate, Werner Nolte, a businessman, was reportedly subjected to a media campaign against his company and his family because of his membership of the Church of Scientology. His partners later broke off their trade relations with the company.

In June 1993, a German television presenter, Thomas Gottschalk, is reported to have been wrongly accused of being a Scientologist. Because of false publicity claiming that he was a Scientologist, he announced publicly that he was not, that he had nothing to do with the Church and that he would break off all relations with a friend who was a Scientologist.

In December 1993, it is reported that three businessmen bought space in a local daily newspaper Husumer Nachrichten to proclaim 'We've had enough!' and that they 'had never had and would never have any relations with the Scientology movement or its organizations ...'. The article is stated to have been signed by directors of local companies and the local pastor. At the end of the article there is said to have been a warning that anyone describing these businessmen as Scientologists or accusing them of being in contact with Scientology or other sects would be sued for 'libel'.

On 19 August 1993 the director of Volksfürsorge, the public social welfare organization, allegedly informed a trainee, Oliver Freitag, that he would not be employed because he was a member of the Church of Scientology.

The Special Rapporteur was also informed that there had been an increase in acts and threats of violence. The following cases were reported:

Over the last two years, bomb threats are reported to have been made against virtually every Scientology mission and church: Hamburg (3), Hanover (2), Munich (2), Ulm (2), Frankfurt and Düsseldorf.

On 4 June 1993, it is reported that windows of the building rented to the Church of Scientology in Hamburg and cars in its parking lot were vandalized and covered in paint.

On 12 June 1993, the front of a Scientologist's house was allegedly daubed with the inscription 'Scientologist pig'.

In February 1994, the window of a Scientology mission was reportedly broken by a stone wrapped in a pamphlet which stated that Scientology would be 'destroyed'.

On 24 March 1994, a Scientologist lawyer, Mr. Wilhelm Bluemel, is said to have received a fax stating 'Watch out, your time is coming soon!' and anonymous telephone calls.

The children of Scientologists are also reported to have been discriminated against:

On 27 March 1994, the two children of a Scientologist, Lydia Walter, aged 6 and 3, were allegedly the victims of discriminatory acts at the local kindergarten. At the initiative of the group called 'Sect Info Essen', the governing board is said to have specifically requested that there should be no contact with Scientologists. The children were reportedly banned by the rest of the school and their parents informed that the children would be sent home unless they signed a sworn written statement that they would not 'promote' Scientology orally, in writing or by any other means. The contract was also to state that their children were not 'welcome' in the kindergarten. A poster in front of the school is said to have read 'We don't want Scientology' and the school allegedly announced that it would hold an anti-Scientology

demonstration with the group 'Sect Info Essen' in April 1994."

Saudi Arabia

In a communication of 18 August 1994 addressed to the Saudi Government, the Special Rapporteur transmitted the following information:

"The Special Rapporteur has been informed that, since 1990, hundreds of men, women and children have been arrested and imprisoned, the majority of them without charge or trial, simply for the peaceful expression of their religious beliefs.

During the past few years, a policy of discrimination against religious minorities, and against Christians and Shiite Muslims in particular, is said to have been gradually introduced.

The Christians reportedly have no place of public worship and the foreigners can practise their religion only in private. According to the information received, Christians participating in private religious gatherings must always do so secretly and be on the alert. Often persons have allegedly been arrested because they were in possession of religious objects such as rosaries, crosses, images of Jesus Christ or the Bible. In addition, it is allegedly strictly forbidden by law to publish or distribute any document deemed incompatible with the Wahabbi interpretation of Islam. These prohibitions have all allegedly been applied with increased rigour since 1990.

The Special Rapporteur has received reports on the following cases:

- On 10 and 12 February 1992, 29 people, including 7 children, were allegedly arrested by Shurta (police) officers and members of the Committee for the Propagation of Virtue and Prevention of Vice, while they were at a meeting in the centre of Riyadh. The majority of them were Indians from Kerala and they were listening to a sermon by someone known as Mr. Ranjan. The 29 individuals were allegedly detained briefly and then expelled. Mr. Ranjan was reportedly ill-treated during his interrogation;
- Early in November 1992, members of the Committee for the Propagation of Virtue and Prevention of Vice reportedly raided the meeting place of the Brotherhood of the Good Pastor at Al-Karj Road in Riyadh. At least two Filipinos, Florance Madriago and Roque Atilon, were reportedly arrested. They were accused of having organized a religious group and were reportedly sentenced to two years' imprisonment;
- In addition to the case of Mr. Michael Cornelius Michael (see report E/CN.4/1994/79), the Special Rapporteur has been informed that in 1993, Mr. Franklin Lomboy, a Filipino citizen employed by Saudi Airlines, was allegedly arrested in Khamir Muchayt, because of his Christian faith.

With regard to the Shiite Muslims, they allegedly cannot distribute any books dealing with Shiism. On various occasions, also, the Council of Ulemas (experts in Islamic law) has allegedly issued fatwas (legal opinions) that were offensive to the Shiite Muslims. In some school text books, the Shiites are reportedly referred to as rafidha (dissenters). Over the past few years, there have allegedly been attempts to force Shiites to convert to Wahhabism. All Shiite religious activities are said to be closely monitored and generally prohibited. Moreover, some Shiites who allegedly criticized the official policy towards their community are said to be regularly arrested, detained and ill-treated.

According to the information received, scores of husseiniyyas (small mosques) have allegedly been destroyed or closed or their construction stopped. No building permits have allegedly been granted for that kind of building with the result that dwelling-houses have reportedly been converted into husseiniyyas. However, the authorities allegedly close or demolish them.

The Special Rapporteur has been informed of the following case:

- On 18 January 1993, police officers of al Mabahith al Amma (Criminal Investigation Department) allegedly raided the home of Abdullah al Marhoun in Al Qatif, alleging that his house was being used as a husseiniyya. Abdullah al Marhoun was reportedly evicted from his home and seals were placed upon the doors. Hussein Salch Abdul Jabbar, the contractor who reportedly built the house was said to have been arrested and briefly detained for questioning.

According to some reports, there is interference with the religious practices of the Shiites.

In February 1993, Sayyid Munir al Khabbag, a well-known scholar in the Shiite community in the Eastern Province, was allegedly interrogated by officers of the al Mababit al Amma and ordered to restrict the number of sermons which he normally preached in the mosques of the Province.

The public use of the turba (holy soil) during prayer is allegedly prohibited. Anyone who disobeys this prohibition could be harassed and his turba confiscated. Books and other documents on non-Wahhabi beliefs, and in particular those favourable to Shiite Islam, are allegedly prohibited. The Ministry of Information reportedly has special responsibility for censoring books, magazines, newspapers and audio and video cassettes. Article 7 (a) of the 1982 Press and Publications Code reportedly prohibits the publication or distribution of any material which challenges 'the origins of Islam and its tolerant Shariah, or is harmful to public morals'. In practice, this provision is allegedly interpreted in a manner that permits censorship of any religious document not consistent with the Wahhabi interpretation of Islam. For example, all the works of the distinguished Saudi scholar, Sheikh Hassan Mussa al Saffar, have allegedly been banned even though they deal chiefly with cultural and religious matters. His book entitled al Huriyya wal Taadudiyya fil Islam (Freedom and Pluralism in Islam) was allegedly banned in 1990.

Several persons have allegedly been arrested, imprisoned and tortured because they were found in possession of books and material about the Shiite faith. On 11 August 1988, Muhammad Jaafar Al Sheikh was allegedly arrested in Damman for having, according to some sources, printed Shiite prayer books at a local printing shop. In another case, Ali Ahmad al Shihab was reportedly arrested at the border with Bahrain and accused of smuggling in 17 copies of 2 books, one of which was a Shiite prayer book. The books were burnt before the investigation and trial. The court of Summary Jurisdiction, which allegedly tried the case, reportedly condemned Ali al Shihab to 8 months' imprisonment and 180 lashes.

Some of the text books for use in Saudi schools reportedly make disparaging references to religious beliefs other than Wahhabi and to Shiite beliefs in particular. One such book, which clearly refers to Shiite religious practices, is said to contain the following passage:

'... many people do not respect the bans ... and therefore fall into polytheism. They have built mosques and mausoleums which they have made into places of pilgrimage and where they engage in polytheistic practices involving sacrifices and entreaties.'

The book entitled Al Thagafa al Islamiyya (Islamic Culture), which is included in the curriculum of the King Abdul Aziz University of Jeddah, is more explicit. In a chapter entitled 'The foundations of the Shia Ithna Ashariyya', it is stated that 'some of them (the Shiites) have questioned the validity of the Koran and rejected it'.

The Special Rapporteur has received reports of teachers trying to intimidate and coerce their Shiite pupils into converting to Wahhabism. Muhammad Ahmad al Rabii, 16 years of age, a secondary school pupil in al Awamiya, after a discussion with his teacher of religion, was reportedly threatened with failing his examination. The same teacher was reported to have contacted him afterwards and told him that he would pass the examination if he converted to Wahhabism. Many Shiite pupils and their families have reportedly complained to the highest education authorities.

In recent years, a number of legal opinions tending to discredit Shiism and delivered by Wahhabi scholars have reportedly been officially approved. The fact that many Wahhabi followers regard these opinions as authoritative further disturbs the Shiite community. On 30 September 1990, on the question whether it was right to eat the meat from an animal killed by a Shiite butcher, Sheikh Abdullah bin Abdul Rahman

bin Jabreen, who was then a member of the assembly of experts in Islamic law, was reported to have delivered the following legal opinion:

'Slaughter by a Shiite butcher is illegal and consumption of the meat thus obtained is unlawful. The majority of Shiites are polytheistic because they always invoke Ali (the cousin and the son-in-law of the Prophet) both in times of difficulty and in times of prosperity ... This is a serious demonstration of polytheism and a renunciation of Islam, deserving of death ...'.

Other legal opinions by Sheik Abdul Aziz bin Abdullah bin Baz, President of the Experts in Islamic Law, have reportedly declared that the Shiites (or al Rafidha, as they are called in official religious terminology) are polytheists and apostates. Legal opinion No. 2008 allegedly states that, since Shiites are polytheists, they cannot be permitted to marry Sunnite women. Legal opinion No. 1661 is said to contain an identical statement.

The Special Rapporteur has also been informed that the Iraqi refugees in the Rafha camp, in the north of the country, are subjected to restrictions on their religious freedom. The occupants of this camp have reportedly been split up according to their religious beliefs, with the Sunnites being separated from the Shiites. In 1994, a document written by Sheikh Abu Bakr Jaber al Jagain, entitled Hadhihi Nasihati Ila Kul Shii (Advice to all Shiites), which claimed that the Shiites were apostates and should be converted to Sunnite Islam, was said to have been circulated in the camp. On 10 August 1990, a former refugee from the Rafha camp allegedly stated that the security agents guarding the camp insulted the Shiites, called them apostates and trampled on their holy soil. That situation of religious discrimination allegedly continued throughout 1993.

In addition to the religious discrimination against the Christian and Shiite minorities, the Special Rapporteur was informed of the severe measures taken against any form of peaceful dissent by Islamic groups. On 12 May 1993, the Committee to Defend Legitimate Rights (CDLR), which had been formed on 3 May by recognized and respected Islamic figures, including six Islamic jurists and university professors, was allegedly denounced as a violation of Islamic law and banned by the Council of Senior Scholars. On 13 May, the founders of the CDLR were allegedly dismissed from their government posts and the offices of two lawyers in private practice were allegedly closed by royal order. Dr. Muhammed al Mas'ari, a CDLR spokesman and a physics professor at King Saud University, was reportedly arrested on 15 May for disobeying an order prohibiting the communication of any information on the CDLR to the foreign press. Lawyers sympathetic to the CDLR were allegedly also penalized by having their offices closed. One of them, Sulaiman al Rushudi was allegedly arrested. Sixty university professors close to the CDLR were said to have been dismissed from their posts and/or forbidden to travel.

According to reports received, an Indian journalist, Sivaramy Balaram, was arrested on 11 July 1993 for having published, in a paper called Arab News, a comic strip in which the central character doubted the existence of God and in the end discovered that he existed."

In an urgent appeal of 12 September 1994 addressed to the Saudi Government, the Special Rapporteur transmitted the following information:

"According to the information I received, Mr. Sherif Fahmy Ishak would have been arrested and detained since the beginning of August for possessing Christian pictures and the Holy Bible in his house in Riyadh.

I would be most grateful to the Government of Saudi Arabia for its views and comments on the allegation I have received".

Austria

In a communication sent to the Austrian Government on 20 October 1994 the Special Rapporteur transmitted the following comments:

"According to information received, the Jehovah's Witnesses reportedly constituting a community of some 20,000 believers, have been refused any official recognition as a religion despite their requests.

It is reported that, in the absence of a reply to several requests addressed to the Ministry of Education on 25 September 1978, 3 December 1980, 22 June 1987 and 21 July 1990, the Jehovah's Witnesses lodged a complaint with the Constitutional Court on 18 October 1991; that, on 25 June 1992, the Constitutional Court rejected that complaint on the grounds that it was a matter for the administrative jurisdiction; that, on 30 June 1992, an administrative jurisdiction also rejected the complaint which had been referred to it; and that, on 12 October 1993, a further request for official recognition as a religion was submitted to the Constitutional Court, which rejected it on 10 March 1994."

Bangladesh

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following comments to the Government of Bangladesh:

"According to information received by the Special Rapporteur, Ms. Taslima Nasrin, writer, would be the victim of persecutions by religious extremists and has been forced into hiding.

The Special Rapporteur would like to express his deep concern and would be grateful if your Government would provide him with any relevant information as well as with its views and observations."

On 4 August 1994, the Permanent Mission of the People's Republic of Bangladesh to the United Nations Office at Geneva transmitted the following information concerning the above allegations to the Special Rapporteur:

"I have the honour ... to state that the information received by you about Ms. Taslima Nasreen is not correct. In fact, Ms. Nasreen, who had been hiding since 4 June 1994 following the issuance of a warrant of arrest against her, surrendered before the High Court on 3 August 1994 and was granted bail."

In a communication dated 23 August 1994 to the Government of Bangladesh, the Special Rapporteur transmitted the following information:

"According to the information received, religious minorities, mainly Hindu, Christian and Buddhist, have been the victims of acts of religious intolerance, committed mainly by Muslim extremists.

In addition to the incidents of December 1992 affecting the Hindu community (report E/CN.4/1994/79, para. 36), the Special Rapporteur was informed that in June 1993 Muslim extremists again reportedly committed acts of violence against Hindus at Rajahadi and allegedly caused the destruction of the Rath Jatra festival. In July 1993, a Procession in celebration of Lord Krishna's Birthday was allegedly also violently attacked by Muslim extremists, and hundreds of Hindus were injured. In August 1993, 14 Hindu students are said to have protested against these attacks in an attempt to demand justice, but were imprisoned by the police.

The Muslim extremists were reportedly also responsible for serious attacks on non-Muslim religious minorities, including murders, abductions, rape, looting, extortion and destruction of property, and threats to make them leave the country.

It was alleged that a policy of discrimination was being used against those minorities, in particular with regard to public employment.

The Special Rapporteur was also informed that the writer, Mrs. Taslima Nasrin had been accused of blasphemy and sentenced to death in October 1993 by a group known as the "Council of the soldiers of Islam" from the north-eastern town of Sylhet. Mrs. Nasrin is said to have received serious threats on

account of her novel Lajjya (Shame) which depicts the situation of a Hindu family forced by Muslim neighbours to leave Bangladesh following the destruction of the Babri Mosque in India.

The extremist group has allegedly offered \$1,250 for the killing of the writer and her work is reported to have been officially banned by the authorities. Mrs. Nasrin had already allegedly received death threats from the 'Council of the soldiers of Islam' on 23 September 1993 and reportedly requested protection from the Khaka police and the authorities. Since she was unable to obtain satisfaction, she is said to have appealed on 6 October 1993 to the Chief Metropolitan Magistrate, who granted her a protection order. According to information received, in May 1994 a Muslim dignitary, Moulana Amini, issued a second fatwa against Mrs. Nasrin, accusing her of having stated in an interview published in the Indian newspaper The Statesman of 9 May that the Koran should be revised completely with respect to women's rights. Moulana Amini reportedly declared that the writer's statement was even more 'filthy' than that of Salman Rushdie in The Satanic Verses. He is also said to have demanded the arrest and execution of Mrs. Nasrin.

Azharul Islman, the leader of an Islamic political party, is also said to have accused the author of being 'an apostate appointed by the imperialist forces to vilify Islam'. At least 5,000 members of the Jamaat Islamic party are reported to have demonstrated in Dhaka with banners demanding that all blasphemers of Islam should be hanged. The party leaders allegedly threatened the authorities with causing disturbances if Mrs. Nasrin were not arrested.

Mrs. Nasrin is reported to have stated that her remarks had been incorrectly reported, and to have written to the Indian newspaper The Statesman on 11 May to confirm that she had not expressed the view that the Koran should be modified. Following publication of this confirmation and its reproduction in a number of newspapers in Bangladesh, Mrs. Nasrin reiterated her position to the newspapers on 18 May, explaining that, in referring to modification of the Shariah with a view to ensuring equality of the sexes, she had made no suggestion that the Koran should be revised.

On 3 June at least 3,000 Muslim extremists are reported to have carried out a protest and called for the killing of Mrs. Nasrin. The fundamentalist party Jamaat-e-Islam's daily newspaper Sangram allegedly reported that members of 'Towhidi Jagrata Janata' ('Rising Faithful') had warned that they would kill Mrs. Nasrin if they found her. Members of the Nationalist Party of Bangladesh are also said to have called for punishment of the writer.

According to some reports, the chief of the Motijheel police station in Dhaka filed a complaint against Mrs. Nasrin on behalf of the State under section 295 A of the Criminal Code, which provides for a maximum sentence of two years' imprisonment and a fine for 'deliberate and malicious acts intended to outrage the religious feelings of any class or citizen by insulting its religious beliefs'. As a result, the Metropolitan Magistrate reportedly issued an arrest warrant. According to the information received, Ms. Nasrin, fearing persecution by religious extremists, was allegedly obliged to go abroad."

Benin

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of Benin:

"The Special Rapporteur has been informed that it has allegedly been officially decided to suspend for three months the activities of a Christian group accused of disturbing public order. An order of 21 May 1993 apparently stated that the Union of the Rebirth of Men of Christ was responsible for 'doubtful practices' threatening the peace and safety of the population. The members of the religious group were allegedly accused of destroying voodoo temples."

Belarus

In a communication dated 21 October 1994 addressed to the Government of Belarus, the Special Rapporteur transmitted the following comments:

"The Special Rapporteur has received information stating that the religious organization called the 'International Society for Krishna Consciousness' of Minsk Centre is being subjected to acts of religious intolerance intended to restrict its activities.

In particular, the Krishna Society is said to have been refused a site for its annual festival. It is also alleged that printers in Minsk have refused to print its publications and that the media present a negative image of the Society and do not provide any opportunity for it to exercise its right of reply.

Many other religious associations are apparently being denied registration by the authorities. About 50 Protestant organizations are reportedly concerned and Catholic priests from Poland are not being authorized to preach on the grounds that they are not nationals."

Bhutan

In a communication dated 28 September 1994 addressed to the Government of Bhutan, the Special Rapporteur transmitted the following comments:

"According to the information received, Christianity is officially banned, in particular pursuant to the resolutions adopted by the National Assembly at its thirtieth session in 1969 and its fifty-first session in 1979. It is claimed that Christians are ill-treated and compelled to leave Bhutan.

The following case has been drawn to the attention of the Special Rapporteur and summarized as follows: Mr. Dal Jit Rai, assistant to the head of the village of Kikhorthang in Chirang district, was allegedly dismissed on the orders of the Dzongda because he is a Christian. In addition, on 25 December 1992, when Mr. Dal Jit Rai was celebrating Christmas with other Christian families, a former policeman is said to have photographed them at prayer. After this incident, the worshippers were summoned by the village head who reminded them of the ban on practising Christianity and took them to the Dzongda. The Dzongda is reported to have reaffirmed the strict ban. Shortly afterwards, three Christians, Harka Bahadur Chimery, Raju Lama and Bhin Thapa were allegedly beaten during interrogation. All Christian families were allegedly forced to sign an appeal for permission to leave the country. On 5 February 1993, the Christians are reported to have been expelled and to have sought refuge on 13 February 1993 in a camp in Nepal."

In reply to the allegation reproduced above, the Government of Bhutan transmitted the following information to the Special Rapporteur on 17 November 1994:

"As you know, there are two religions practised by the people of Tsirang - Hinduism by the Lhotshampas and Buddhism by the Northern Bhutanese and some of the Lhotshampas. In the recent past, Christianity had made some inroads into the district because of the close interaction between the local people and the Christian missionaries across the border in Assam and West Bengal, India. Christianity was being propagated mainly from the border towns of Jaigaon in West Bengal and Dathgari in Assam. Money, gifts and scholarships were being used as incentives for people to convert to Christianity. Selected converts were used to preach and convert others in their villages in Tsirang.

The local Hindu population deeply resented the continuous attempts by these persons to preach and convert them to a different faith. The matter was tabled by the representatives of the various blocks of villages during the Fifty-eighth Session of the District Committee (DYT) meeting on 27 September 1992. As the matter could not be resolved at the DYT meeting, it was brought up by the people's representatives of Tsirang during the Seventy-first Session of the National Assembly in October-November 1992. Although the people's representatives from Tsirang and other southern districts

called for a ban on Christianity, the National Assembly resolved that the matter should be dealt with in accordance to the resolutions of previous Assembly Sessions, namely the resolutions passed during the Thirtieth Session in 1969 and the Fifty-first Session in 1979. The Seventy-first Session of the National Assembly directed the District Development Committees to deal with such matters in accordance with these resolutions. The essence of these resolutions is that, while a person can practise any religion privately in his home, attempts to convert others to a different faith are strictly forbidden.

On 25 December 1992, Christian families in Tsirang gathered in Tshokhana and Kikorthang gewogs to celebrate Christmas. In Kikorthang more than 50 Christians had gathered in the house of Dal Bahadur Rai of Salami village. After prayers were said, a dance and drama programme was staged. The village volunteers who were patrolling the area round 6 p.m. to guard their villages against terrorist raids asked the Christians to disperse before dark. The Christians refused and a quarrel broke out. The village volunteers reported the matter to the gup who sent the male Christians with the volunteers to the Dzongda. The Dzongda told the Christians that it was not advisable to move about at night because of the disturbed situation and the threat of terrorist raids. He advised them to go back to their villages.

In Tshokhana the celebrations were carried out in the house of Shivalal Gurbachan at upper Tshokhana. After prayers inside the house, the Christians who had congregated from nearby villages and other gewogs, staged religious dramas and danced in the open ground outside the house. Tape recorders played songs at full volume. Village volunteers who were patrolling the area round 8.30 p.m. asked the Christian families to stop the celebrations and disperse as the gathering was unauthorized. The families refused and a heated argument ensued. The matter was brought to the attention of the gup who reminded the families that according to the National Assembly resolutions they should practise their religion privately and not publicly.

No person in connection with the two incidents was beaten up or interrogated as alleged. Nor was any action taken against any of the Christians. No Christian family was forced to apply for permission to leave the country and no one was expelled on 5 February 1993 as alleged. It is surprising how Christians from Tsirang could have sought refuge in Nepal on 13 February 1993, as the applications of those Christians who did apply for emigration were confirmed and endorsed by the DYT only on 19 May 1993.

The first applications by Christians to emigrate were submitted on 6 January 1993, by four Christian families. They were followed by several more applications. On 19 May 1993, the District Development Committee sought confirmation from each of the applicants as to whether they still wished to emigrate. On receiving further information from the applicants the DYT endorsed their applications to emigrate. It was only subsequent to this that 9 families and 22 individuals emigrated and left Tsirang.

A total of 102 Christians have left Tsirang. Among them are Dal Jit Rai of Beechgaon village under Dunglagang gewog, Harka Bahadur Ghimerey of Salami village under Kikorthang gewog, Bhim Bahadur Mongar of Gopini village under Dunglagang gewog and Bhim Bahadur Mongar of upper Tshokhana village under Tshokhana gewog, all of whom emigrated after the DYT meeting endorsed their application on 19 May 1993. Bhim Thapa mentioned in the allegation is probably Bhim Bahadur Mongar of Gopini or Bhim Bahadur Mongar of upper Tshokhana. No record of a Raju Lama in Tsirang could be found.

The allegation that Christians are ill-treated and compelled to leave Bhutan is baseless and false. It is true that our Lhotshampas of Tsirang and other districts in Southern Bhutan are deeply resentful of the efforts by missionaries across the border to convert them from Hinduism to Christianity. They even brought the matter to the National Assembly in 1992 as I have mentioned above. However, the National Assembly did not accept their request to ban Christianity. In fact, both His Majesty the King and the Home Minister recommended that the matter should be dealt with in accordance with previous Assembly resolutions which allow a person to practise any religion in his or her home and only prohibits attempts to convert persons to a different faith. I have attached copies of Resolution 19 of the Thirtieth Session in 1969 and Resolution 16 of the Fifty-first Session of the National Assembly in 1979. I have also enclosed Resolution 26 of the Fifty-sixth Session and Resolution 12 of the Seventy-first Session of the National Assembly in 1992 for reference. Please convey to those concerned that the allegation received is

malicious and politically motivated.

Proceedings and resolutions adopted at the Fifty-sixth Session of the National Assembly, held from 25 June 1982 to 1 July 1982

26. Matter regarding preservation of religion, culture and traditions

The Chimi of Daifam stated that the main traditional religion in Bhutan is Buddhism except for Hinduism in the South. These religions have been well preserved and have been the basis of strong religious and cultural values which have contributed to peace in the country. He proposed that in future, the introduction of other religions like Christianity and Islam or adoption of any alien culture and tradition should be totally banned in order to preserve the existing religions, culture and tradition.

In response, the Director of Education stated that he fully supported and appreciated the views expressed by the public representatives. He added that the importance of preserving our own religion, culture and tradition had been discussed in the previous session of the National Assembly. The Department of Education for its part, to preserve the religion, culture and tradition, had introduced a special subject in all schools. With regard to discipline, the Director informed the National Assembly that wherever school teachers enforce strict discipline in the schools, complaints are made by parents and the general public with a request either to dismiss or transfer such teachers. He further stated that the task of teaching religion, culture and tradition and maintaining discipline among students was the responsibility of both the teacher and the parents. He appealed for cooperation from both the parents and the public.

Most Chimis agreed that it was important to preserve our religion, culture, traditions and discipline in Bhutan. They stated that traditions and discipline were being well maintained in the outlying Dzongkhags and remote places. However, they were deteriorating in schools and government departments in towns. They proposed that the Ministry of Home Affairs, the Police and the Department of Education should ensure that traditions and discipline were maintained by the public and students.

The National Assembly resolved that all ministries and heads of departments should emphasize the importance of preserving religion, culture and traditions and maintain strict discipline among staff and students.

Proceedings and resolutions adopted at the Fifty-first Session of the National Assembly held from 18 to 29 November 1979

16. Preaching of Christianity prohibited

The Member for Bongo and Gyeta pointed out that Bhutan is a Buddhist country but there are a few people who follow the Christian religion, particularly in schools where some Fathers preach Christianity. The Christian religion, he said, is not only contradictory to Buddhism, but in the long run would harm the unity of our country because of the differences in faith. Thus, he requested the Assembly to ban the preaching of this religion. The majority of the members supported this view.

The Secretary of the Planning Commission explained that the Government had already laid down the following principles.

- (a) Christians are not allowed to preach their religion in public;
- (b) Only academic studies are to be taught in schools and no Christian religion and practice are to be taught;
- (c) Christians are allowed to practise their religion in their homes;
- (d) Any person found preaching Christianity in public shall be expelled from the country.

The National Assembly resolved that the preaching of Christianity in public shall be banned. Moreover,

the existing morning and evening prayers in some of the schools shall be stopped.

Resolution adopted during the Thirtieth Session of the National Assembly of Bhutan held on 27 May 1969 corresponding to the 11th day, 4th month of the earth bird year

19. Matters relating to the reincarnation of foreign lamas in Bhutan

Bhutan being a Buddhist country, it was apprehended that in future many Tibetan lamas may reincarnate in Bhutan. In order to avoid embarrassment, the Assembly noted that if any Tibetan lama reincarnated in Bhutan, those coming to recognize the reincarnation should report the matter to the Government and be accompanied by representatives of the monk bodies, two government officials, and the village headman of the village where the birth took place, to carry out the following tests:

- (i) The reincarnated lama (Trulku), between 3 to 5 years of age, should be able to recount details of his previous life.
- (ii) He should be able to identify items of his personal possession in the previous life from many similar objects.

If the Trulku was found to be genuine, and decided to leave the country with those recognizing him, he would forfeit his citizenship on the very day he left the country. In the event that his parents desired to visit the Trulku and return thereafter, they were to obtain the necessary permission from local Dzongda. If the Trulku wished to return to Bhutan, he would be required to obtain a permit like any other foreigner entering the country. He would be permitted to stay at the place of his birth, but he would neither be permitted to introduce any new religious system nor to set up any new monastery or monk body. Trulkus desiring to stay in Bhutan and wishing to join the monk body would be governed by the rules and regulations of the country's monk body.

Proceedings and resolutions of the Seventy-first Session of the National Assembly of Bhutan

12. Ban on Christianity

The people's representative of Chirang Dzongkhag requested the National Assembly to ban Christianity in Bhutan and that people already converted should be stopped from practising the religion. They said that Christianity was spreading in Chirang and becoming a serious problem. Bhutan being a small country should not have too many religions. Buddhism and Hinduism which were the two recognized religions of the country were brother religions. The introduction of other religions would create serious social problems. Already family strife was taking place due to differences of religious beliefs among family members. The people's representatives said that they had heard that many emigrants who had left Bhutan and gone to the camps in Jhapa, Nepal were being converted to Christianity with incentives of Rs.500/-and assurances of further rewards. Word was being spread in Chirang that potential emigrants should convert to Christianity so that it would be convenient for them when they arrived in Jhapa.

The people's representative from Kalikhola stated that according to the resolutions of earlier sessions of the National Assembly, Buddhism and Hinduism were the only two recognized religions of Bhutan. However, as the Government had not taken any note of the situation, Christianity was spreading along the border areas and creating serious social problems.

The Samdurpjongkhar chimi pointed out that Buddhism and Hinduism were the only two recognized religions in the country; allowing other religions would result in serious problems for the country. For the benefit of future generations, he requested the National Assembly to pass a resolution that no other religion would be allowed in Bhutan.

Several people's representatives stated that countries all over the world had their own different religions, customs and laws. Bhutan, too, should allow and uphold only those religions that have traditionally been recognized. If proselytizing of other religions were allowed it would cause sectarian friction which would lead to serious social problems.

The Home Minister pointed out that the practice of religions other than the ones already recognized had been discussed several times in previous sessions of the National Assembly. During the Thirtieth Session of the National Assembly in 1969, it had been resolved that no religions other than the ones already recognized would be allowed in the country. Also, according to Article 16 of the Fifty-first Session of the National Assembly, while all other religions could be practised privately, no proselytizing would be allowed. He, therefore, recommended that the house should direct the Dzongkhag Yargye Tshogchungs to decide on the matter in accordance with the Thrimshung Chenpo and the resolutions of the previous sessions of the National Assembly.

The representative of the Dratshang Lhentshog pointed out that all religions were good and existed for the benefit of sentient beings. The problems in the world that have been related to religion did not arise from the religions themselves but were caused by the shortcomings of the practitioners. He therefore proposed that, as recommended by the Home Minister, the existing laws and Assembly resolutions should form the basis for all steps taken to ensure that no sectarian problems arose in Bhutan.

Other people's representatives pointed out that if proselytizing of different religions were allowed in a small country like Bhutan, it would create social disharmony and might even harm the security and sovereignty of the country due to misunderstandings over religion with big countries. Buddhism and Hinduism were two brother religions in harmony with each other. The practice of different religions in the country would create disharmony and problems would arise as pointed out by the Lhotshampa chimis.

The Dagapela chimi pointed out that although Buddhism and Hinduism had the same origin, because there were differences in practice a few difficulties did arise at times. But Christianity being totally different from these two religions, the problems which had already started to arise in Chirang because of the spread of Christianity would disrupt social harmony throughout the country if no timely steps were taken. He therefore proposed that the resolution taken during the Fifty-first Session of the National Assembly on the practice of different religions should be strictly implemented.

The Chirang Dzongda said that the DYT had received reports that there were many Christians trying to convert people to Christianity. This had resulted in frequent problems between Christians and Hindus in the Dzongkhag. The Dzongda reported that bibles printed in Nepali were being sent from Thimphu and distributed to the people. Accordingly, the DYT had decided to request the National Assembly to ban Christianity.

His Majesty the King informed the Assembly that the issue of allowing different religions in the country had been thoroughly discussed during the Thirtieth Session of the National Assembly in 1969 and also during the Fifty-first Session in 1979. The issue was also clearly covered by the Thrimshung. If these resolutions and the law were followed, the issue could be taken up by the Dzongkhag Yargye Tshogchung and there would be no need for the Assembly to promulgate any new law.

The Assembly resolved that copies of the resolutions of the previous sessions of the National Assembly and the clauses of the Thrimshung pertaining to religion would be distributed to the chimis. The matter should thereafter be taken up in the concerned DYT's and dealt with accordingly.

Explanation of terms

1. Gewog - Block, smallest administrative unit
2. Gup - Elected member of village who serves as both Chairman, Block Development Committee and village elder
3. Dzongkhag - District (there are 20 districts in the country)
4. Dzongda - District Commissioner

5. Dzongkhag Yargye Tshogchung (DYT) - District Development Committee in which all members are elected. The only non-elected members are the Dzongdag and one officer representing the government development agencies
6. National Assembly - National legislative body comprising of 150 members
7. Chimi - Member (elected) of the National Assembly
8. Dratshang Lhentshog - National Council of Monks
9. Thrimshung Chenpo - The law of Bhutan
10. Lhotshampas - Ethnic Nepalese who comprise the main population in the four southern districts
11. Chirang/Tsirang - Southern district where 95 per cent are Hindus
12. West Bengal & Assam - States of India contiguous to Bhutan
13. Lama - Buddhist monk."

Bulgaria

In a communication dated 31 August 1994, addressed to the Government of Bulgaria, the Special Rapporteur transmitted the following information:

"According to information received, 24 sects are said to have been officially declared illegal by the Cabinet Council in 1994, and the following in particular: White Brotherhood, Angels of Salvation, Soldiers of Christ, Soldiers of Justice, Wassan, Emmanuel, Gedeon, Salvation and Jehovah's Witnesses.

A climate of religious intolerance is reported to be affecting the Jehovah's Witnesses in particular. This is being fostered by the mass media, which are allegedly conducting a smear campaign by, for example, describing Jehovah's Witnesses as child murderers or the devil and demanding that they should be banished. During a radio broadcast, an appeal was reportedly made to the population to cooperate in driving the Jehovah's Witnesses out of Plovdiv.

Jehovah's Witnesses are reported to be the object of threats and acts of violence. Two female Jehovah's Witnesses were allegedly beaten up in the street and the police apparently refused to report the incidents. In addition, two young ministers were reportedly prevented from leaving their homes and were threatened with imprisonment and death.

It is also reported that the followers of Hare Krishna have been physically attacked in the street and have difficulty in obtaining adequate police protection.

Evangelists also face numerous obstacles in obtaining visas and residence permits and are also subjected to threats. In particular it is reported that a bomb threat was made in connection with the opening of an evangelical college.

The following case was also brought to the Special Rapporteur's attention:

On 15 April 1994, Father Yorolan (Bancho) Petrov, a married priest and father of three, is reported to have been shot through the heart in front of a mosque in the village of Surnitsa, in the Velingrad region, by a municipal policeman, Viktor Duvkov. Father Petrov is said to have been a former member of the clergy of the Patriarchate of Bulgaria who joined the Old Calendarist Greek Metropolitan Cyprian of Oropos and Fili several years ago after severely criticizing the Patriarchate.

Father Petrov is reported to have gone to Surnitsa to buy a car from Mr. O. Olikanov, whom certain

information later identified as an employee of the Department of Security and Protection under the former regime. Not finding Mr. Olikanov, Father Petrov apparently looked for a bank where he could deposit the money he had intended to use to pay for the vehicle. Failing to find one, he apparently decided to make some purchases, including logs of wood for a church in Sofia. However, Muslim extremists had allegedly called the police to report that a man in a cassock was going around the town in a suspicious manner. On leaving the town, near a petrol station, Father Petrov seems to have been violently accosted and pursued by two men in civilian clothes armed with a submachine gun and a pistol. The priest regained the town and apparently stopped in front of a mosque where he was killed by Mr. Duvkov, one of the two assailants identified as belonging to the police.

The Special Rapporteur was also informed that an act of February 1994 was apparently adopted to provide a legal framework for religious activity, particularly that of sects, and that a decree which came into force in Plovdiv in March 1994 reportedly made religious activities subject to certain restrictions.

The Special Rapporteur would like to receive these texts, together with any pertinent comments which the Government of Bulgaria may wish to make."

On 10 November 1994 the Permanent Mission of Bulgaria transmitted the following information in reply to the allegations mentioned above:

"The Government of Bulgaria complies strictly with the provisions of the International Covenant on Civil and Political Rights and other international human rights instruments incorporated into the Bulgarian Constitution. The right to freedom of worship is not and cannot be restricted, except in the cases set out in article 13.4 ('Religious institutions and communities may not be used for political purposes') and article 37.2 ('Freedom of conscience and religion may not be practised in a form detrimental to national security, public order, public health and morals, or the rights and freedoms of others') of the Constitution of the Republic of Bulgaria, and article 9.2 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The liberalization of Bulgarian legislation which took place after 1989 following the repeal by the Constitutional Court of several provisions of the Worship Act which infringed the Constitution, has resulted in legal texts being brought strictly into line with international human rights norms. At the same time it has enabled a number of 'charismatic' sects which are not recognized in other European countries and are negatively regarded in the rest of the world to become established in Bulgaria.

Early in 1994, the National Assembly of the Republic of Bulgaria adopted an act amending the Persons and Family Act, which was published in Official Bulletin No. 15/1994.

The Persons and Family Act does not deal with worship, which is covered by the Worship Act, but with associations and foundations which represent non-profit-making bodies engaged in religious activities and religious education.

The new article 133a of the above-mentioned Act concerning such associations and foundations reads as follows: 'Non-profit-making bodies which are engaged in an activity relating to worship, in a religious activity or in religious education shall be registered in accordance with the order set out in this chapter once the approval of the Council of Ministers has been obtained.' In accordance with the transitional provisions of the Persons and Family Act, (1) 'The non-profit-making bodies referred to in article 133a which have already been registered shall obtain a new registration the application for which shall be filed by their governing bodies within the three months following the entry into force of this Act, with the approval of the Council of Ministers,' and (2) 'The registration of non-profit-making bodies which do not comply with the conditions of the previous paragraph shall be withdrawn and their activities suspended.'

In amending the Persons and Family Act, legislators have endeavoured to prevent failure to comply with the Worship Act on the part of associations the objectives of which are concerned with worship, but whose statutes and activities infringe Bulgarian legislation.

In implementation of the Persons and Family Act, the Council of Ministers approved a new registration

procedure on 25 June 1994 for 22 religious associations previously registered as non-profit-making bodies under the said Act.

As a result, on 25 June 1994, 30 denominations and 22 associations and foundations engaged in religious activity and religious education had been legally registered in Bulgaria (in 1989 4 denominations were registered).

The associations and foundations which have not received the approval of the Council of Ministers for a new registration - a total of 24 - have statutes containing provisions which infringe Bulgarian legislation and thus are subject to the limitations referred to in article 9.2 of the Convention for the Protection of Human Rights and Fundamental Freedoms and reproduced in article 37.2 of the Constitution of the Republic of Bulgaria, or have submitted documents containing some irregularity. The Council of Ministers considers the registration documents in accordance with the procedure laid down by the law and its decisions, adopted following consultations with all the competent bodies and once they have been shown to be legally sound, are published in the Official Bulletin. These decisions do not contain value judgements on the doctrines of the religious communities from a theological point of view, but take account only of the requirements of the law.

No one can be prosecuted for his religious beliefs in Bulgaria, but the State is legally empowered to determine whether, through registration, a religious community may acquire the privileged status of a denomination as provided for by the law. If a religious community is not registered, the individual rights of its members, particularly with regard to the choice of religion, are not thereby infringed. The Government is persuaded that the freedom to choose a religion cannot be made subject to any legal sanction. It is a fundamental right of the individual, bound up with his own personal spiritual inclinations.

The Bulgarian Government has no information concerning specific allegations about acts of repression directed against members of the Jehovah's Witnesses. It should be explained that the prohibition of blood transfusions contained in their doctrine constitutes a direct threat to the health of Bulgarian citizens, while the refusal to take an oath to the Bulgarian flag infringes the Universal Military Service Act and thus affects State security.

The decree quoted, issued by the municipal council of the city of Plovdiv in March 1994 and imposing illegal restrictions on the activities of religious communities, was repealed by an order of the prefect of Plovdiv, following a proposal by the Department of Worship to the Council of Ministers.

The conflict between the members of the International Society for Krishna Consciousness (a legally registered denomination) and the inhabitants of the district of Philipovtzi, Sofia, was resolved when the Department of Worship stepped in.

In order to prevent any recurrence of this type of problem, the Department of Worship has put forward a proposal for the drafting of a new order on the registration of the local chapters of denominations, establishing the registration procedure and guaranteeing their rights.

It is, however, a fact that some of the mass media put out negative value judgements, which are not always very balanced, with regard to certain religious communities practising in Bulgaria. In the context of freedom of opinion and expression and of the freedom of the press, and bearing in mind that the Constitution prohibits censorship, the Bulgarian Government is seeking to persuade the mass media of the need to show greater tolerance and competence in their approach to problems relating to religious denominations.

All the Protestant denominations in Bulgaria, of which there are 21, are registered as such in accordance with the law. The Government's efforts here are aimed at ensuring their freedom of action so that they cannot be described as 'sects' infringing the rights of their followers.

The tragic incident in the village of Surnitsa, commune of Velingrad, where Father Petrov was gunned down on 15 April 1994 by the person referred to in the annex to your letter, is under judicial

investigation and all the pertinent documents are before the competent bodies. Once the inquiry is closed, the documents will be made public. It can already be said that this is a serious crime, the motives for which will soon be discovered."

Canada

In a communication dated 20 October 1994, the Special Rapporteur transmitted the following comments to the Government of Canada:

"According to the information received, Paul William Roberts, an English writer and expert on Islam, was reportedly stabbed at his home on 12 May 1994, the day his novel, The Palace of Fears, was published. Two days before the attack, his publishers, Random House, received two letters accusing him of blasphemy for having included quotations from the Koran in his book alongside references to sex and blasphemy. He is reported to be hiding following this attempt to kill him."

Cyprus

In a communication of 18 August 1994 addressed to the Government of Cyprus, the Special Rapporteur transmitted the following information:

"Reports have been received of violations of the right to conscientious objection.

The Special Rapporteur has been informed that the House of Representatives passed an act in January 1992, recognizing the right to be a conscientious objector and providing for 'unarmed military service' inside or outside military camps. However, the provisions of this act allegedly do not conform to international norms, in many respects. It is not clear from the text whether service performed outside military camps is strictly civilian. It is of 42 months' duration, which appears punitive compared to the normal 26 months of military service, particularly as conscientious objectors must complete additional service of a duration equivalent to the periods of reserve duty. Furthermore, the right of persons eligible for military service to opt for a substitute service is reportedly suspended during states of emergency or periods of general mobilization.

According to some reports, in 1992, 15 conscientious objectors, who were Jehovah's Witnesses, were imprisoned for periods of up to 15 months. In particular, Christakis Ionathan Christoforou was allegedly sentenced in November 1992 to one year's imprisonment for having refused to do his military service. Athinakis Zinonos was reportedly sentenced to 15 months' imprisonment in December 1992, on the same grounds. It was reportedly the second time in two years that the two men had been sentenced to imprisonment for having refused to do their military service.

In July 1993, 28-year old Georgios Anastasi Petrou, from Strogolos in Nicosia, was reportedly sentenced to six months' imprisonment. Nese Yasin, a Turkish Cypriot poet and writer was allegedly detained for 24 hours, on 28 September 1993, for his prominent role in the support committee to protest against the detention of the conscientious objector, Salih Askerogul. The latter was said to have been arrested on 27 September 1993 and condemned early in November to three years' imprisonment on a charge of spreading propaganda against the security forces. Upon his release, Nese Yasin was reportedly subjected to close police surveillance.

Cuba

In a communication dated 17 August 1994 addressed to the Government of Cuba, the Special Rapporteur transmitted the following information:

"The Special Rapporteur has been informed that serious attacks on the right to freedom of religion of Jehovah's Witnesses and Seventh Day Adventists have apparently continued. In 1993, the Jehovah's Witnesses were allegedly accused of clandestine printing after searches of their homes revealed the existence of religious material. Some Jehovah's Witnesses have also reportedly been accused of forming illegal associations after holding religious meetings. They are also said to have been accused of contributing to juvenile delinquency, 'not complying with duties related to respect and love of country', and 'abuse of the freedom of religion' after refusing to honour the symbols of the Cuban State because of their religious beliefs. The Jehovah's Witnesses and Seventh Day Adventists, considered as active religious enemies of the revolution, are alleged to be under surveillance and frequently ill-treated by the Committee for the Defence of the Revolution (CDR).

The following cases were brought to the attention of the Special Rapporteur: several Baptists were reportedly arrested early in February 1994 and accused of 'counter-revolutionary activities'. On 1 February 1994, two security agents in civilian clothes reportedly went to the Salvador Allende Hospital in Havana and took Dr. Eliezer Veguilla (aged 35) away to an unknown destination. Dr. Veguilla is said to be a lay leader of the World Brotherhood of Baptist Youth. On 3 February, his family reportedly heard that he was being held with other Baptists in Cienfuegos. After six weeks of pre-trial detention, Dr. Veguilla was apparently released without explanation. The other Baptists arrested appear still to be detained.

According to numerous reports, the authorities are endeavouring to restrict and control religious activities. It seems that all religious organizations must be registered and officially recognized. In addition, the authorized religious organizations are reported to be able only to carry out their activities in officially-designated places of worship. The building of new churches is reportedly forbidden, thus obliging many believers to meet in private. Religious holidays have apparently been banned since 1961. In addition, religious processions are allegedly not permitted outside places of worship, nor may religious organizations have access to the mass media."

Egypt

In a communication dated 21 October 1994 addressed to the Government of Egypt, the Special Rapporteur transmitted the following allegations:

"The Special Rapporteur has been informed that acts of violence committed by Islamic fundamentalist groups have greatly increased in number. They allegedly committed 137 assassinations in the course of 1993, the main targets being representatives of the State, the national security forces, Egyptian Coptic Christians and foreigners.

Since March 1992, more than 138 policemen have reportedly been killed by Muslim extremists. On 13 May 1994, for example, three policemen are reported to have been killed and another injured in the region of Asyut in Upper Egypt. In 1993, at least 26 civilians were allegedly killed in bomb attacks by extremists, who also claimed to have carried out the attempted assassinations of Prime Minister Atef Sedky, in November 1993, the Minister of the Interior, Hassan Al-Alfi, in August 1993, Army General Othman Shahine in Cairo in July 1993 and the Minister of Information, Safwat Al-Scherif, in April 1993, as well as the assassinations of Abdel Halim Ghobara, Qena Governorate Deputy Director of Security, Brigadier-General in August 1993 and Mohamed Abdel Latif El-Shimi, Asyut Governorate Deputy Director of Security, Brigadier-General, in April 1993.

The Copts are said to be regular victims of violence, attacks and killings (dozens of killings were reported for 1992-1993). The Rapporteur was informed of the following cases: on 3 January 1993, a Coptic church was allegedly burnt down at Dairut. Next day, in the same town, a Coptic share-cropper is reported to have been murdered and a Coptic pharmacist seriously injured. In September 1993, a Coptic jeweller was allegedly murdered and robbed of his gold. In April 1993, at Asyut, Muslim extremists reportedly tried to kill a Coptic writer, Shehata Guirgis. Two young Copts, Adil Bushra Agab (22 years

of age) and Rafiq Atif Ibrahim (20 years of age) are reported to have been murdered in the streets of the town of Meir on 26 February and on 1 March 1994, in an attack by Muslim fundamentalists on the Monastery of the Virgin in the province of Asyut, a priest, a monk and three visitors are reported to have lost their lives while three other persons were seriously injured. The priests are apparently regularly subjected to threats and demands for money by Muslim fundamentalist groups.

The military personnel assigned to protect the Coptic churches in the Governorate of Asyut and Al-Minya in Upper Egypt were reportedly withdrawn following numerous fatal attacks on the soldiers by the Muslim fundamentalists of the Al-Gamaa Al-Islamiya movement. The Copts would seem to be in an unsafe position, but the necessary preventive measures have not always been enacted or implemented, any more than have proceedings against the perpetrators of the violations.

Pastor Williams (35 years of age), a member of the Assemblies of God of Izbit-al-Sabh, was allegedly subjected to three unsuccessful attacks by Muslim extremists, on 8 August 1993, 30 November 1993 and 22 March 1994. These repeated attacks seem to show that Pastor Williams has been targeted to be killed at all costs.

Religious extremism is also reported to be manifest in schools, despite the directive of the Ministry of Education. In some schools, Christian and Muslim children have allegedly been separated and have no common activities. In others, Christians are said to be subjected to constant victimization and pressure. In March 1993, the two-week expulsion of four pupils from a secondary school for playing a cassette containing anti-Christian comments in class reportedly caused anti-Christian riots and petrol-bomb attacks on the local church, in which at least 52 Christians were injured.

The public education curricula are also allegedly discriminatory in so far as Christian pupils are obliged to memorize verses of the Koran as part of their Arabic studies. The Copts also seem to be the object of discrimination regarding admission to the State medical schools. Similar discrimination is allegedly also found in public sector jobs such as the police, the army and other government institutions.

The Coptic church is reportedly the object of discriminatory practices such as delays in the issue of permits to build or restore places of worship. The Government reportedly arbitrarily confiscated the land of a Coptic church for the use of the Ministry of Islamic Affairs. An Egyptian administrative court apparently decided in 1989 that this land should be returned to the Coptic church. However, this decision has not to date been acted on.

The Special Rapporteur was also informed that, while freedom to change one's religion was not explicitly condemned by law, article 98 f of the Penal Code was sometimes invoked in punishing the conversion of Muslims. This article prohibits any act which 'dishonours or shows contempt for a holy place or a religious sect with the intention of undermining national unity and public order'. Egyptian courts have reportedly upheld the principle that Muslims cannot change their identity document in order to record their conversion to another religion. As a result, married men who are no longer Muslims must register their children as Muslims. In addition, the pressures exerted by the family and society allegedly make it practically impossible for a Muslim to convert to another religion. Cases brought to the Rapporteur's attention can be summarized as follows: in February 1993, four Christian foreigners are reported to have been detained for more than two months, and then expelled on 10 May 1993 for proselytizing Muslims; an Egyptian Christian, Abdul Hamid Adel Nafa, aged 25, who was arrested along with the four foreigners, was allegedly accused of proselytism but was not released. After being placed initially in the psychiatric ward of the Abasseya Hospital, Cairo, he has apparently been held in the Al Khana institution for the mentally ill since August 1993.

In October 1992, Hanaan Rahman Assofti, aged 26, who had renounced Islam for Christianity, was allegedly arrested by State Security officers at Cairo Airport when leaving to meet her fiancé abroad. She is reported to have been placed by the police under the surveillance of her parents who were made responsible for bringing her back to Islam. Hanaan Rahman Assofti was allegedly placed in confinement, threatened with death by members of her family and subjected to an intensive programme of religious re-education to make her abjure Christianity.

The Special Rapporteur has been informed that the Egyptian writer, Alaa Hamed, who was sentenced in 1990 to eight years' rigorous imprisonment (the sentence was not executed because it was not ratified by the Prime Minister) for having written a book entitled Distance in the Mind of a Man, was reportedly sentenced a second time in 1992 by the Court of Public Morals to one year in prison for a book called The Mattress, which was printed, but never published, and is reportedly regarded as blasphemous.

Mr. Hamed is reported to have appealed to the High Court. He was dismissed from his job in July 1994 on the grounds that The Mattress reflects his opinions, which are incompatible with his obligations as an official of the Income Tax Department, especially as he is constantly with his female colleagues and deals with the public.

Mr. Hamed is accused of 'showing contempt for Islam by describing a love scene which takes place on a prayer rug'. Mr. Hamed states: 'What I write has nothing to do with religion. Writing is a creative act. Religion is a relationship between the individual and God.'

United Arab Emirates

In a communication dated 5 September 1994, addressed to the Government of the United Arab Emirates, the Special Rapporteur transmitted the following information:

"According to information received, Shiite Muslims in the Emirate of Ras al-Khaimah are not allowed to have their own mosque. In addition, the Emirate of Dubai is said to have placed private mosques under the control of the 'Department of Islamic Affairs and Endowments' which, if true, would result in that Department having a bigger say in the appointment of preachers. Non-Muslims would be unable to proselytize in public or distribute religious literature.

The following cases, briefly summarized here, have been brought to the Special Rapporteur's attention:

In 1993, a British Christian was reportedly arrested and sentenced to six months' imprisonment for proselytizing;

In 1992, Mr. Vasudevan Pillai, an Indian writer and Director of the University of Calicut School of Theatre, was reportedly sentenced in absentia to six years' imprisonment by the Sharjah civil court for blasphemy. He was convicted on the grounds that he had written a play based on a work by Safdar Hashemi and entitled 'Ants that Feast on Corpses', although Mr. Pillai apparently denies translating the work in question. The play allegedly depicts ants feeding on the bodies of Christ, Marx and Mohamed and a Christian, Marxist and Muslim who bury and eat the bodies. The play is also said to question what Christ, Marx and Mohamed actually did for the world. Ten Indians who put on a production of the play on 28 May 1992 at the Indian Social Centre as part of the theatre festival organized by the 'Kerala Art Lovers Association' are said to have received the same sentence as Mr. Pillai, to be followed by deportation. Following an appeal in 1993, 2 of the 10 Indians subject to deportation reportedly had their sentences increased to 10 years."

Ethiopia

In a communication dated 5 September 1994, addressed to the Ethiopian Government, the Special Rapporteur transmitted the following comments:

"According to the information received, there have been serious violations of religious freedom in Ethiopia.

Protestant churches are reported to have been subjected to violations committed by members of the Orthodox Church.

During the first half of 1992, a young Protestant of the Mekane Jesus Church was reported to have been killed and several hundred others to have been wounded. In the provinces of Wollega and Kefa, 24 Lutheran churches were allegedly set on fire and other religious buildings ransacked. The Orthodox Church is alleged to have been responsible for all these acts.

In 1992, in central Berthane, members of the Orthodox Church are alleged to have committed acts of violence against members of the Pentecostal Church. At Gojam, a group of young members of the Orthodox Church are reported to have attacked an Evangelical Church member, putting out an eye. At Alamatta, in the Wallo region, a Pentecostal couple are said to have had to be married in a prison, under police protection, after Orthodox followers had chased and beaten the guests. At Debre Birhan, young Orthodox followers are reported to have beaten and stabbed Pentecostals and to have destroyed their houses and belongings. At Wolbareg, in the Gurage area, Orthodox followers are said to have prevented Evangelicals from burying their dead in the cemetery beside their church so that they were forced to travel to Addis Ababa, 50 kilometres distant, in order to perform the burials. Orthodox Church members are also reported to have violated the tomb of an Evangelical Christian in the cemetery of Debre Zeit on 8 December 1992.

According to certain reports, in late 1993 a number of attacks were made on the Orthodox Church and particularly on Patriarch Abune Paulos. These incidents appear to have involved armed attacks with bombs as well as interruptions of religious services."

Russian Federation

In a communication dated 21 October 1994, addressed to the Government of the Russian Federation, the Special Rapporteur transmitted the following allegations:

"The Special Rapporteur has been informed of the existence of restrictive bills relating to religion. These texts reportedly violate the rights of religious minorities. They are said to give priority to the Orthodox Church in respect of the restitution of land and assets confiscated under the old regime and to limit access to property for foreign religious groups."

Ghana

In a communication dated 5 September 1994, addressed to the Government of Ghana, the Special Rapporteur transmitted the following comments:

"According to certain reports, conflicts of an ethnic and religious character that occurred in the north of the country in February 1994 caused the death of at least 1,000 people. The clashes are said to have involved mainly representatives of the Dagomba and Nunumba ethnic groups, on the one hand, and the Konkomba on the other. Many villages are reported to have been set on fire and their fleeing inhabitants pursued as far as Tamale. The Catholic church is reported to have been attacked, with Islamized Dagombas suspecting the Catholics of helping the Konkombas.

Furthermore, foreign missionaries are reported to have encountered difficulties in obtaining visas and residence permits."

On 14 September 1994, the Government of Ghana sent its comments on the above-mentioned communication to the Special Rapporteur:

"I have the honour to acknowledge receipt of your Note No. G/SO 214 (56-8) of 5 September 1994 bringing to the Mission's attention a summary of information on Ghana which has recently come to your knowledge.

The so-called summary of your information purports to give the purely ethnic conflict in northern Ghana a religious undertone. I wish in this regard to assure you that Ghana is a secular State in which there is freedom of religion. Indeed, Chapter Five of Ghana's current Constitution on Fundamental Human Rights and Freedoms, article 26, states:

'(1) Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion, subject to the provisions of this Constitution;

(2) All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.'

I also wish to take this opportunity to enclose for your information my Foreign Minister's statement to the Diplomatic Corps in Ghana regarding the northern conflict on 23 March 1994. The statement is very clear on the background to the conflict and it will be very misleading to read any religious causes into it.

As regards the alleged difficulty encountered by missionaries in obtaining visas and residence permits, this Mission is at a loss in understanding why the matter is being raised here. Missionaries, like any other foreign visitors, require visas to enter Ghana as is the practice with numerous countries. In Ghana's case, applications for visas or residence permits are treated on their own merits and it is inconceivable that a visa application will be refused just because the applicant is a missionary.

If, on the other hand, a missionary is making an application with the sole purpose of visiting an area of conflict, then I submit that the Special Rapporteur should be the first to understand the alleged difficulty which might stem from the desire not to expose the applicant, be he a missionary or an ordinary tourist, to danger. In point of fact, paragraph 24 of my Foreign Minister's statement specifically advised the members of the Diplomatic Corps not to visit the conflict areas for obvious reasons. The Honourable Foreign Minister went on further to clarify the procedure that must be followed should such a visit become absolutely necessary.

Finally, the Mission would like to caution the Special Rapporteur on basing his actions on reports that at best can be described as sketchy and lacking in substance. Having said this, let me assure the Special Rapporteur that this Mission and the Government of Ghana remain ready and willing to cooperate with him to address serious concerns which are germane to the fulfilment of his mandate."

Greece

In a communication dated 3 November 1994, the Special Rapporteur transmitted the following information to the Government of Greece:

"According to the information received, 400 conscientious objectors belonging to the Jehovah's Witnesses faith are currently imprisoned in Greece, mainly in the disciplinary cells of military camps, the military prisons of Avlona and Sindos and the prison farms of Kassandra and Kassavetia. They have reportedly been sentenced to four-year prison sentences, which could be reduced to approximately three years through work.

Some of them are said to have been subjected to physical and psychological ill-treatment by military personnel and members of the military police during their detention in prison or in camp. The alleged purpose of this ill-treatment was to force the prisoners to change their minds about being conscientious objectors.

Several conscientious objectors are said to have been refused any food for several days and denied the right to write letters or make telephone calls to their closest relatives. It is also reported that they are held in unheated cells that let in the rain in mid-winter. Some are said to have been subjected to humiliating punishment, such as being woken up and made to clean the toilets at 2 a.m. every day and forced to remain standing for hours.

Conditions of detention in the disciplinary cells of Nigrita Serres are alleged to be particularly harsh: damp cells, no windows, a single bench, only 4 square metres of space, and negligence in food distribution on the part of the guards.

The following cases were brought to the attention of the Special Rapporteur and summarized as follows:

Mr. Charalombos (Babis) Andreopoulos:

On 19 January 1993, Mr. C. Andreopoulos, a Jehovah's Witnesses minister, is said to have applied to the competent authorities for exemption from military service on the basis of article 6, paragraph 1 c, of Law 1763/1988, which stipulates that 'religious ministers of known religions shall be exempt from military service'. On 22 January 1993, the Larissa recruiting office, and on 10 February, the National Defence Headquarters/Recruitment Division are reported to have rejected his application, refusing to recognize the Jehovah's Witnesses faith as a known religion. In similar cases, the Greek Council of State is said to have considered that 'Jehovah's Witnesses are members of a known religion'.

On 24 March, Mr. C. Andreopoulos reportedly lodged an appeal with the Commission of the Council of State in order to obtain a stay of judgement. On 29 March, the appellant's counsel are said to have obtained an interlocutory decision from the Council of State

recognizing Mr. C. Andreopoulos to be a religious minister and for that reason exempt from military service. On the basis of that decision, Mr. C. Andreopoulos reportedly appealed to the Ministry of National Defence, which is said to have deferred the complainant's recruitment into the army from two to three months. Mr. C. Andreopoulos is said to be expecting an official decision from the Council of State before the expiry of the aforementioned time-limit. It is reported that his case will be considered on 24 November 1994.

Leaders of the Jehovah's Witnesses congregation in Alexandroupolis

Concerning this case, dealt with in two previous reports (E/CN.4/1992/52, E/CN.4/1994/79), the Special Rapporteur was informed that, following the decision of 2 July 1991 by the Alexandroupolis Court to acquit the leaders of the Jehovah's Witnesses congregation charged with the illegal use of a house of prayer and to order the removal of the seals from that site, the police reportedly performed the operation on 2 July 1991.

However, the Public Prosecutor, who had initiated proceedings, is said to have appealed against the decision before the removal of the seals.

On 21 March 1992, a court composed of three magistrates is reported to have considered the case on appeal and to have sentenced each of the defendants to 30 days' imprisonment. The sentences are said to have been subsequently commuted as follows: 400 drachmas for each day of imprisonment for the first and the third defendants and a suspension of the prison sentence for a three-year period in the case of the second defendant, provided that he pay legal costs. In July 1993, this sentence was reportedly confirmed by the Supreme Court (Areopagos).

Jehovah's Witnesses congregation of Gazi in Heraklion (Crete)

Concerning this case of the closure of a meeting place of the Jehovah's Witnesses congregation, on the first occasion for lack of a permit issued by the local Orthodox Church authorities and by the Ministry of National Education and Religious Affairs, then on the second occasion for proselytism (case described in detail in report E/CN.4/1994/79), on 7 August 1991 the accused reportedly referred the matter to the European Commission on Human Rights.

On 14 September 1993, the Heraklion superintendent of police is alleged to have announced by decree that it had been 'decided to close and seal the place of worship of the Jehovah's Witnesses, created and opened on 30 July 1983 in Gazi-Maleviziou/Heraklion (...) and that the decision shall remain effective until a permit has been granted'.

Congregation of Jehovah's Witnesses of Naoussa

In the town of Naoussa, 100 kilometres west of Thessaloniki, the Jehovah's Witnesses reportedly lodged an application with the Municipal Town-Planning Commission for a building permit for a meeting room. Following representations by the local Greek Orthodox Metropolitan Bishop, it is alleged that the mayor of Naoussa refused to issue a permit.

Furthermore, the laws on education in force are said to make it difficult to appoint teachers not belonging to the Orthodox faith in Greece, and in particular Jehovah's Witnesses. In this connection, it would appear that, to the knowledge of the Special Rapporteur, no solution has been found to the cases of Pilaftoglou, Tzenos and Nomidis, whose applications for teaching permits are alleged to have been turned down on account of their belonging to the Jehovah's Witnesses faith (case described in report E/CN.4/1994/79). The Patros Court of Appeal should decide on the case of Treafilos Tzenos on 28 May.

Reportedly, Mrs. Theofilos Tzenos lodged an appeal with the Council of State, which heard her case on 11 March 1993. The Council of State is said to have not yet handed down a decision.

In addition, according to the information received, in schools young Jehovah's Witnesses are victims of manifestations of religious intolerance (verbal insults, physical attacks), and it is alleged in particular that the books used for religious instruction denigrate the religion of the Jehovah's Witnesses.

The Jehovah's Witnesses are also alleged to suffer arbitrary arrest, harassment and ill-treatment by the police services, in particular the security police. Moreover, these incidents are said to be going hand in hand with a recrudescence of acts of vandalism and insults directed not only against places of worship but also against Jehovah's Witnesses personally.

According to some information, the evangelical community has been refused permission to continue broadcasting from its private religious television station, "Hellas 62".

The Special Rapporteur was informed that two imams, invited by the members of the Muslim Turkish minority during the month of Ramadan to attend to their religious needs, were refused permission to enter Greece by the Greek authorities at the border post of Ipsala, on 17 February 1994.

The Special Rapporteur was informed that the mosque of Alexandroupolis was destroyed on 13 March 1993 following a fire. An official investigation reportedly reached the conclusion that the imam of the mosque had been negligent. According to certain information, the investigation was biased and the police forced the witnesses to give false evidence.

Furthermore, the Asagi Mahalle and Hurriyet Mahallesi mosques, in Xanthi, and the Kirmahalle and Tabakhane mosques, in Komotini, are alleged to have been subject to bombing attacks or arson.

The Tabakhane mosque in Xanthi was reportedly razed to the ground by bulldozer by the municipality. A dervish's sacred dwelling (dervish Sodpe) dating from the fourteenth century is alleged to have been demolished on the pretext of renovation. Despite the Government's promises to rebuild it, it is reported that no action has so far been taken.

Furthermore, according to the information received on 6 April 1993, the Greek legislators have voted a law making it compulsory for citizens to declare their religion on their identity cards."

India

In a communication dated 5 September 1994, addressed to the Government of India, the Special Rapporteur transmitted the following comments:

"According to the information received, relations between Hindus and Muslims continue to be strained

since the attack on and destruction of the Babri Mosque in Ayodhya on 6 December 1992 (E/CN.4/1994/79, para. 55). Concerning the serious inter-community disturbances, in Bombay in particular, in January 1993, which were reported in the communication of 10 November 1993 addressed to the Indian Government, the Special Rapporteur received additional information indicating that at least 550 people were killed and 2,500 injured. Certain persons are reported to have been stoned to death and/or burned alive. According to a report by the 'Indian People's Human Rights Tribunal' published in August 1993, these events were part of an organized crime perpetrated by communalists in cooperation with the police. The report states that the police either stood by and watched or supported the Hindu attackers. According to numerous reports, most of the victims were Muslims. Furthermore, on 12 March 1993 numerous bomb attacks were reported in Bombay, in particular against tourist hotels and markets, killing at least 250 people. Police investigations are said to have found one Muslim family to be responsible, but the reason for the attack is not clear. In Maharashtra, the police reportedly conducted large-scale indiscriminate raids among all Muslims who might have been involved in the Bombay attack.

Cases of serious violations in Kashmir and Jammu and the Punjab have also been referred to the Special Rapporteur.

In Kashmir and Jammu, Muslim extremists are said to be continuing their persecution of the Hindu minority. They are said to have attacked Hindu pilgrims near Anantnag on 3 August 1993, killing one person and injuring 23 others. On 14 August, the extremists allegedly stopped a bus and killed 16 Hindu civilians. They are also said to have killed a Hindu leader. On 15 September, they planted a bomb in a Hindu temple, killing one person and injuring eight others.

According to the information received, most of the Muslims in Kashmir are caught between the violent actions of the Muslim extremists and those of the security forces taken against any insurrection and even against civilians.

In the Punjab, a Sikh religious leader, Gurev Singh Kaonke, is said to be missing since 2 January 1993.

Regarding the Christians, there is said to be no national legislation prohibiting proselytism by Indian Christians. However, the laws of some States discourage Christians from practising openly. Resident foreign missionaries are generally able to renew their visas, but since the mid-1960s, entry for new resident missionaries is denied. A certain increase in conversions among the tribes continues to create tensions, and foreign Christian missionaries are said to be denied entry permits for the States in the north-east."

In response to the above-mentioned allegation, the Permanent Mission of India transmitted the following information to the Special Rapporteur on 17 November 1994:

- "1. I write with reference to your letter No.G/S0 214 (56-8) dated 5 September 1994. In this communication you made some general observations and pointed out some specific cases of alleged religious intolerance and discrimination against religious minorities in India. I wish to clarify that the allegations contained in the above-mentioned communication do not conform to the facts.
2. The Indian people are heirs to an ancient tradition of tolerance and respect for different religions and faiths. It is for this reason that India is home to so many differing linguistic and religious groups. India is the birthplace of four major religions - Hinduism, Buddhism, Jainism, Sikhism. Christianity, Islam, Zoroastrianism and Judaism came to India and made it their home. We are proud to count among our nationals nearly every major religious denomination, including their sects and sub-sects. Even non-believers enjoy equal rights with all others in India. Over 90 million Muslims have been born since 1947. Likewise other religious minorities exist in tens of millions.
3. The very Preamble to the Indian Constitution declares India to be a 'Secular, Democratic Republic and to secure to all its citizens ... liberty of thought, expression, belief, faith and worship'. To underscore the right to freedom of religion, this and associated rights are deliberately placed in the Chapter on Fundamental Rights. These rights enshrined in the Constitution are justiciable before an independent

judiciary. This has been further reinforced by the establishment of a Minorities Commission in 1978 to safeguard the interest of other minorities. These Commissions monitor the safeguards available under the Constitution and the legal framework for the protection of minorities, make recommendations to improve implementation of these safeguards, keep under constant review policy pursued by the Union of the State Governments with respect to minorities to look into specific complaints regarding deprivation of rights and safeguards of minorities such as where appropriate additional legal and welfare measures for minorities, make periodical reports to the Government etc.

4. Despite the efforts of the Government, explicit provisions of the Constitution and the fact that our people, by and large, have a secular outlook, incidents of communal violence have occurred occasionally. In considering such developments, however, we should not fail to make a distinction between cases where incidents have occurred for reasons beyond the control of Governments and those instigated and abetted by the Governments themselves. States should be judged not by acts of extremism committed by individuals, groups and segments of society, but by their philosophy and practice of religious tolerance and their treatment of minorities. The speed and effectiveness with which Governments take remedial action to correct any such wrongs is a measure of the religious tolerance of and the position of minorities in that society and polity.

5. The observations that the relations between Hindus and Muslims continue to be strained as a result of the destruction of the Babri Mosque in Ayodhya on 6 December 1992 is a misrepresentation of the facts. It would be appropriate to mention that since January 1993 there have been no incidents of communal tension and the Muslims and Hindus have been living in harmony in keeping with the tradition of Indian society. The Government of India is determined to remain faithful to its secular commitment.

Babri Masjid

6. In our letter No. GEN/PMI/352/26/93 dated 17 December 1993 we provided detailed background on the developments that led to the unfortunate demolition of Babri Mosque. As stated therein, the incident was immediately condemned in the strongest possible terms by the highest authorities in the land and comprehensive remedial measures were promptly instituted.

7. Since our earlier communication to you on this subject, the Central Bureau of Investigation (CBI), which is an apex body for investigation, was asked by the Government of India to carry out a detailed investigation. Notwithstanding the fact that the mosque was pulled down by a riotous mob of several thousand persons, making investigations exceedingly difficult, charges were initiated before a special court against 40 persons. The court has begun the process of trial. Regarding the rebuilding of the mosque and a temple, the Government of India had sought an advisory opinion from the Supreme Court of India and would abide by the opinion of this apex judicial body in India. The Supreme Court in its verdict of 24 October 1994 has revived title suits regarding the structure under dispute, permitted the settlement of the dispute through negotiations, upheld acquisition of land by the Government - except the disputed area - ordered compensation to be paid to owners for land acquisition and, more significantly, convicted the former Chief Minister of the State of Uttar Pradesh, Mr. Kalyan Singh, for contempt of court for violating its orders prohibiting the erection of a permanent structure in the disputed area in Ayodhya in July 1992.

8. The rioting in some parts of India following the unfortunate destruction of the Babri Masjid mentioned in the annexure is the exception rather than the norm. It was the product of communal tension, exacerbated by inflammatory rhetoric and action from across national frontiers, which were used by anti-social elements for their own interest. However, to argue that any single community was victimized is grossly incorrect. All Indians, irrespective of their religion, suffered. Not only have comprehensive judicial inquiries been instituted but prompt relief and rehabilitation measures have also been taken which have entailed disbursement of 10 million rupees. These steps are in the best traditions of India's secular polity and in keeping with its long history of respect and tolerance for all religions, beliefs and practices.

Disturbances in Bombay

9. As regards the disturbances in Bombay following the 6 December 1992 incident, these were brought under control speedily by the State administration. There was recurrence of communal riots in Maharashtra in the first week of January 1993. To help the local police to control the situation, substantial paramilitary forces, including the newly created Rapid Action Force were made available by the Centre. Army columns also were deployed to help the Administration to control the riots and restore normality. Union Ministers and the Prime Minister also visited Bombay. Persons who lost their lives, received injury and lost property, belong to various communities and there was a fair share of members of both the major communities. The State Government ordered a judicial inquiry on 25 January 1993 to inquire into the riots which took place in the area of the Bombay Police Commissionerate. Justice B.N. Srikrishna, a sitting judge of the Bombay High Court has been appointed for the inquiry. The terms of reference include: (i) the circumstances, events and the immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 and on or after 6 January 1993; (ii) whether any individual or group of individuals or any other organizations, were responsible for such events and circumstances; (iii) the adequacy or otherwise of the precautionary and preventive measures taken by the police preceding the aforesaid incidents; (iv) whether the steps taken by the police in controlling the riots were adequate and proper and whether the police firing, resulting in deaths, was justified or not; and (v) the measures, long- and short-term, which are required to be taken by the Administration to avoid recurrence of such incidents, to secure communal harmony and also to suggest improvements in the law and order machinery.

10. Regarding the alleged police inaction, partiality etc. during the riots, the facts will come out during the inquiry report. In the meantime the Bombay Police Commissionerate has been completely reorganized dividing the city in four regions, each headed by one Additional Police Commissioner. Three posts of Joint Commissioners of Police in the rank of IGP have been created. One Joint Commissioner of Police each looks after administration, crime and law and order, respectively. The Special Branch and the Crime Branch have also been reorganized and additional posts of officers and men have been sanctioned.

11. The Government has disbursed an amount of about Rs. 14 crores to the next of kin of persons who have been killed and an amount of Rs. 97 lakhs has been disbursed to the injured persons so far. The latest position of the number of houses/huts etc. damaged and the disbursement of assistance is:

Number of houses/huts/shops/stalls/handcarts affected	Number of houses/huts/shops/stalls/handcarts for which assistance has been disbursed
Houses	774
Huts	23 370
Shops/stalls Handcarts	5 544
	496
	668
	23 369
	5 523
	356

12. Thus at every stage the Government of India has demonstrated the will and the capacity to take remedial steps, as well as protective and rehabilitation measures, in respect of persons belonging to minorities in India and to restore amity and harmony among all communities.

Bombay Bomb Blasts

13. As far as the Bombay blasts of March 1993 are concerned, these were acts of externally sponsored terrorism aimed at destabilizing the country's economy and creating a wedge between Hindus and Muslims. On 11 March 1993, a series of powerful bombs simultaneously exploded at various public places including the Stock Exchange, hotels, etc., killing over 250 persons and injuring 628 persons and destroying property worth about Rs. 270 million. Investigations have revealed the direct involvement of the Yakub Memon family and also the involvement of a neighbouring country in sponsoring, planning, providing training and material, including explosives, for the blasts. It is only incidental that the large number of persons arrested for involvement in these blasts were Muslims, as has been the case in some similar acts of terrorism, including the bombing of the World Trade Center in New York. It is incorrect to suggest that the search for those responsible for the bomb blasts was exclusively focused on the Muslim community. It may be mentioned that investigations in Bombay have also revealed the use and involvement of elements, a large number of whom are non-Muslims, who are also equally the subject of police attention and action, including arrests already made. It is therefore unfortunate that in the communication it has been indirectly suggested that the Muslims have been singled out for investigation in this case.

Punjab

14. You have raised some concerns on the basis of reports received by you about religious intolerance in Punjab. In this context, let me at the outset mention that Sikhs in Punjab are the majority community and the reality is that in Punjab the Sikh community have always lived in harmony with the main minority community of Hindus. As indicated in my letter No. GEN/PMI/352/26/93 dated 17 December 1993, there has been no discrimination or ill treatment of the Sikhs in Punjab or any part of India. The problems that arose in Punjab were due to the religion-based terrorist elements, externally encouraged, who sought to widen the communal divide between the Sikhs and other communities for their political ends. In the course of time, as many Sikhs fell victims to the terrorist bullets and bombs as Hindus. This defeated the aim of the terrorists of communalizing the Punjab polity. The people of Punjab have rejected terrorist violence and have demonstrated their faith in the democratic process by electing representatives to the State and national legislatures in elections held during 1992. Peace has returned to Punjab.

15. With regard to Gurdev Singh Kaonke, the authorities concerned have investigated the allegations and have provided the following information. Gurdev Singh Kaonke, resident of Kaonke village in Punjab, was arrested, on charges inter alia of murder, on the basis of a case registered on 8 December 1992. He was questioned by the police and admitted his involvement in terrorist activities. He also disclosed that he had concealed two AK-47 assault rifles with ammunition near a Sikh temple at Karian. He led the police to the place of concealment where AK-47 ammunition was recovered. At that place, the police party was fired upon by unidentified assailants. In self-defence, the police party returned the fire. During the exchange of fire, Gurdev Singh Kaonke escaped. When the firing ceased, Gurdev Singh Kaonke was untraceable. Another case for violation of the Arms Act was registered against Gurdev Singh Kaonke on 2 January 1993. The case is under investigation. The facts quoted above show that there is nothing to establish that Gurdev Singh Kaonke, prima facie, was tortured by the police. Since he absconded, Kaonke has not reappeared, perhaps because of the serious charges pending against him.

Jammu and Kashmir

16. Similarly Jammu and Kashmir, a symbol of India's secular democracy, has been a target of externally sponsored religion-based terrorism for the last five years. The aim is to divide people on the basis of sectarian affiliation and undermine the secular fabric and territorial integrity of India. Jammu and Kashmir is home to Muslims of various hues, Hindus, Buddhists, Sikhs and Christians, who have traditionally lived in harmony. What in fact has happened is the deliberate targeting of Kashmir Hindus by fundamentalists, terrorist groups and foreign mercenaries. The persecution by Muslim extremists of the Hindu minority and the systematic religion-based extremism of terrorist elements has resulted in the exodus of 250,000 members of the Hindu and other minorities from the Kashmir Valley to other parts of India. Fundamentalists and terrorists have also targeted and assassinated Muslim intellectuals and liberal Muslim leaders in Jammu and Kashmir. As a consequence, as many as 50,000 Muslims have also been compelled to flee the Valley to seek safety in other parts of India.

17. The common man in Kashmir, both Muslim and Hindu, today yearns for the restoration of his liberal ethos and historical and cultural heritage. The people of the State have begun to see through the design of the extremists, terrorists and their foreign masters. This had led to an escalation by the latter, infiltrating armed foreign mercenaries into the State to whip up religious hysteria and maintain the cycle of violence. A concrete manifestation was the deliberate campaign of forcible occupation and desecration of places of worship of both communities, attacks on Hindu pilgrims, thwarting of holy pilgrimages, assassination of political and religious leaders. As recently as June 1994, the Mirwaiz (a Muslim religious leader) of South Kashmir was kidnapped and murdered by an externally sponsored fundamentalist terrorist group and Hizbul Mujahiddin. The populace protested at the murder in huge demonstrations against extremists, terrorists and their foreign sponsors.

Christians

18. The allegations regarding the position of Christians in the communication are completely incorrect. There are no laws in any of the States against the practice of Christianity or any other religion. The existence of Christianity in India long predated its contact with European civilization. There are more than 16 million Christians in India with almost every major denominational church of the Christian faith represented there. The Christian community in India runs a wide network of churches, seminaries and welfare institutions throughout the length and breadth of the country. The Christian community [has enriched India's national life and Indian Christians] have held and are holding the highest State and government posts. For example, the Governor of the State of Maharashtra, where the Christian Community Welfare Council of India is located, is himself a Christian. This is also the case with several members of the Indian Cabinet. It is evident that the Christian community could not have flourished as it has without the atmosphere of freedom and tolerance which exists in India. You would also probably be aware that Hinduism is not a proselytizing religion and it is a measure of the tolerance of the Indian secular polity that other religions and faiths, including Christianity, are permitted to proselytize. As far as the activities of foreign missionaries are concerned, while there are no restrictions on the activities of such missionaries resident in India, those of new foreign missionaries are regulated in accordance with national laws.

19. You will no doubt agree that cultures and sub-cultures abound where there is a solid ground of laws, practices and traditions respecting human rights. No civilization could have lasted and flourished for 5,000 years unless it was rooted in sound societal values of freedom, dignity and rights of human beings, who have access to their past and their culture and have responsibility for their future."

Indonesia

In a communication dated 20 October 1994, the Special Rapporteur transmitted the following information to the Government of Indonesia:

"According to information received, followers of the Baha'i faith have continued to suffer grave violations of the right to freedom of religion. The situation of the Baha'i community, as described in report E/CN.4/1993/62, paragraph 35, is said not to have improved. Jehovah's Witnesses are also reported to have suffered a ban.

Furthermore, the cases of religious intolerance summarized below have been brought to the attention of the Special Rapporteur:

- In June 1992, two students, Bambab Nahya Nirbita and Ambar Widi Atmoko, were reportedly sentenced to two and a half years in prison. They are said to have been arrested following complaints lodged by certain persons who accused them of offending the Islamic religion during a sketch they performed in late April 1992.

- In early January 1994, two young men, Djoni Purwoto and Sugiri Cahyono, were reportedly sentenced

to four years' and to three and a half years' imprisonment respectively, for blasphemy. They were accused of offending the Islamic religion during a play performed at Salatiga in Central Java."

The Special Rapporteur has also been informed that the 1975 Marriage Act prohibits registry offices from registering marriages of persons not belonging to one of the five known religions (Islam, Hinduism, Buddhism, Catholicism, Protestantism).

Islamic Republic of Iran

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following observations to the Government of the Islamic Republic of Iran:

"According to information received by the Special Rapporteur, Rev. Tatavous (Tateos) Mikaelian, successor of the recently murdered Bishop Haik Hovsepian-Mehr as the Chairman of the Council of Protestant Churches and former General Secretary of the Iran Bible Society, would have disappeared after leaving home on 29 June 1994 and would have been found murdered on 2 July. Besides Minister Mehdi Dibaj, released on 16 January after nine years in prison, would have disappeared on 24 June and have been discovered murdered.

The Special Rapporteur would like to express his deep concern and would be grateful to your Government to provide him with any relevant information as well as with its views and observations."

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following information to the Government of the Islamic Republic of Iran:

"Baha'i community

The Special Rapporteur has been informed that the situation of the Baha'i community, as reported in the communication of 8 December 1993, has continued to worsen during 1994. The religious activities of the Baha'is continue to be strictly prohibited, and the Baha'is are being totally denied their various rights because of their religious belief. In particular, they continue to be banned from public office, agricultural cooperatives, institutions of higher education and ownership of businesses, and their individual and jointly-owned property is being confiscated and even destroyed. In addition to the cases of execution and disappearance referred to in the communication of 8 December 1993 addressed to the Government of the Islamic Republic of Iran, nine Baha'is are currently imprisoned because of their religious belief:

Mr. Bakhshu'llah Mithaqi, arrested at Karaj on 17 October 1985.

Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi, arrested at Gohardasht on 29 April 1989. On 31 August 1992, they were arbitrarily sentenced to death by the Islamic Revolutionary Tribunal after being held without formal charge or trial since April 1989. Following an appeal by the two accused, the Iranian authorities allegedly stated that their death sentence had been quashed by the Supreme Court. However, according to some reports, on 8 December 1993 the two Baha'is were again sentenced to death by the Islamic Revolutionary Tribunal in Tehran and filed an appeal with the Supreme Court.

Mr. Husayn Ishraqi, arrested at Isfahan on 1 April 1992.

Mr. Nijatu'llah Bihin-Ain, arrested at Isfahan in July 1992.

Mr. Husayn-Quli Rawshan-Damir, imprisoned on 27 June 1993.

Mr. Ali Latifi, arrested at Urumiyih on 7 September 1993.

Mr. Rabi'u'llah Isma'ilzadiyan, imprisoned in Tehran (date unknown).

Mr. Riyan Taid (date and place unknown).

According to certain reports, in late December 1993 in Tehran, Ayatollah Abdolkarim Mousavi Ardebili, in a public sermon to his congregation, cited a nineteenth century Muslim clergyman, Saeed-al-Ulama Baboli, as follows: 'For a long time I have been occupied here with day-to-day issues. I am engaged in Baha'i-killing.' This sermon was also broadcast on Radio Tehran.

Iranian Jewish community

The Special Rapporteur has been informed that Mr. Feizollah Mekhubad, a 78-year-old member of the Iranian Jewish community, has been executed. He was allegedly arrested two years ago for 'the crime of association with zionism' and sentenced to death. The sentence was then commuted to three years' imprisonment. After two years in prison, Mr. Mekhubad was executed on 25 February 1994 without trial or explanation. According to some reports, he was tortured before being executed.

Members of various Christian Churches

The Special Rapporteur has been informed that a campaign against Christians has been stepped up in recent months. It has allegedly led to a whole series of persecutions, arrests, imprisonments and torture of Iranian Christians, particularly Muslims who had converted to Christianity and pastors and parishioners of Evangelical churches working with them.

According to information received, in June 1993 the Iranian authorities asked the representatives of the Christian Churches to sign statements to the effect that they would not attempt to convert Muslims, and, since August 1993, documents binding them to ban converted Muslims from Christian services and to avoid using Farsi during services. Any conversion of Muslims to Christianity carries the death penalty.

A number of churches, in particular Evangelical churches, have been forced to stop conducting services, and since February 1990, the Iranian Bible Society has not been allowed to open. The selling of Bibles is prohibited, and 20,000 copies of the New Testament in Persian confiscated in September 1991 have still not been returned.

There is said to be discrimination against Christians in public service, and the Christian religion is reported to be denigrated, particularly in the State schools' religious instruction classes.

The Special Rapporteur has learned that Bishop Haik Hovsepian-Mehr, President of the Council of Protestant Churches and General Superintendent of the Churches of the Assemblies of God in Iran, disappeared on 19 January 1994 after leaving his home to meet someone at Mehrabad airport in Tehran. According to some reports, Bishop Hovsepian was taken to a government office. On 30 January 1994, the police told Bishop Hovsepian's family that his body had been found, riddled with knife wounds, on 20 January 1994, on the old Shemran road in the Tehran suburbs. They stated that the victim's body had already been buried and his family was only able to identify him through a photograph. The Bishop, who was aged 49, was married and had four children. He had conducted a successful international campaign to obtain the release of Reverend Mehdi Debbaj and distributed a report on violations of religious freedom in Iran. He had also refused to sign a statement, required by the Ministry of Islamic Guidance, indicating, in his capacity as a Christian in the Islamic Republic of Iran, that Christians were able to exercise all constitutional rights. Bishop Hovsepian's murder is reportedly linked to the latter events.

The Special Rapporteur has also received information to the effect that Reverend Tateos (Tateos) Mikaelian, successor to Bishop Haik Hovsepian Mehr as President of the Council of Protestant Churches and former Secretary-General of the Iranian Bible Society, disappeared after leaving home on 29 June. His body was reportedly identified in a city morgue on 2 July 1994 by his son. He had been shot three times in the head.

According to the information received, Reverend Mehdi Debbaj (cited in document E/CN.4/1992/52), a former Muslim who converted to Christianity and was sentenced to death for apostasy and imprisoned without trial for nine years, was released on 16 January on condition that he remained available for

further investigations if necessary. However, the charge against him was not withdrawn, and fresh accusations of 'religious espionage' and defamation of Ayatollah Khomeini were made against him. His wife also reportedly received threats of stoning to death if she did not agree to recant her faith. Under coercion she divorced her husband and married a Muslim extremist. Her four children were taken in care by the church, where they remain. Reverend Mehdi Debbaj allegedly disappeared on 24 June 1994. According to information received, Reverend Mehdi Debbaj, along with a group of Christian believers, had left Tehran on 20 June, to attend a Christian retreat in Karaj. Four days later, he reportedly left on his own to return to Tehran to join his family in celebrating the birthday of his daughter and was found murdered on 5 July 1994.

The situation of Reverend Edmond and of Mr. Mohamad Sepehr, a Muslim who converted to Christianity, described in the communication sent to the Permanent Mission of the Islamic Republic of Iran on 8 December 1993, remains unchanged.

Others

The Special Rapporteur has received information to the effect that an Iranian writer, Mr. Ali Akbar Saïdi Sirjani, was arrested in mid-March 1994 by the Iranian police and officially charged in April with several serious offences, namely, drug trafficking, links with counter-revolutionary elements, receiving large sums of money from such groups, relations with a group of officers of the former regime linked to the Savak and homosexuality. Under Iranian law, each charge would be sufficient for the writer to be sentenced to death. According to the information received, Mr. Saïdi Sirjani has been wrongfully accused and has in recent years been violently attacked, in particular in certain Iranian newspapers, because of his writings, which are perceived as being anti-Islamic."

On 29 August 1994, the Government of the Islamic Republic of Iran transmitted the following information to the Special Rapporteur in reply to the communication of 18 August 1994 mentioned above:

"I have the pleasure to provide to you, in reference to your letter dated 18 August 1994, the following information regarding the cases of Christian pastors in the Islamic Republic of Iran which have been received from relevant authorities in Tehran.

The judicial authorities of the country after the recent incidents of killing Christian pastors initiated thorough investigation with the assistance of law enforcement personnel in order to trace perpetrators.

Consequently a suspect named Mrs. Farahnaz Anami is arrested in Zahedan (Sistan Balouchestan Province) and sent immediately to the court for further investigation.

In the later stages of judicial interrogation, Mrs. Anami provides detailed information about the murder of Mr. Michaelian by her and her accomplices. She further disclosed that she was also given the responsibility of finding a suitable place for burying Mr. Dibaj, another Christian pastor who was murdered in another incident elsewhere.

Two other persons were also arrested in this regard on the basis of information received from Mrs. Anami on the charge of complicity in the murder of the above-mentioned pastors. The perpetrators furthermore claimed that the assassination of Christian pastors was carried out on the orders of the Iraqi-based Mojahedin Khalq Organization (MKO) to which they affiliate and the plan included other religious figures. Investigation still continues to find other accomplices and the persons involved in the murder of Mr. Dibaj and Hospian Mehr.

It is to be noted that the reply in regard to other cases referred to in your letter would be sent in due course."

Iraq

In an urgent appeal dated 3 August 1994, the Special Rapporteur transmitted the following observations to the Government of Iraq:

"According to information received by the Special Rapporteur, on 21 July 1994, Hujjat al-Islam Sayyed Mohamed Taghi al Khoei, the son of the late Grand Ayatollah al Khoei and the General Secretary of the al Khoei Foundation would have been killed while travelling home from a visit in Kerbala accompanied by his brother-in-law, Amin Khalkhali and his six-year-old nephew.

The three passengers and the driver of their car would have been killed. The car would have been totally burned and the bodies mutilated on the highway linking Kerbala and Najaf.

The Special Rapporteur would like to express his deep concern and would be grateful to your Government to provide him with any relevant information as well as with its view and observations."

In a communication dated 5 October 1994, the Special Rapporteur transmitted the following allegations to the Government of Iraq:

"According to information received, the Assyro-Chaldeans and the Shiite Muslim community are subjected to numerous acts of religious intolerance.

The Assyro-Chaldeans

It is reported that Bishop Margigiz of Baghdad suspended a young 36-year-old priest, Emmanuel Yuhanna residing at Dohuk and working for the Eastern Assyrian (Nestorian) Church at Mansouriya, in April 1994. The latter was allegedly informed of this measure on his return from a journey abroad for medical reasons, the official explanation given being his unauthorized absence from the parish. However, according to some reports, Bishop Margigiz was compelled to take this disciplinary measure under pressure from State officials.

The Shiite Muslim community

The Special Rapporteur has been informed of the death of Muhammad Taqi al-Khoei, son of the late Grand Ayatollah al-Khoei and Secretary-General of the al-Khoei Foundation. The latter was travelling in the company of his brother-in-law Amin Khalkhali, his six-year-old nephew and his chauffeur. On the way back from a visit to Karbala, their car apparently crashed into an unlit lorry blocking the motorway at around 11 p.m. The driver and the child reportedly died instantly, while Taqi and Amin Khalkhali bled to death, abandoned at the roadside. It is reported that an ambulance arrived at 4 a.m. in order to remove the bodies and that, that same morning, Government officials buried the bodies in a hurry without any respect for rituals and notwithstanding the objections of the deceased persons' relatives.

It seems that the incident of the unlit lorry blocking the road was staged intentionally in order to kill Muhammad Taqi al-Khoei. In recent months, Muhammad Taqi al-Khoei had reportedly been threatened on various occasions because of his activities for the al-Khoei Foundation abroad. One week before his death, he was allegedly summoned to Baghdad and told that he would not be allowed to leave Iraq for the annual meeting of the governors of the al-Khoei Foundation. Moreover, a few hours before

Muhammad Taqi's death, he is said to have informed the al-Khoei Foundation that he would be unable to attend the scheduled meeting and that his life was in danger.

In general, it would appear that the policy conducted by the Iraqi authorities against the Shiite Muslim community in Iraq and its religious or cultural institutions, as reported in the communication of 23 November 1993 addressed to the Iraqi Government (E/CN.4/1994/79), continues to be systematically applied. In addition to the acts of repression against Shiite Muslim clergy (including the detention of at least 100 religious dignitaries or theology students since March 1993), the destruction of mosques, libraries and highly religious sites, the closure of established seminaries and the profanation of cemeteries (mentioned in document E/CN.4/1994/79), in 1994 hundreds of relatives of detained clergymen were

allegedly deported by force."

In an urgent appeal dated 1 November 1994, the Special Rapporteur transmitted the following information to the Iraqi authorities:

"According to information I received in October 1994, members of the al Khoei family were allegedly evicted from the late Grand Ayatollah al Khoei's home in Kufa. The confiscation orders would have also included a number of other houses belonging to members of al Khoei clerical families. In addition, religious endowment properties allocated for schools and mosques and administrated by the late Sayyed Taqi al Khoei, were allegedly confiscated.

I would be most grateful to your Excellency's Government to provide me with any relevant information concerning the above, as well as with its views and observations."

Israel and the occupied territories

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following observations to the Israeli Government:

"According to information received, on 25 February 1994, 30 Muslim worshippers were killed by an Israeli settler while they were praying in the Haram al Ibrahim Mosque (tomb of the patriarchs) in al Khalil (Hebron).

During the months just before that massacre, complaints had allegedly been made about other acts of violence committed at al Khalil and elsewhere by Israeli settlers who reportedly acted with complete impunity, sometimes even before the eyes of Israeli soldiers.

The Special Rapporteur is also concerned about reports that some 31 Palestinians and 1 Israeli civilian have been killed since the events at Hebron, by the Israeli forces in most cases, mainly during demonstrations or riots, organized or occurring in protest against the al Khalil massacre.

Violent religious clashes are reportedly also continuing at al Khalil.

On 16 May 1994, after a dispute between Israelis and Palestinians, at least 12 Palestinians were reportedly injured by settlers and Israeli soldiers. On 17 May, the armed wing of the Islamic militant Hamas group allegedly murdered two Israelis and seriously wounded a third in the head, south of al Khalil.

On 19 May, a Jewish settler from Goush-Kalif, in the south of the Gaza Strip, was allegedly wounded by Hamas group militants in an attack with automatic weapons.

The Special Rapporteur has also been informed that on 6 September 1993 an Israeli television journalist, Mr. Yoni Ben Menahem, who had interviewed Mr. Yasser Arafat on 3 September 1993 in Tunis, allegedly received a death threat from an extremist Jewish group called Kach."

Kazakhstan

In a communication dated 5 September 1994, the Special Rapporteur transmitted the following information to the Government of Kazakhstan:

"The Special Rapporteur has been informed of violations of the right to conscientious objection.

According to some reports, there are no arrangements for a non-military national service for

conscientious objectors. The following case was brought to the attention of the Rapporteur and summarized below:

Mr. Roman Grechko, a Jehovah's Witness, was reportedly sentenced on 30 March 1994 to one year in prison by a court at Almaty for having refused to do military service."

Kenya

In a communication dated 18 August 1994, the Special Rapporteur transmitted the following observations to the Government of Kenya:

"The Special Rapporteur has received reports that several incidents have caused growing tension between Muslims and Christians and created some hostility towards foreign Protestant humanitarian organizations. In particular, some Islamic leaders from Wajir, in the north-east of the country, have allegedly declared a jihad (holy war) against the Inland Africa Church and World Vision, which support humanitarian projects in Kenya. At a press conference on 24 August 1993, 15 Muslim extremist leaders are alleged to have declared that, if the Government did not put a stop to the activities of the two organizations, the Muslims of the region would do so themselves.

Specifically the organization World Vision was reportedly accused of being behind the desecration of 200 copies of the Koran, which were found in a latrine pit. World Vision reportedly denied any involvement in that desecration but continued to be subjected to petty annoyances by the authorities.

According to some reports, on 3 September 1993, a Christian pilot was killed in the north-east of the country, when armed men attacked a UNICEF post.

The Special Rapporteur has also been informed that the inter-ethnic conflicts between the Masai and the Kikuyu have resulted in massacres and the destruction of Catholic and Evangelical churches. In October 1993, 500 Masai allegedly attacked some Catholic and Evangelical places of worship in the south-west of the country and killed 10 persons from the Kikuyu tribe. This outbreak of violence is said to be a response to attacks, cattle-stealing and the murder of an elderly Masai, by Kikuyu from Narok.

The Masai are said to have damaged a Catholic church and beaten up some Kikuyu taking refuge there. An Evangelical church has allegedly also been destroyed. According to the information transmitted, Solomon Mwangi Kimemia, President of the Independent African Pentecostal Church of the Narok region allegedly died on 19 October 1993, from injuries sustained when he was bludgeoned by Masai. On 13 October 1993, Pastor John Karamu of the Church of the Disciples of Christ was allegedly subjected to the same ill-treatment, but reportedly survived his injuries.

The Special Rapporteur has also received information that, on 13 February 1993, the police confiscated copies of a Christian religious magazine called Watchman. On 16 February, the police allegedly arrested the Reverend Jamlic Miano, editor of the magazine, as well as another journalist. They were accused of sedition and allegedly held for three weeks before being released on bail.

Finally, it would appear from all these communications, that inter-religious tension, a certain amount of insecurity, the destruction of places of worship and threats to the life and physical integrity of priests and pastors allegedly help to create an atmosphere of religious intolerance and endanger the exercise of the freedom of worship."

[more ]

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