

Genocidal National Statutes

Death For Apostasy

- This document lists national legislation representing a genocidal threat to apostates.
- The 11 nations that demand the execution of apostates are: Afghanistan, Brunei, Iran, Maldives, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, and Yemen. Nigeria is an unusual case as apostasy is only a capital offence in its Muslim-majority northern states. See Appendix A.
- Article II of the Convention on the Prevention and Punishment of the Crime of Genocide protects groups, including religious, both from killing and serious bodily or mental harm. See Appendix B.
- The founder of Europe's largest human rights practice, Geoffrey Robertson KC, head of Doughty Street Chambers, noted (see Appendix C) in his investigation of the 1988 execution of several thousand apostates by the Iranian regime, that:

"Whether or not atheists should count as a 'religious group' for the purposes of the convention, it is clear that persons who are born into a particular faith that they later renounce can be so categorised."
- Accordingly, the national statutes listed in Appendix A are in contravention to Article II of the Genocide Convention (see Appendix B). The offending nations should be prosecuted for sentencing apostates to death and for the mental harm that they cause through the terror such laws induce.
- These rogue states must rescind their genocidal statutes. Heads of state and other officials of countries who have executed apostates should be tried by the International Criminal Court, and cases should be brought against these countries at the International Court of Justice.

Appendix A – List of Nations and Their Statutes Requiring Execution of Apostates

Appendix B – Convention on the Prevention and Punishment of the Crime of Genocide, Article II

Appendix C – *Mullahs Without Mercy: Human Rights and Nuclear Weapons* by Geoffrey Robertson

Country	Death Penalty for Apostasy
Afghanistan	Article 130 of the Constitution
Brunei	Syriah Penal Code Sections 112, 113
Iran	Article 167 - requires judges to deliver judgement on the basis of authoritative Islamic sources – Sharia: authentic fatwas impose the death penalty under Sharia. See 1964 fatwa Yatolla Khomei
Mauritania	Penal Code Article 306
Maldives	Penal Code Section 1205 - provides that Hudud offences are punishable according to Sharia
Nigeria	In several northern states – example, Kano State: Kano State Sharia Penal Code Law 2000 382(b)
Pakistan	Penal Code Act No. XLV 295C
Qatar	Penal Code Article 1 - apostasy is to be punished according to Sharia.
Saudi Arabia	Hadd crimes punishable by death, which includes apostasy
Somalia	Sharia enshrined in the Provisional Federal Constitution Art 4(1) - Sharia supreme law above the constitution, Article 2(1) Islam the state religion Article 2(3) prohibiting laws at odds with Sharia principles.
Yemen	Penal Code article 259

Appendix A – List of Nations and Statutes Requiring Execution of Apostates

Appendix B – Convention on the Prevention and Punishment of the Crime of Genocide,
Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Appendix C – *Mullahs Without Mercy: Human Rights and Nuclear Weapons* by Geoffrey Robertson

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“The Genocide Convention of 1948, to which Iran has been a party since 1949 and which it ratified in 1956, applies to killings of, or causing serious mental or physical harm to, members of a racial or religious group as such, with intent to destroy that group in whole or in part. It is viewed as the most heinous of all international crimes, because it is mass murder by hatred of fellow human beings for something they cannot control – the fact of their race or the promptings of their consciences. The ‘religious group’ that the Iranian regime intended to destroy in the second wave were those in its prisons who had been born Muslim but who had later renounced Islam. Whether or not atheists should count as a ‘religious group’ for the purposes of the convention, it is clear that persons who are born into a particular faith that they later renounce can be so categorised.”

MULLAHS WITHOUT MERCY

HUMAN RIGHTS AND NUCLEAR WEAPONS



GEOFFREY ROBERTSON

"A terrific yet terrifying read – essential to understand one of the most urgent problems facing the world in 2013." Helena Kennedy QC



Geoffrey Robertson QC is founder and head of Doughty Street Chambers, the world's largest human rights practice. He has prosecuted Hastings Banda, defended Julian Assange and acted for Human Rights Watch in the proceedings against General Pinochet. He served as the first President of the Special Court for Sierra Leone (which indicted Charles Taylor) and as a 'distinguished jurist' member of the UN's Internal Justice Council.

He has argued landmark cases at the European Court of Human Rights and The Hague war crimes tribunals, and has held the office of Recorder (part-time judge) for many years in London.

His books include *Crimes Against Humanity – The Struggle for Global Justice*; *The Tyrannicide Brief* (the story of how Cromwell's lawyers mounted the first trial of a head of state); *Statute of Liberty* and an acclaimed memoir, *The Justice Game*. He is a Master of the Middle Temple and a Visiting Professor in human rights law. In 2011 he was awarded the New York Bar Association's prize for achievement in international policy and law.

The Genocide Convention of 1948, to which the United States is a party since 1949 and which it ratified in 1956, defines genocide as the killing of, or causing serious mental or physical harm to, a racial or religious group as such, with intent to destroy the group in whole or in part. It is viewed as the most heinous of all international crimes, because it is mass murder of fellow humans for something they cannot control. The victims of the first wave were those in its prisons who had been arrested because they were 'group' that the Iranian regime intended to destroy. The victims of the second wave were those in its prisons who had been arrested who had later renounced Islam. Whether or not they should be counted as a 'religious group' for the purposes of the Convention, it is clear that persons who are born into a particular religion and they later renounce can be so categorised. The victims of the second wave of killings and is one reason why the Convention of international law, engage continuing attention.