



## **Jubilee Campaign Contribution to the Special Rapporteur on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment**

Abuses and Mistreatment of Religious Prisoners of Conscience in Selected Countries

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Jubilee Campaign would like to raise to the Special Rapporteur our concerns regarding the mistreatment of religious prisoners of conscience in countries where faith-based persecution persists.

The Special Rapporteur is interested in hearing about the experiences of particular groups of people and the ways that their specific needs have been - or have failed to be - addressed. She will pay particular attention to women and girls, children and youth, indigenous peoples, members of national, ethnic, religious or linguistic minorities, LGBTQI+ persons, people living with past trauma and/or people with neurodiverse conditions.

The forthcoming report will highlight new and emerging areas of concern but will also consider ongoing issues which have seen developments or where authorities would still benefit from further clarification and guidance. Inadequate conditions of detention, high levels of violence, the lack of effective risk and needs assessments for individuals, and problematic discipline and rewards systems, and specifically the (mis)use of solitary confinement, are all elements that have repeatedly come to the attention of the Special Rapporteur.

In these circumstances, the risks of cruel, inhuman or degrading treatment or punishment are elevated, including its most severe form as torture, and opportunities for meaningful rehabilitation are limited.

It should be noted that many of the specific cases of religious prisoners of conscience which will be discussed below are related to the application of laws criminalizing blasphemy and apostasy. Numerous United Nations entities, including the Secretary-General, Special Rapporteur on Freedom of Religion or Belief, and Human Rights Committee have repeatedly asserted that the criminalization of blasphemy and apostasy is in direct violation of the International Covenant on Civil and Political Rights which protects the right to freedom of thought, conscience and religion.

### **Algeria**

In August 2021, Algerian and Tunisian authorities colluded to arrest Algerian Christian national Suleiman Bouhafis from Tunis and repatriate him to Algiers, an act which civil society actors have condemned as it breached Tunisia's commitment to **the principle of non-refoulement**. For four days, authorities withheld information regarding Bouhafis' location and status, constituting an act of enforced disappearance. In late

2022, Bouhafis testified in court that the authorities who had abducted him had **placed a bag over his head and subjected him to torture**.<sup>1</sup>

Jubilee Campaign highlights the Human Rights Committee's recommendations to Algeria<sup>2</sup>:

“34. The State party should: (a) Continue its efforts to completely eliminate torture and cruel, inhuman or degrading treatment; (b) Ensure that suspected cases of torture and ill-treatment committed by law enforcement personnel, including personnel of the Department of Surveillance and Security, are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, sentenced to appropriate punishment and that victims receive compensation and, in particular, are offered rehabilitation assistance;”

## China

Gao Zhisheng, a renowned human rights lawyer who is respected for his work defending faith minorities and victims of state persecution, specifically Falun Gong practitioners, has remained forcibly disappeared since August 2017. Gao had been arrested multiple previous times for his legal work, and in a statement ten years prior in 2007, he testified to being tortured by Chinese authorities: “four men with **electric shock prods began beating my head and all over my body**. [...] I was beaten so severely that my whole body began uncontrollably shaking. [...] After the 12th and 13th day of my kidnapping, and when I could partially open my eyes, I saw my body was in a horrifying condition. **Not a single square centimeter of my skin was normal. It was bruised and damaged over every part**”.<sup>3</sup>

Li Heping is a prominent human rights lawyer who is “well known for defending the disenfranchised, including Christian house churches, victims of forced evictions and free speech advocates.” Li was detained during the ‘709 Crackdown’, and he was targeted for his legal work as well as for using foreign media outlets and social media platforms to publicly criticize China’s corrupt legal system. He was tried in a clandestine trial and convicted of “subversion of state power.”<sup>4</sup> **After two years in detention, he was released in 2017 and returned to his family looking “emaciated” and “unrecognisable”, further corroborating his claims of suffering torture while in custody.**<sup>5</sup> In May 2023, Li Heping’s landlord gathered a group of at least ten civilians to pelt stones at and smash the window of Li’s Beijing apartment where he lives with his wife Wang Qiaolong. Wang reported that the landlord had told the couple that they would be killed, likely as revenge for the lawyer’s activism for victims of religious persecution.<sup>6</sup>

Since 2017, China has engaged in a campaign to predictively police and arbitrarily detain upwards of one million Uyghur Muslims in internment camps located throughout the Uyghur region on account of their ethnic and religious background. Uyghurs who are found engaging in behaviors perceived as potentially ‘extremist’ – but in reality are just manifestations of their religion and culture (i.e., growing beards, wearing hijabs, reading/reciting the Qur’an, possessing prayer mats, leading or attending worship at mosques) – are rounded up and interned in what China claims are “vocational training centers” where they supposedly receive education and job training. In reality, Uyghurs experience “**prison-like conditions**”, **physical and sexual abuse, 24/7 surveillance, sleep deprivation, forced abortion and sterilization**.<sup>7</sup> In March 2023, Uyghur woman Gulbahar Haitiwaji testified in a hearing of the United

<sup>1</sup> United States Commission on International Religious Freedom (USCIRF), *Suleiman Bouhafis*.

<sup>2</sup> UN Human Rights Committee, *Concluding observations on the fourth periodic report of Algeria, CCPR/C/DZA/CO/4*, 17 August 2018.

<sup>3</sup> Gao Zhisheng, “Dark Night, Dark Hood and Kidnapping by Dark Mafia: My account of more than 50 days of torture in 2007,” *Human Rights in China*.

<sup>4</sup> Benjamin Haas, “China convicts rights lawyer Li Heping of ‘subversion of state power’”, *The Guardian*, 28 April 2017.

<sup>5</sup> Tom Phillips, “‘Emaciated, unrecognisable’: China releases human rights lawyer from custody”, *The Guardian*, 10 May 2017.

<sup>6</sup> Gao Feng, Luisetta Mudie, & Malcolm Foster, “Smashing windows and sending death threats, landlord tries to evict Beijing lawyer”, *Radio Free Asia*, 15 May 2023. ; Gao Feng, Luisetta Mudie, & Malcolm Foster, “Chinese police target prominent rights lawyers with harassment, travel bans”, *Radio Free Asia*, 14 June 2023.

<sup>7</sup> Lindsay Maizland, “China’s Repression of Uyghurs in Xinjiang”, *Council on Foreign Relations*, 30 June 2020.

States House of Representatives Select Committee on the Chinese Communist Party about the torture inflicted upon her and other Uyghur detainees in East Turkistan. During repeated interrogations, **officers would shackle and place black hoods over the heads of detainees, and place them in tiger chairs for up to 72 hours. Female detainees in particular were routinely raped and many times guards would insert electric batons into their genitals as a form of torture; additionally, in order to prevent Uyghur births, women between the ages of 17 and 40 were forcibly injected with substances which would terminate menstrual cycles and lactation.**<sup>8</sup> With regards to the condition of the detention camps, some prisoners were permitted to have a bed to themselves, while others reported **having to sleep on a communal bed with cellmates packed “shoulder to shoulder”**. When windows lined the cell walls they would be blacked out. Most cells would not have sinks and prisoners would need to be escorted to washrooms; **despite working upwards of ten hours a day, detainees were rarely allowed to bathe, sometimes only every few weeks or months, during which many were monitored on video while showering.** Prisoners are required to request permission to use the single toilet or bucket stationed in each cell and would be monitored and rushed while doing so; **some detainees recalled spending a full 24 hours without being allowed to use the bathroom.**<sup>9</sup> In October 2023, Uyghur filmmaker Ikram Nurmehmet was tried in an Urumqi court on fabricated charges of separatism and terrorism, both of which he vehemently denies; prior to the hearing, Nurmehmet explains, **he was confined to a small dark room for three weeks and physically tortured to extract a confession.** His state-appointed attorney has informed his family that the likely sentence is at least eight years’ imprisonment.<sup>10</sup> Another man, Ovalbek Turdakun, who spent ten months in detention in East Turkistan, **recalled losing his balance, feeling pain in his extremities, and leaking yellow fluid from his ears after he was forcibly injected with some substance by doctors in the internment camp; his 23 cellmates experiences the same symptoms from the inoculation - possibly a form of pharmacological torture - which they were told would treat colds.** Turdakun, unlike his Uyghur peers, is a Kyrgyz Christian, “and his case has prompted further concern that China is targeting anyone who is of a different ethnicity and religion”.<sup>11</sup> Other forms of torture include, but are not limited to: **forced ingestion of chili-water, mustard oil, and fecal matter; exposure to extreme temperatures; prodding with needles and bamboo splinters; forcible ingestion of hallucinogenic and psychotropic drugs; stress positions; suspension of the body, etc.**<sup>12</sup>

In 2019, the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal) confirmed “beyond doubt” that **detained practitioners of the Falun Gong religious/spiritual movement are the primary source of harvested organs in China.**<sup>13</sup> For years, the international human rights community observed that the rate of organ transplants and supply of readily available organs in China was suspiciously high, that one may need to wait only hours or days to receive an organ, and that the voluntary organ donation system was established well after the rise in organ transplant rates in China. The China Tribunal considered these observations as well as **testimonies of Falun Gong survivors who were subjected to blood tests and medical examinations.**<sup>14</sup> Falun Gong practitioners additionally face similar forms of torture to Uyghur prisoners: **physical restraint, exposure to extreme temperatures, waterboarding, confinement to cages, sleep deprivation, wearing wet clothing in cold weather. Survivors recall wires being wrapped around their limbs by authorities**

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<sup>8</sup> Alex Willemsyns, “Uyghurs tell Congress of gang rape, shackles and sterilization”, *Radio Free Asia*, 24 March 2023.

<sup>9</sup> Amnesty International, “*Like We Were Enemies in War*”: *China’s Mass Internment, Torture and Persecution of Muslims in Xinjiang*, 2021.

<sup>10</sup> Jessie Lau, “Uyghur film-maker claims he was tortured by authorities in China”, *The Guardian*, 8 November 2023.

<sup>11</sup> Johana Bhuiyan, “Former Xinjiang detainee arrives in US to testify over repeated torture he says he was subjected to”, *The Guardian*, 12 April 2022.

<sup>12</sup> Jiang Tao, “Drug Induced Torture of Believers at the Hands of Chinese Government”, *Bitter Winter*, 30 July 2018. ; Caylan Ford, Genocide in the People’s Republic of China, *Journal of Political Risk*, 7 July 2022.

<sup>13</sup> Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, Final Judgement & Summary – 2019, 2019.

<sup>14</sup> Benedict Rogers, “The Nightmare of Human Organ Harvesting in China”, *The Wall Street Journal*, 5 February 2019. ; Olivia Goldhill, “China is accused of harvesting tens of thousands of organs to serve a thriving global market”, *Quartz*, 27 September 2019.

**which would then run an electrical current; many prisoners developed incontinence, which would subsequently expose them to possible infection as they are often prohibited from changing clothes.**<sup>15</sup>

Between January and July 2023, following the relaxing of quarantine measures, Chinese authorities in Jiangsu and Anhui provinces undertook an initiative to crack down on members of the Church of the Almighty God (the most prominent Christian new religious movement in China) pursuant to demands from the CCP for “the complete annihilation of its domestic organizational structure, a large-scale reduction of the number of current members, and effective curbing of its development abroad”. Hundreds of CAG members have been detained in the cities of Bengbu (230), Anqing (140), Chuzhou (45), Wuxi and Jiangyin (44), Huai’an (163), Suqian (56). One of the detained CAG members, **a girl under the age of 18, upon release shared that she had been tortured by authorities who slapped and hit her, restraining her hands, placing sticks under her armpits and suspending her, concealing her mouth with tape, placing toilet paper in one of her nostrils and a lit cigarette into the other.**<sup>16</sup>

In early March 2021, authorities detained three Tibetan teenagers - Dadul, Sangye Tso, and Kanshi - for failing to register a WeChat group they had created to coincide with Tibetan Buddhist New Year, called Losar; the group amassed 240 members before the three teens’ arrests. **One of the detained, Dadul, had both of his legs broken by police during interrogation**, and residents of his hometown have raised funds to pay for his hospital bills.<sup>17</sup> Until recently there was remarkably less information about the torture of Tibetan prisoners, however testimonies from previously detained **Tibetans have shed light on what forms of mistreatment and torture they are faced with, including: electric shock; being beaten with blunt weapons and heavy objects; being suspended from the ceiling by limbs; being denied food and water; being denied beds and blankets; being exposed to extreme temperatures; being shackled to burning stoves; being doused in boiling hot or freezing water; being forced to remove clothing; being burnt with cigarettes; etc.**<sup>18</sup> Hundreds of Buddhist nuns who were expelled (along with their male counterparts) from Yachen Buddhist Centre and subsequently detained reported being subjected to **gender-based torture including sexual assault and rape.**<sup>19</sup>

In July 2023, RAND Europe reported observing no fewer than 79 detention centers scattered throughout Tibet, located via satellite analysis. The report notes that “at the aggregate level, at no time do the night-time lighting data show a clear inflection point which would indicate a massive expansion or reduction in Tibet’s detention system beyond its existing footprint, which would normally reflect a major policy change. However, this does not necessarily mean that the Chinese Communist Party’s approach towards imprisoning and detaining Tibetans has remained the same since 2014. Zooming in on individual facilities, we see for instance that recent patterns of growth in night-time lighting have been concentrated in higher-security facilities since 2019. This trend suggests a possible shift towards longer-term imprisonment and detention of Tibetan dissidents as opposed to shorter-term detention”.<sup>20</sup> Earlier, in 2022, it was revealed that Chinese authorities are engaging in mass DNA and biometric data collection in Tibet; it is noteworthy that, although this could be a standard procedure lacking nefarious purpose, similar measures are currently and have been undertaken against Uyghurs in East Turkistan as a means of surveilling their activities 24/7.<sup>21</sup> **While neither the satellite imagery of detention centers observed nor**

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<sup>15</sup> Falun Dafa Minghui, “Torture Used on Falun Gong Practitioners in Jilin City Detention Center”, 14 September 2023. ; Falun Dafa Minghui, “Six Falun Gong Practitioners Tortured in a Shandong Brainwashing Center”, 29 March 2023.

<sup>16</sup> Jiang Tao, “Post-COVID Purge: Over 2,100 Church of Almighty God Members Arrested in Two Provinces”, *Bitter Winter*, 7 September 2023.

<sup>17</sup> Tenzin Dickyi & Richard Finney, “Three Tibetan Teens Arrested, One Put in Hospital, Over Failure to Register Chat Group”, *Radio Free Asia*, 3 March 2021.

<sup>18</sup> Free Tibet, *Torture in Tibet*. ; Free Tibet, *Testimonies*. ; Free Tibet & Tibet Watch, *Desecration in Drago County: Destruction of Tibetan Religious Heritage, Arbitrary Detentions and Torture*, January 2023.

<sup>19</sup> Tashi Choedon, “Persecution and Sexual Abuse of Tibetan Buddhist Nuns by the CCP”, *Central Tibetan Administration*, 20 August 2019.

<sup>20</sup> RAND Europe, *A night-time lighting analysis of Tibet’s prisons and detention centres*, July 2023.

<sup>21</sup> Human Rights Watch, “China: New Evidence of Mass DNA Collection in Tibet: Rural Areas, Children Targeted for Intrusive Policing”, 5 September 2022. ; Emile Dirks, “Mass DNA Collection in the Tibet Autonomous Region from 2016-2022”, *The Citizen Lab*, 13 September 2022.

**the mass DNA collection initiatives currently being undertaken point directly to Tibet's inevitable transformation into a police state similar to East Turkistan, it is important to monitor these developments.**

Jubilee Campaign thereby resolutely rejects the following claims of the Chinese government<sup>22</sup>:

“Workers of all ethnic groups in Xinjiang choose occupations completely according to their own wishes, and their personal freedom has never been restricted in any way.

“People in the Xinjiang Autonomous Region choose their own birth control measures, and there is no ‘forced contraception’.”

“The public boarding schools set up to ensure such students’ enrollment in Xinjiang, Tibet and other ethnic minority areas are social and educational institutions.”

“Vocational education schools formulate training plans and coordinate with enterprises, and organize professional-skills practice for students prior to graduation. There is no so-called ‘forced labour’.”

Jubilee Campaign highlights:

- the recommendations to China by the Committee on the Elimination of Discrimination against Women<sup>23</sup>:

“(d) Take immediate steps to end, prevent and criminalize the use of coercive measures, such as forced abortions, forced sterilizations, other forms of gender-based violence and other cruel, inhuman or degrading family planning practices that are allegedly inflicted on women in the Xinjiang Uyghur Autonomous Region and in predominantly Uyghur-populated areas, and ensure that any cases of such practices are effectively investigated without delay and that those responsible are prosecuted and adequately punished and that victims receive adequate compensation.”;

- the recommendations to China by the Committee on Economic, Social and Cultural Rights<sup>24</sup>:

“71. The Committee reiterates its previous recommendation and urges the State party to take immediate action to end, prevent and criminalize effectively the use of coercive measures, such as forced abortions, sexual violence, forced sterilizations and torture, in the implementation of family planning policies. The Committee also urges the State party to investigate effectively, without further delay, all reported cases of forced abortion and forced sterilization and to hold accountable those responsible for such acts. The Committee also recommends that the State party take all necessary measures to ensure that victims receive adequate compensation.”;

- and the decision of the Committee on the Elimination of Racial Discrimination<sup>25</sup>:

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<sup>22</sup> [China] UN Economic and Social Council, *Replies of China to the list of issues in relation to its third periodic report, E/C.12/CHN/RQ/3*, 11 May 2022.

<sup>23</sup> UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of China, CEDAW/C/CHN/CO/9*, 25 May 2023.

<sup>24</sup> UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of China, including Hong Kong, China, and Macao, China, E/C.12/CHN/CO/3*, 22 March 2023.

<sup>25</sup> UN Committee on the Elimination of Racial Discrimination, *Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure, Decision I (108)*, December 2022.

“[The Committee] Calls upon the State party to immediately investigate all allegations of human rights violations in the XUAR [Xinjiang Uyghur Autonomous Region] to immediately investigate all allegations of human rights violations in the XUAR, including those of torture, ill-treatment, sexual violence, forced labour, enforced disappearances and deaths in custody;

“[The Committee] Urges the State party to immediately cease all intimidation and reprisals against Uyghur and other ethnic Muslim communities, the diaspora and those who speak out in their defence, both domestically and abroad;”

## Eritrea

Between 2007 and February 2022, Eritrean Orthodox Tewahedo Church Patriarch Abune Antonios was kept under house arrest for his previous criticisms of the government’s excessive intrusion in church affairs<sup>26</sup>; prior to his arrest, the government deposed Patriarch Abune from his position. Concerns regarding Patriarch Antonios’ health had been high in recent years in consideration of his elderly age, the vulnerability of older persons to COVID-19, and the reports that **he was being denied medical care despite suffering from hypertension and severe diabetes**. In February 2022, after spending an unconscionable 16 years under house arrest, Patriarch Antonios passed away at the age of 94.<sup>27</sup> Two other elderly Eritrean Christians in their mid-70s, Pastor Haile Nayzgi and Dr. Kiflu Gebremeskel of the Full Gospel Church, remain imprisoned for nearly 20 years since 2004 when they were arrested for their leadership of the church. Having been held incommunicado, it has been reported that authorities have repeatedly **denied medical care to Pastor Nayzgi and Dr. Gebremeskel, and have subjected the two men to “physical and psychological abuse”**.<sup>28</sup>

Christians and Jehovah’s Witnesses who had spent time imprisoned in Eritrea’s prison system have testified to horrendous conditions, including: **being confined to shipping containers, being exposed to extreme temperatures, use of physical torture to extract faith renunciations, negligent food provision, denial of medical care, being bound with restraints**, and more. One prisoner named ‘Dawit’, now a refugee, recalled being hung from a tree in a manner intended to mimic the crucifixion of Christ.<sup>29</sup>

### Jubilee Campaign highlights

- the recommendations to Eritrea by the Human Rights Committee<sup>30</sup>:

“26. The State party should, as a matter of urgency, put an end to the practice of torture and ill-treatment. It should: (a) Review its laws to ensure that all elements of the crime of torture are prohibited in accordance with article 7 of the Covenant and stipulate sanctions for acts of torture that are commensurate with the gravity of the crime; (b) Ensure prompt, thorough and effective investigation of all allegations of torture and ill-treatment and, where appropriate, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offence and provide effective remedies for the victims, including rehabilitation; (c) Take all measures necessary to prevent torture, including by strengthening the training of judges, prosecutors, the police and military and

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<sup>26</sup> Church in Chains, Patriarch Antonios, updated 10 February 2022.

<sup>27</sup> Fredrick Nzwili, “Eritrean Patriarch Abune Antonios Dies After 16 Years in Detention”, *Christianity Today*, 11 February 2022.

<sup>28</sup> Airl News, “Two Eritrean Christians Imprisoned For 7,000 Days”, 22 July 2023.

<sup>29</sup> Release International, “Eritrean Christians Mark 20 Years of Church Closures”, 16 May 2022.

<sup>30</sup> UN Human Rights Committee, *Concluding observations on Eritrea in the absence of its initial report, CCPR/C/ERI/CO/1*, 3 May 2019.

security forces; (d) Establish an independent mechanism for investigating complaints of torture and ill-treatment by law enforcement officials.”

- and the remarks delivered by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights<sup>31</sup>:

During the visit [to Eritrea], the [OHCHR] team met with the Ministers of Foreign Affairs, Justice, Information, and other senior government officials, as well as our development partners. Following discussions with national counterparts, five areas were identified for potential technical cooperation and support by our Office including on (1) enhancing rights as part of a transformative justice system; (2) the harmonisation of ‘indigenous or traditional laws’ in line with international and regional human rights norms; (3) support to a regional conference on traditional justice; (4) enhancing the rights and protection of persons with disabilities; and (5) capacity building on the effective management with UN human rights mechanisms. Further to these two missions, the authorities have not responded to our follow-up towards devising a concrete plan of activities and implementation. [...] This total lack of cooperation is in stark contrast to Eritrea’s commitments as a member of the Human Rights Council and its voluntary pledge as a member of this Council to its engagement with our Office.”

## Iran

In May 2023, the Iranian government executed two men - Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare - for their establishment of and participation in a Telegram (social media application) channel called “Critique of Superstition and Religion” in which they allegedly shared opinions about religion which were considered blasphemous and derogatory towards the Prophet.<sup>32</sup> During the first two months of their pre-trial detention, Mehrdad and Fazeli-Zare were interned in solitary confinement units in Arak Prison in Markazi province, where they were routinely denied family visits and access to legal representation for an additional six months. In April 2021, Branch 1 of the Arak Criminal Court convicted Mehrdad and Fazeli-Zare of blasphemy and sentenced them to death in accordance with articles 513 and 262 of the Islamic Penal Code of Iran. Months later in May/June 2021, the Arak Revolutionary Court sentenced each man to eight years’ imprisonment on additional separate charges of “propaganda against the state”, “founding or leading an organization that aims to disrupt national security”, and “insulting the Supreme Leader” Ruhollah Khomeini, outlined in Penal Code Articles 500, 498, and 514, respectively. **The Iranian Supreme Court reprehensibly rejected Mehrdad’s and Fazeli-Zare’s appeals and upheld their unjust sentences in July/August of 2021, citing that the two individuals had allegedly confessed to their crimes. The validity of this claim is dubious, as the Iranian government has a nefarious record of exercising physical torture against detainees in order to extract coerced confessions, with the most recent revelation being the discovery of a network of no fewer than 40 facilities where prisoners are brutalized into making forced admissions of guilt.**<sup>33</sup>

In 2022, widespread protests broke out in Iran following the death of 22-year-old woman protester Mahsa Amini in hospital following interactions with Moral Security authorities for improperly wearing the hijab. Iran state officials claimed that Amini had passed away from a seizure and coma caused by a heart attack; however, witnesses of Amini’s arrest reported that **police viciously beat her. Medical records indicate**

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<sup>31</sup> UN Office of the High Commissioner for Human Rights (OHCHR), “Enhanced Interactive Dialogue on Human Rights in Eritrea”, 6 March 2023.

<sup>32</sup> USCIRF, Yusef Mehrdad, updated 8 May 2023. ; USCIRF, Seyyed Sadrullah Fazeli Zare, updated 8 May 2023.

<sup>33</sup> Iran International, “Iran Uses Secret Prisons To Get Forced Confession From Protesters: CNN”, 22 February 2023. ; Allyson Horn, “Iranian protesters recount daily beatings, forced confessions and torture tactics while in detention”, ABC News Australia, 15 March 2023.

**that Amini suffered from trauma-induced cerebral hemorrhage.**<sup>34</sup> One month later, 16-year-old Nika Shakarami disappeared and died hours after she was seen on video burning her hijab in a group of anti-government protesters; activists believe she was similarly beaten to death by police.<sup>35</sup> Most recently, in October 2023, **17-year-old Amita Geravand passed away after a physical confrontation with morality police** who accosted her at Shohada metro station for non-compliance with the hijab rules. In an interview with the government media agency and surrounded by state authorities, Geravand's parents claimed that she had likely died of a fall or of a sudden drop in blood pressure; experts have casted doubts on these remarks and noted that it is likely that Geravand's parents were coerced into refute civilians' suspicions of Iranian authorities' direct involvement in their daughter's death.<sup>36</sup>

Jubilee Campaign thereby rejects the following claims made by a representative of the Islamic Republic of Iran during a meeting of the Human Rights Committee in October 2023<sup>37</sup>:

“30. A representative of the Islamic Republic of Iran said that the Government strongly rejected the allegations of murder, torture and ill-treatment in prisons, which were unfounded. Torture was prohibited under the Constitution and various articles of the Penal Codes of 1996 and 2013. A domestic legal framework has been established to prevent torture.”

“50. A representative of the Islamic Republic of Iran said that [...] allegations concerning the widespread use of violence against persons deprived of their liberty were unfounded and were firmly denied by the Government. With respect to corporal punishment, according to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, torture did not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions. Furthermore, neither the Convention against Torture nor the Covenant defined corporal punishment as a form of torture. Although the Legal and Judicial Affairs Department had prepared a new bill abolishing certain forms of punishment, including flogging, such sanctions would remain lawful in the country until such time as that legislation was enacted. He did not wish to address any more questions on the subject of torture.”

“87. Discrimination and negative stereotyping based on religion are unacceptable in any form and to this end Article 14 of the Constitution guarantees that the treatment of non-Muslims (the scope includes Baha'is) shall be in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.”

Jubilee Campaign highlights the following recommendations by the Human Rights Committee in 2023<sup>38</sup>:

“10. The State party should establish a full, impartial and independent investigation into: all credible reports of killings, torture and other human rights violations perpetrated during and following the protests in November 2019 and September 2022;...the poisoning of schoolgirls between November 2022 and April 2023; and credible reports of reprisals against victims and relatives of human rights violations. The State party should ensure effective access to judicial remedies.”

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<sup>34</sup> Amnesty International, “What happened to Mahsa/Zhina Amini?”, 15 September 2023.

<sup>35</sup> Parham Ghobadi, “Nika Shakarami: Videos show Iran teenager protesting before death”, *BBC News*, 10 October.

<sup>36</sup> Voice of America, “In Tehran, Family Buries Teen Who Died After Police Interaction”, 29 October 2023. ; David Gritten, “Iran hijab police accused of beating girl into coma”, *BBC News*, 4 October 2023.

<sup>37</sup> UN Human Rights Committee, *Summary record of the 4038th meeting: Consideration of reports submitted by States parties under article 40 of the Covenant, CCPR/C/SR.4038*, 13 October 2023.

<sup>38</sup> UN Human Rights Committee, *Concluding observations on the fourth periodic report of the Islamic Republic of Iran\**, CCPR/C/IRN/CO/4, 23 November 2023.



“24. Taking into account the Committee’s general comment No. 36 (2018), the State party should take all measures necessary to ensure that the death penalty is imposed only for the most serious crimes, involving intentional killing.”

“28 (a) Conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment and deaths in custody...and into all acts of violence committed by law enforcement officials, members of the Revolutionary Guard Corps and prison officials, ensuring that perpetrators are prosecuted and, if convicted, punished in accordance with human rights standards and that victims receive reparation; (b) Take all measures necessary to prevent torture and inhuman or degrading treatment or punishment, such as strengthening the training on human rights provided to judges, prosecutors, law enforcement officials... (c) Effectively implement existing legislation that prohibits torture and that gives no validity to confessions obtained under torture and ill-treatment”.

## **North Korea**

North Korean defectors have repeatedly confirmed that physical torture is a common form of punishment for criminals and for nationals who attempted to defect but were later repatriated.

A 2020 report<sup>39</sup> by the Office of the High Commissioner for Human Rights, and defector testimonies gathered via survey in 2021, both reveal that **sexual violence, including forced nudity, invasive body cavity searches, penetrative rape, sexual assault, and groping** are a common reality for North Korean women who have been detained in North Korea following repatriation attempts. Additionally, “North Korean investigative agencies not only conduct uterus examinations but also force female detainees to repeatedly sit and stand or forcibly feed them to defecate for examination” in order to inspect whether they have smuggled money from third countries.<sup>40</sup> Though the Law on the Protection of the Rights of Women stipulates that pregnant women are suspended from criminal liability from three months prenatal to seven months postpartum, such protections are not extended to repatriated pregnant defector women who are perceived to be traitors to the DPRK, and **many are subjected to forced abortions and post-birth infanticide**. Women who are forced to undergo abortions and even women who proceed to birth their infants have in some cases died as a result of insufficient medical care post-abortion and post-birth. While some pregnancy termination operations were performed surgically, survivors have reported that **authorities would sometimes resort to physically beating and kicking pregnant women, or forcing them to conduct overly strenuous labor in order to induce a miscarriage**. In cases in which the pregnancy is too far along to perform a forced abortion, authorities will allow the birth to occur before confiscating the infants and disappearing to an unknown location where it is believed infanticide takes place.

Religion is strictly prohibited in North Korea, as the nationalist ideology of *juche* - which characterizes the government leaders, namely the Kim family, as the sole “quasi-religious” god-like figures worthy of reverence - largely is abided by without question by citizens.<sup>41</sup> Korea Future Initiative has reported that Christians who have been detained in North Korea recalled **“being forced to hang on steel bars while being beaten with a wooden club; being hung by their legs; having their body tightly bound with sticks; being forced to perform ‘squat-jumps’ and to sit and stand hundreds or thousands of times each day; having a liquid made with red pepper powder forcibly poured into their nostrils; being**

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<sup>39</sup> Office of the High Commissioner for Human Rights, Human rights violations against women detained in the Democratic People’s Republic of Korea: ‘I still feel the pain...’, July 2020.

<sup>40</sup> Korea Institute for National Unification [South Korea], White Paper on Human Rights in North Korea 2022, April 2023.

<sup>41</sup> Zack Beauchamp, “Juche, the state ideology that makes North Koreans revere Kim Jong Un, explained”, *Vox*, 18 June 2018.

**forced to kneel with a wooden bar inserted between their knee hollows; strangulation; being forced to witness the execution or torture of other prisoners; starvation; being forced to ingest polluted food; being forced into solitary confinement; being deprived of sleep; and being forced to remain seated and still for up to and beyond 12 hours a day”.**<sup>42</sup> One Christian family whose faith and possession of a Bible were revealed were sentenced to life imprisonment, including the youngest family member, a two-year-old; one woman in 2020 committed suicide after suffering from **sleep deprivation torture**.<sup>43</sup> One member of the Workers’ Party was publicly executed for being found in possession of a Bible. North Korean women interviewed by Korea Future Initiative reported incidents of **arbitrary deprivation of liberty (140 Christian women; 157 Shamanic women); forced labor (5 Christian women; 53 Shamanic women); torture (33 Christian women; 26 Shamanic women); refoulement (11 Christian women); and sexual violence and/or rape (1 Christian woman; 1 Shamanic woman).**<sup>44</sup>

Jubilee Campaign raises the recommendations to North Korea by the Committee on the Elimination of Discrimination against Women<sup>45</sup>:

“46. The Committee urges the State party to protect women in detention from violence, in particular sexual violence, including by: (a) Ensuring that women in detention are supervised by female guards and that all guards are provided with mandatory gender-sensitive training on the dignity and rights of women detainees; (b) Ensuring that gender-sensitive complaint mechanisms are available to women who are victims of sexual and other forms of violence in detention and that all cases of violence against women in detention are effectively investigated and prosecuted; (c) Addressing the situation of repatriated women in detention, including by decriminalizing border crossing and ensuring they are not subjected to invasive body searches, sexual violence and forced abortions and that their rights to life and a fair trial are respected;”

## **Pakistan**

Numerous Pakistani Christians and Ahmadi Muslims who have been imprisoned on charges of blasphemy have additionally been subjected to various forms of torture. Christian man Nadeem Samson, detained since 2017, has reportedly been **denied medical care for his kidney stones and deteriorating vision**.<sup>46</sup> Christian convert Stephen Masih, detained since 2019, has been imprisoned despite findings by the Punjab Institute of Mental Health that **he suffers from some mental disorder or ailment, for which he is reportedly not being treated in detention**.<sup>47</sup> Between 2014 and 2021, Christian couple Shagufta Kausar and Shafqat Emmanuel were imprisoned on charges of blasphemy after Shafqat - already paraplegic from a previous injury - was reportedly **physically tortured and threatened with violence upon his wife until he made a confession**.<sup>48</sup> Christian father and sanitary worker Ishtiaq Saleem was **physically and verbally assaulted by authorities upon his arrest** in November 2022 and forced to make an admission of guilt.<sup>49</sup> Zafar Bhatti, imprisoned since 2012 (sentenced to death 2022), was

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<sup>42</sup> United States Department of State, *2022 Report on International Religious Freedom: Democratic People’s Republic of Korea (DPRK)*, 15 May 2023.

<sup>43</sup> Michael Havis, “Christians ‘are tortured or shot by firing squad under Kim Jong Un’s regime, with a two-year-old sent to a prison camp because their parents owned a Bible’, US report into religious freedom claims”, *Daily Mail UK*, 26 May 2023.

<sup>44</sup> Korea Future Initiative, *Religious Women as Beacons of Resistance in North Korea*, December 2021.

<sup>45</sup> UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined second to fourth periodic reports of the Democratic People’s Republic of Korea, CEDAW/C/PRK/CO/2-4*, 2017.

<sup>46</sup> Jubilee Campaign, *Nadeem Samson*.

<sup>47</sup> Agenzia Fides, “ASIA/PAKISTAN - Mentally disabled Christian accused of blasphemy released on bail”, 6 June 2022. ; Alliance Defending Freedom International, “BAIL FOR ‘BLASPHEMY’: Man granted bail after 3 years in prison for ‘blaspheming’ during neighborhood pigeon argument”, 6 June 2022.

<sup>48</sup> Jubilee Campaign, *Shagufta and Shafqat*. ; Church in Chains, *Shagufta & Shafqat*.

<sup>49</sup> Morning Star News, “Christian Falsely Accused of Blasphemy, Father Says”, 17 January 2023. ; Mark O’Neill, “How to stop WhatsApp from saving photos and videos in your gallery”, *Android Authority*, 4 August 2023. ; Sean Keach, “I-SPY WhatsApp users warned to turn photo-download feature off immediately - or risk being hacked”, *The US Sun*, 29 September 2020.

**physically assaulted by officials and developed diabetes and suffered three heart attacks in detention throughout no fewer than 20 adjournments/postponements of his case.**<sup>50</sup> Asia Bibi, who wrote a memoir detailing her time on death row between her sentencing in 2010 to her acquittal in 2021, recalled the following torturous conditions and violence to which she was subjected in custody: **“my neck is compressed by a neck brace and the guard can tighten as much as he wants with a big key. A long chain drags on the dirty floor; it links my throat to the guard’s handcuffs that drag me like a dog”**.<sup>51</sup>

Jubilee Campaign rejects the following claim made by the government of Pakistan:

“It is important to mention that Pakistan places the utmost regard towards upholding the fundamental rights of its citizens, as enshrined in its Constitution. It, therefore, goes without saying that Pakistan’s law and the Government of Pakistan’s focus has always been aligned with applicable United Nations Conventions including ICCPR.”<sup>52</sup>

Jubilee Campaign thereby calls upon the Pakistani to fulfil its promises outlined in 2022:

“28. The Government of Pakistan has also drafted a bill (titled The Torture and Custodial Death (Prevention and Punishment) Bill, 2021) to criminalize the offence of torture. The Bill, once enacted, shall provide protection to victims and their families from harassment and intimidation. Salient features of the Torture Bill are as under:<sup>53</sup>

“(ii) Inadmissibility of statement extracted through torture. The bill clearly stipulates that any statement, information or confession obtained by a public official as a result of torture or cruel, inhuman or degrading treatment shall be inadmissible evidence in any proceedings against the person making it.”<sup>54</sup>

“(iii) Trial. Under the bill, the Court of Sessions shall have exclusive jurisdiction to try offences under this Act. Moreover, no adjournments shall be granted save for in the interest of justice provided that if such adjournment is granted it shall be not more than thirty days.”<sup>55</sup>

“The Bill would stipulate that any public servant involved in torture would face up to 10 years imprisonment and a fine of up to PKR 2 million [≈ USD \$7,000]. If a public servant, whose duty it is to prevent torture, either intentionally or negligently fails to prevent it, he/she will face up to five years’ imprisonment and a fine of up to PKR 1 [≈ USD \$3,500] million.”<sup>56</sup>

Jubilee Campaign scrutinizes the following statements presented by the government of Pakistan<sup>57</sup>:

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<sup>50</sup> Church in Chains, *Zafar Bhatti*, 11 March 2022. ; Release International, *Prisoner Profile: Zafar Bhatti – Pakistan*. ; Voice of the Martyrs, “PAKISTAN: Zafar Bhatti Recovers from Heart Attack in Prison”, 24 September 2020. ; British Asian Christian Association, “Pakistan’s longest serving blasphemy convict has been given death sentence”, 4 January 2022.

<sup>51</sup> BBC News, “Asia Bibi: I always believed I would be freed”, 28 February 2020. ; BBC, “Asia Bibi: Pakistani Christian woman breaks silence in new book”, 30 January 2020.

<sup>52</sup> [Pakistan] UN Human Rights Committee, *Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020\**, CCPR/PAK/2, 7 December 2022.

<sup>53</sup> UN Committee against Torture, *Second periodic report submitted by Pakistan under article 19 of the Convention, due in 2021\**, CAT/PAK/2, 19 December 2022.

<sup>54</sup> *Supra* note 53.

<sup>55</sup> *Supra* note 53.

<sup>56</sup> *Supra* note 52.

<sup>57</sup> *Supra* note 53.

“In 2021 alone, 624 police officials were punished for offenses of torture or misbehaviour in Punjab. Additionally, Governments of Sindh and Baluchistan have taken necessary steps to curb the menace of torture. Strict instructions have been disseminated among the field units to adopt scientific method to investigate the detainees without resorting to torture. In the province of Baluchistan, 2 Deputy Superintendent Polices were punished for misconduct and inefficiency under the police internal accountability mechanisms.”

“65. The aforesaid report also sets out recommendations in areas of human trafficking, police torture, enforced disappearances and bonded labour. According to Annual Report 2018, the NCHR received 2,435 complaints (195 were *suomoto*), out of which 109 were from the Islamabad Capital Territory, 1,385 from Punjab, 300 from Sindh, 147 from KP Khyber Pakhtunkhwa], 31 from Baluchistan and 6 from other districts of Pakistan. Out of these, 1,539 complaints are in hearing, 520 are under initial investigation and 376 have been dismissed”.

While Jubilee Campaign welcomes that police officers who have been reported to participate in torturous acts or other cruel inhuman behavior against detainees are allegedly being investigated and punished, we note that this is additionally an indicator that such a practice persists. It also calls into question the government’s claims that “all field units of the police have been sensitized and directed to remain in the ambit of the law”.

## **Yemen**

The Houthi Movement, adhering to Zaidi Shia Islam, has expanded its territorial control across Yemen and has targeted faith minorities for arbitrary detention, forced religious indoctrination, and expulsion. The group’s official motto is emblematic of its founding principles: “God is the greatest, Death to America, Death to Israel, Curse on the Jews, Victory to Islam”. Resulting from the severe punishments for faith conversion away from Islam, many Christian residents have fled persecution, and those that remain are forced to maintain their faith in secrecy lest they face: disownment from family; termination of employment; absence of educational opportunities; physical and mental abuse by state and non-state actors; imprisonment, and more. Christian persecution fluctuates geographically; in the northwestern region where Shiite Houthis govern, Christians “are at the greatest risk due to strict adherence to Sharia law and heavy policing”.<sup>58</sup>

In April 2018, Houthi militants arrested Christian pastor Musheer al-Khalidi who left Islam, and released him after four years of physical and mental torture, interrogation, and solitary confinement.<sup>59</sup> Houthi militants in April 2018 at noon surrounded the home of Christian convert Huda Al Obaid with military army vehicles and armoured cars. She describes how the Houthis stormed her house, “as if I were a terrorist who threatened the security of the country.” They tied her up in one of their cars and forcibly took her to an unknown destination. In a room where many investigators and Houthi women were, they began to interrogate her using words of insult and facing contempt from the women present because she was a Yemeni Christian woman. Houthi militants subjected Huda to insults and torture during her enforced disappearance and they also issued threats of incarcerating her children and family if she did not cooperate with them. They forced her to sign a paper with names of people and organizations that she did not know and recorded her under duress. After three days, the captors transferred her to another detention center where they placed her in solitary confinement for months and they prevented her from communicating with anyone. Militants kept her detained in prison for a year and two months from the

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<sup>58</sup> Linda Burkle, “Yemen at War, Christians in Peril”, International Christian Concern, 25 May 2022.

<sup>59</sup> Asharq Al Awsat, “Houthis Threaten Christians in Yemen with Same Fate as Priest Detained for 4 Years”, 9 February 2021.

date of her arrest until they released her without being presented to a prosecution or a court. Even following her release she had to move from place to place for her protection. Houthi leaders threatened to marry her 14-year-old daughter off to one of the leaders, until she was finally able to flee to Egypt. In Egypt, Huda was subjected to unlawful discrimination from the recognized government of Yemen who removed her name from the list of survivors of Houthi violence or detention who have the right to aid from the Yemeni government when they found out that she was a Christian.<sup>60</sup>

Jubilee Campaign commends the following efforts by the government of Yemen to counteract and eradicate Houthi militant violence, including detention and torture of faith minorities<sup>61</sup>:

“28. The Ministry of Legal Affairs and Human Rights monitors violations committed by the Houthi militias. Its work in this regard is carried out by a network of local observers in the country’s various governorates, including areas under control of the Houthis, thanks to partnership with civil society organizations and human rights activists.”

“The Ministry documented 529 cases of abduction, illegal detention and torture in 18 governorates. These include 468 cases of abduction, 29 of enforced disappearance and 32 of torture. Of those abducted, 39 were children, 5 were women and 16 were older persons while the victims of enforced disappearance included 5 children and 1 older person and the victims of torture 2 women and children and 2 older persons;”

## **Recommendations**

Jubilee Campaign makes the following recommendations to the nations listed in this submission:

- All countries should enact legislation and policy framework - or properly implement existing legislation - which criminalizes and outlines penalties for acts of torture, cruel and inhuman treatment inflicted upon prisoners. More specifically, Pakistan should duly enforce the Torture and Custodial Death (Prevention and Punishment) Bill passed by both the Senate in National Assembly in 2022 which mandates that state authorities found to have engaged in custodial torture against prisoners be subject to penalties - varying on an ad hoc basis - allocated in the Pakistan Penal Code.<sup>62</sup> Iran and North Korea should ratify the Convention Against Torture and incorporate its provisions into domestic policy. China and Eritrea should remove their reservations to the Convention which indicate that they do not recognize the competence of the Committee; and do not subscribe to the details of CAT Article 30 Paragraph 1 which stipulate that disputes between States Parties regarding one state’s interpretation or application of the Convention - if not settled within six months via arbitration - shall be raised to the International Court of Justice.<sup>63</sup>
- All countries should provide gender-sensitive training and instruction to state authorities regarding: (i) the rights of women and girls; (ii) the vulnerability of women and girls to gender-based rights violations in detention committed by other detainees; (iii) assessing the needs of women and girl detainees; (iv) explicitly prohibited forms of torture and cruel punishment on the basis of gender, including sexual violence, rape, forced abortions, sterilizations; (v) penalties for state actors who commit the aforementioned rights violations and abuses against female

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<sup>60</sup> Hilary Miller, *Religious Freedom in Houthi-Controlled Areas of Yemen*, USCIRF, May 2023.

<sup>61</sup> UN Economic and Social Council, *Replies of the Republic of Yemen to the list of issues in relation to its third periodic report to the Committee on Economic, Social and Cultural Rights, E/C.12/YEM/RQ/3*, 30 December 2022.

<sup>62</sup> Iftikhar Khan, “Senate passes bill criminalising torture of detainees”, *Dawn*, 21 October 2022.

<sup>63</sup> UN Treaty Collection, *Chapter IV Human Rights: 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, status at 16 November 2023.

detainees. Iran, as signatory to the Convention on the Rights of the Child, should take measures to eradicate the arrest and physical violence inflicted upon girls who participate in protests against hijab regulations. China and North Korea should cease the practice of sexual violence against women and girls deemed dissidents of the state (Uyghur women in China, repatriated defector women in North Korea) as well as eradicate coercive birth control measures.

- All countries should provide training to state actors regarding prisoners of conscience, including: their right to maintain their faith in detention; the vulnerabilities they may face in detention while surrounded by prisoners of different - often majority - faiths who may be outwardly intolerant of minority religious adherents; and the explicit prohibition of torture administered on a discriminatory basis towards prisoners of conscience.
- All countries, which have stated in their engagement with United Nations mechanisms that custodial torture is actively being investigated, eradicated, and prosecuted according to law, have track records which exhibit that such measures are ineffectual. Countries should provide more in depth information regarding (i) individual cases of authorities and state actors who have been penalized commensurate to their infliction of torture and whose punishments for abuse of power may establish a precedent for similar cases; (ii) the annual numbers of reports of torture by public servants which indicate a decline in such inhumane practices; (iii) remedies offered to victims of torture and cruel treatment, i.e., financial compensation, legal counseling and representation, medical and psychological care, and policy revision, to meet the principles of reparations outlined by the UN General Assembly to include “restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition”<sup>64</sup>; and (iv) what specific measures are being undertaken to reduce - with the intention to fully eradicate - the exercise of torture in state custody, including what steps are taken to prevent torture inflicted upon an individual on the basis of their gender, age, race or ethnicity, ability status, religious and/or non-religious beliefs.
- All countries should accept impartial and unimpeded visits to detention facilities by UN mechanisms such as the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence; and the Special Rapporteur on violence against women and girls.

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<sup>64</sup> United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, General Assembly Resolution 60/147, 15 December 2005.