

Shia Minorities: Victims of Violence and Extremism



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and Extremism***

Violation of the Rights of Shia Minorities

**A Collective of ODVV Articles for the 25th Session
of the Human Rights Council Side Events**

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Table of Contents

Introduction.....	5
Violation of Shi'a Civil Rights in World Communities: A Continuing Dilemma Between Islam and the West	
By William O. Beeman	7
Lightings on the Violated Rights of the Shiites Majority in Bahrain	
By Lawyer Isa AlTajer	29
Review of the Violation of the Rights of Shia Minority	
By Lawyer May El Khansa	59
Western Islamophobia qua its Relation with the Eastern Takfir	
By Mohammad Hasan Zaraket	73

Introduction

The Organization for Defending Victims of Violence is a nongovernmental (established in 1988), nonpolitical and nonprofit organization in Special Consultative Status to ECOSOC.

This human rights NGO has set its activities parallel to human rights issues at the international level. One of these issues is the violation of the human rights of Shia minorities, which became one of the focal points of the activities of the ODVV over the recent months and during participation in the 25th Session of the Human Rights Council.

Participating in this Session the ODVV will be submitting written and oral statements, holding sideline scientific panels on human rights and humanitarian law subjects, presenting new publications, multimedia CDs and establishing links with UN thematic rapporteurs and international NGOs.

Preparation for Shia minority side panel and publishing the articles took around 4 months. Following the review of ODVV team of scientific experts, the received articles were selected for presentation in this panel.

This book contains the articles of our side panel on Violation of the Rights of Shia Minorities written by experts of the field from different countries. The side panel is hold by ODVV in co-operation with Global Horizons Institute, in the 25th Session of the Human Rights Council.

Violation of Shi'a Civil Rights in World Communities: A Continuing Dilemma

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Introduction

Shi'a Muslim populations constitute a majority sectarian community in a number of nations. Although exact population figures are difficult to ascertain, they are a majority or significant plurality in the following nations: Iran, Iraq, Azerbaijan, Bahrain, Yemen and Lebanon. In addition, Shi'a Muslims are a significant minority in several states, including such surprising areas as Albania, Senegal and Nigeria. For the purpose of this discussion I include all branches of Shi'ism. It is noteworthy that Shi'a Muslims constitute a similar percentage of the Muslim populations of many states (10-15%) as diverse as Afghanistan, Germany, Great Britain, India, Turkey and the United States (see Appendix 1)

Historical Persecution

Shi'a Muslims have suffered from persecution and discrimination over many years both in states where they are a majority, but without significant political representation and in states where they are a minority. In general the sources of persecution are the result of long-standing historical precedent that predates the modern era. One longstanding precedent dates from the Ottoman Empire where Shi'a Muslims were perceived as a threat to the ruling Ottoman Sultans, who claimed the role of Caliph of Islam. This threat was not so much religious as a response to the growing power of the Safavid Empire starting in the 16th Century CE. From this example it can be concluded that discrimination against the Shi'a community is largely based on political and cultural differences rather than religious differences. Non-Shi'a rulers and political leaders continue to act on the perception that Shi'a believers are a threat to their power.

Although the reasons for this persecution appear to be non-doctrinal, doctrine is often used as an excuse for these actions. States that allow or directly promulgate persecution claim that Shi'a believers hold beliefs that the most conservative Sunni Muslim communities have declared to be out of line with the tenets of Islam, resulting in a "license to persecute." This has provided an excuse for persecution of Shi'a based on political, economic and ethnic differences. From this broad perspective one can see a variety of forms of persecution depending on particular historical contact situations, augmented by conditions of power relations in the modern world. Much Shi'a persecution can also be traced to the influence of non-Muslim colonial powers, many of whom developed political alliances with dominant local rulers and groups who were themselves antithetical to the Shi'a community, chief among them being Great Britain and France, and to a lesser extent Russia and its successor

state, the Soviet Union. During the colonial period of the 19th and 20th Centuries these external powers tolerated persecution of Shi'a minorities as a means to cement their own power over their colonized regions.

Britain and France had near complete control of the former non-Turkish Ottoman territories ceded after World War I. The French, with their control over the northern region of Greater Syria had a longstanding relationship with Maronite Christians, for whom they created the new state of Lebanon. They guaranteed that governmental control of that new nation would be in the hand of the Christians, which even then constituted a minority population. The Sunni population in the North was also secondarily favored, as they were largely concentrated in Beirut and other urban areas of the region. The Shi'a population in the South, largely rural farmers, constituted a plurality if not an actual majority population. The Shi'a were rendered powerless under the new state, and continued to be disadvantaged and discriminated against until the present day.

In Iraq, the British set up their new state under a mandate that lasted until 1932. They preferred dealing with the Sunni population resident in Baghdad, whom they considered to be more sophisticated and oriented toward Europe than either the Kurds of the North or the Shi'a populations in the South. They installed a Sunni ruler from Arabia, King Faisal, the son of the Sharif of Mecca, who had already failed as ruler of Syria, and continued to prop up the Iraqi regime until they and their protected Sunni monarch were ousted in a coup in 1958.

Similarly the British made political alliances with local Sheikhs throughout the Arabian littoral of the Persian Gulf. These Sheikhs were not historically native to the Gulf region. They migrated to the coast where they exercised power over the maritime populations, mostly fishermen, pearl divers and sea merchants, the majority of whom were

Shi'a. The British were concerned primarily with protecting sea routes to India, and so they cared very little about the local populations of the region. Consequently they were complicit in the suppression of the local Shi'a populations by the Sunni rulers of the region. Although there are large Shi'a communities throughout the Persian Gulf, the majority Shi'a population in Bahrain and the Eastern Province of the new Saudi Arabian Kingdom (1932) were the most prominent, and were seen as the most troublesome for local rule.

In the British Indian Empire the large Shi'a population was embedded in a complex state consisting of, besides themselves, Hindus, Buddhists, Jains, Sunni Muslims. The split at the time of independence between Muslim Pakistan and predominantly Hindu India resulted in a split in the Shi'a community as well. If India had remained undivided, it would have the second largest number of Shi'a Muslims in the world, following Iran. Today between 16 and 22 million Shi'a Muslims live in India with an equal number in Pakistan, making them a minority in both states. Discrimination against Shi'a has been active in both states, but the greatest discrimination has taken place against the Hazara minority in Pakistan, and in neighboring Afghanistan where the British also had considerable influence until modern times.

Other British colonial territories, such as Malaysia, South Yemen and various African states such as Nigeria also have Shi'a minorities and these states as well have witnessed historical Shi'a discrimination. In the sections that follow I will detail the overt discrimination that persists today in a number of these regions and speculate on its continued causes.

Hazara

The Hazara of Afghanistan and Pakistan are one of the ethnic groups in the world today facing the most serious discrimination, so violent it verges on genocide. Afghanistan's constitution of 1923 guaranteed equal rights and protections to all religious communities. However, following Soviet occupation, under the brief Sunni rule of the Taliban in 1996-2001, the Hazara faced discrimination and massacres of some 25 000 victims. For good reason, then, the Hazara fear a return of the Taliban to power.

Racial profiling may be at issue: the Hazara (of distant Mongol origin) have distinctive East Asian features, clearly recognizable in a South Asian crowd. But more probably such narrowed targeting serves both to project and worsen sectarian worries inside Afghanistan, further dimming prospects there for a viable multi-ethnic State after 2014 (Pakistan's abiding goal is a permanently weakened Afghanistan never again in a position to ally with India as neutralist Kabul governments used to do before 1978), and also inside Pakistan to throw a convenient sop to domestic anti-Shiite (and vociferously anti-Iranian) Sunni extremist groups cosseted for decades by Islamabad for multiple serious political purposes (ranging from retaining public and private Saudi financial support, to pressuring New Delhi on Kashmir, to reinforcing Taliban power hence Pakistani influence within Afghanistan).

Afghanistan

The Hazara of the central Afghan highlands were conquered by the Afghan monarchy in 1885, when several thousands sought protection over the frontier at Quetta in what was then British India and is today part of Pakistan. The 1923 Afghan Constitution promised equality to all subjects of the Afghan kingdom, but civil war following Soviet withdrawal from Afghanistan in 1989 worsened

sectarian and ethnic strife within the country, and under the zealous Sunni rule of the Taliban in 1996-2001, the Hazara faced discrimination and massacres of some 25 000 victims, fueling current Hazara fears of a return of the Taliban to power, with Pakistan's underhand support, after US military withdrawal in turn as of 2014.

Pakistan

A huge minority of 35 million out of a total Pakistani population of 180 million - have feared marginalization ever since General Zia-ul-Haq's Sunni-accented military dictatorship (1977-1988) closely aligned Islamabad with Riyadh on international issues, opened the country to fiercely anti-Shiite Saudi Wahhabi missionaries, and channeled the bulk of Western military supplies for neighbouring anti-Soviet Afghan insurgents through the most intransigent Sunni Afghan party, the Hezb-e Islami ("Islamic Party", only replaced in 1994 by the Taliban as recipient of such Pakistani aid for failure to capture Kabul in the post-Soviet civil war). But while general anti-Shiite attacks claimed by extremist Sunni groups multiplied within Pakistan itself in 2010, since early 2013 they have been restricted to the sole Quetta Hazara community, the smallest, and most vulnerable, ethnicity, among Pakistani Shiite groups.

The persecution of the Hazara in Pakistan is even more extensive than in Afghanistan, though largely unreported by international media. The following table documents attacks against Hazara men, women and children in the city of Quetta early last year (2013)

Date	Number of Hazara Killed	Number of Hazara injured
10 January	107	120
16 February	89	192
2 March	200	350

The extremist Pakistani Sunni party Lashkar-e Jhangvi ("Army of War"), affiliated to al-Qa'ida, carried out these strikes, but were never punished, and the strikes continued throughout 2013¹. The perpetrators announced their intention to "wipe out" all of Pakistan's Hazara community - now some 600 000 - by the end of 2013. Pakistan's Hazara community leaders on March 2, 2013 took the unprecedented step of laying out the 200 bodies on a Quetta sidewalk, stating that they would only be buried when Pakistan's authorities committed themselves credibly to protect Pakistani Hazaras from extremist Pakistani Sunni groups - a stark finger pointed at Pakistani official responsibility, and an unheard-of gesture in Islamic culture, which enjoins burial within twenty-four hours. (The Hazara dead were exposed for four days.)

Anxious Quetta Hazaras today pay clandestine groups US \$ 15 000 to \$ 20 000 per individual for conveyance to distant Australia - with risk of refusal by Australian immigration authorities, or of drowning in makeshift craft in international waters - rather than choose a short \$ 50 bus ride back over the nearby frontier to their ancestral homeland: stern indication in itself of NATO's colossal decade-long security failure in Afghanistan.

For while official Pakistan nurtures its Saudi alliance, it must also juggle its strategic interests regarding China and Iran, slipping around US pressures and further avoiding

open provocation of Tehran with too blatantly government-endorsed anti-Shiite activities. On 20 February 2013, Pakistan and Iran thus signed formal agreement for Tehran to pipe 21,5 billion cubic metres of natural gas on a daily basis from Iran's southern Assaluyeh energy zone through Pakistan's provinces of Baluchistan and Sindh - skirting US naval blockade of Iran in the Gulf - with Pakistani spokesmen asserting possible routing northwards "if China agrees to the project."

Bahrain

Shi'a Muslims in Bahrain have been enduring discrimination for many decades. Two-thirds of the population of Bahrain is Shi'a, however the country has ruled over by the Al-Khalifa family who are Sunni Muslims, since 1783. It has long been alleged that the Al-Khalifa were illegitimate rulers of Bahrain. Shi'a Muslim expert Yitzhak Nakhsh writes;

. . . during the 1990s , , Shi'i opposition groups depicted the Al Khalifa as "foreign invaders" and "medieval rulers" who established their Sunni minority rule thanks to British and Saudi help. . . [alleging] that the Al Khalifa failed to gain legitimacy in Bahrain and established a system of "political apartheid based on racial, sectarian, and tribal discrimination ⁱⁱ.

Despite the commercial and economical growth of Bahrain, Shi'a citizens occupy less than 18% of total top jobs in government establishments and in many government ministries and corporations; no Shi'a Muslims are appointed in leading jobs.ⁱⁱⁱ

During the 2011 Arab Uprisings, many Bahrainis initiated their own series of demonstrations demanding political

freedom, equal rights for the majority Shi'a population and as well as an end to the Al-Khalifa regime. Protestors were met with violence and hundreds of armed troops from Saudi Arabia and United Arab Emirates arrived to repress the demonstrations.^{iv} On February 17th, 2013 a pre-dawn raid on protesting campers resulted in hundreds severely injured, including women and children. Other explicit forms of sectarian persecution was displayed through the demolition of Shi'ite mosques and arrests of Shi'ite nurses and doctors who treated injured protesters. More than a thousand Shi'ite professionals were fired from jobs and their pensions canceled; whereas numerous teachers and students who took part in protests were also detained ^v. Since 2011, these ongoing protests have resulted in dozens of deaths, thousands of wounded, arrested and tortured citizens.

Saudi Arabia

After the Arabian Peninsula was taken over by the Family of Ibn Saud allied with the Wahabi movement following the defeat of the rival Rashidi clan, the Shi'as have suffered religious, economical and socio-political discrimination on every level. The Rashidis were tolerant of the Shi'a, even allowing Shi'a pilgrims to use their capital of Ha'il as a way station for the pilgrimage to Mecca. It may be partly for this reason, and also the dominant Shi'a population in the oil-rich Eastern province that has prompted the Saudi Kings to discriminate against the Shi'a.

The discrimination extends into the education system where textbooks proclaim that Shi'a are heretics and idolaters. In the judiciary system, often times non-Shi'a judges disqualify Shi'a witnesses on the basis of their sect and Shi'as themselves are not allowed to become judges even in ordinary courts. There are no Shi'a government ministers, senior diplomats, or military officers; generally

Shi'a students cannot gain admission to military academies.^{vi}

Many religious observances are prohibited. Visits to the shrines of Shi'a saints have been repressed by the Saudi government. Ashura processions commemorating the death of Imam Hossein, grandson of the Prophet Mohammad can be conducted in certain cities of the Eastern provinces due to a large Shi'a populations, however public processions for other Shi'a religious observances are banned throughout the country. In 2004, the Executive Director of The Saudi Institute Ali al-Ahmed, testified before the United States Committee on International Relations and made the following statements:

- Justice system: The justice system in Saudi Arabia is primitive and corrupt. Mirroring the white apartheid of former South Africa, Saudi Arabia forbids non-Wahhabis from government position relating to religion. Only Wahhabi Muslims can be appointed judges. There are no Maliki, Shafey or Shia judges in the country. This has proven especially hard on non-Sunni citizens who have to face judges deeming them as heretics.
- The country depends on Sharia law as interpreted by the Wahhabi denomination of the Hanbali Sunni Islam. All other understandings of Islam both Sunni and Shia are excluded, although they collectively make the majority of the country's population Text Books: We at the Saudi Institute were the first to call

for a review of Saudi religious textbooks because they promoted extremism and religious hatred. Three years after the terrorism of September the 11th, Saudi textbooks have yet to be revised. Yes, some passages have been removed, and some words were modified, but the meaning and the ideas remain the same. This past August we authored a report on the first-grade religious textbook taught to all Saudi children both in Saudi Arabia and in Saudi schools here in Washington DC. The government text taught six year-olds that both Judaism and Christianity are false religions.

- A fourth-grade textbook asks the children if you can love Jews and Christians, and the answer that the text offers is no, you cannot. Again, this is the official government text book saying this^{vii}.

Recommendations from Human Rights Watch to the Saudi government included the following observation reminding the rulers of the Kingdom that while they support tolerance in their international pronouncements, they do not practice this at home:

King Abdullah of Saudi Arabia, as crown prince in 2003, initiated National Dialogues between the Shia and Sunnis, among others, but little has come of them. In 2008 the king led the call for tolerance between world religions at the United Nations General

Assembly in New York, but neglected to promote tolerance for Saudi Arabia's Shia minority at home^{viii}.

Further recommendations are for the continuation of a "A commission of equal citizenship, under the National Dialogue Center, and with a wide participation, including members of the Shura Council, the Human Rights Commission and the National Society for Human Rights, elected local councilors, and tribal, religious and community leaders of the Eastern Province^{ix}." The Commission would work to ensure equal rights for worship, education, employment and justice. Thus far, four years later, the Saudi government has done nothing to mitigate this situation.

Yemen

There has been a crisis in the persecution of the Shi'a community in Yemen for a number of years. It has been underreported. Many massacres have taken place against Shi'a believers of the Zaidi sect including many young children who were killed during a chaotic period of civil conflict before 2010.

James Haider, Middle East correspondent for The Times (UK), stated on November 5, 2009, that the Shia "accuse Saudi Arabia, a conservative Sunni Muslim country, of backing the Yemeni army, fearing the emergence of a strong Shia militia similar to Hezbollah in Lebanon." "In turn, the Yemeni Government in Sanaa has accused Iran, a Shia theocracy, of supporting the Houthi rebels as part of a campaign to spread Tehran's influence across the region. The Government said last week that Yemeni troops had seized five Iranians on a boat loaded with arms in the Red Sea". James Haider continues by stating that 150,000 people had been forced to flee the government offensive in

late 2009. This applies to land and aerial bombardments and clearly many innocent civilians have been killed. If we look at the bigger picture and take away current militias or organizations or terrorist networks in Yemen and throughout the Muslim world, irrespective if Shia or Sunni, or from the sub-divisions within both groups; then it becomes clear that the Shia have been marginalized for centuries. Therefore, do traditional Sunni power mechanisms just desire the status quo rather than bridging the gap and does this hatred within the House of Islam spill over to other non-Muslim minorities?

Rannie Amiri published an article in *Counterpunch*, called the Shi'ites of Yemen the (Oppressed) People of the Year for 2010. He singled out: "The Yemenis of Saada governorate, who became the malnourished "internally displaced" refugees caught in the country's long civil war. Pummeled by Saudi airstrikes to the north and shelled by Yemen's army from the south, they suffered famine and destruction in a humanitarian catastrophe ignored by the world^x.

The cruel situation of the Shi'a of Yemen is that, living largely in the North of the Country, they are caught between two oppressive regimes—the Saudi Arabians to their North and their own government to the South. Because they constitute a sizeable minority in Yemen, 35-40% of the overall population, their plight is very difficult. Their situation drastically deteriorated when Northern and Southern Yemen were united

The Yemeni situation has been exacerbated by the operations of Al-Qaeda in the Arabian Peninsula, an extremist Sunni group that has been targeted by the United States, including many drone strikes resulting in the killing not only of Islamic oppositionists to the West, but also innocent civilians including Shi'a Muslims. The Yemeni government has cynically blamed Iran for unrest in their

country, claiming that the Iranians are supporting the Shi'a community.

Other States

Even in states where Shi'a Muslims are a majority of the population, there has been widespread persecution in recent years when non-Shi'a leaders are in power. Lebanon has been mentioned earlier in this discussion. Iraq now has a Shi'a majority government, but attacks against Shi'a communities from opposition groups continue to create many deaths in the country.

Other states that oppress Shi'a populations include Malaysia, where Shi'a Muslims are allowed to carry out religious services, but are not allowed to accept new converts. The website, *The Malaysian Insider* reports on a speech by a prominent Malaysian academic, Dr. Mohammad Faizal Musa:

[Dr. Musa said] Ignorance and an extremist brand of Sunni Islam influencing religious authorities are fuelling the current anti-Shia movement in Malaysia, although the minority community has deep roots in the country stretching back centuries. . . .extremist religious authorities have spread the myth that Shia Islam was a recent import starting in 1979 and that the denomination, which is the second largest in Islam, was a foreign threat.

“Wahhabis in Malaysia tend to regard Shiism as ‘another religion’ and consider Shias ‘infidels’, ‘unbelievers’, ‘heretics’, ‘deviants’, and ‘non-Islamic’,” he told *The Malaysia Insider* in Kuala Lumpur^{xv}

International Neglect

The United States and other world powers have largely failed to pay attention to prejudice and discrimination against Shi'a communities worldwide. However, economic and military interests are often more important than human rights in many situations.

The situation in Pakistan and Afghanistan is particularly dire and is complicated by a long-planned pipeline project that would bring natural gas to Pakistan from Iran. Despite stiff protest by US State Department spokesperson Victoria Nuland that "we've made clear to countries around the world, including Pakistan, that we believe it's in their interest to avoid activities that could be prohibited by UN sanctions or that could be 'sanctionable' under US law," then Pakistani Prime Minister Raja Pervez Ashraf retorted that Islamabad was determined to proceed with implementation of a pipeline project conveying Iranian natural gas to Pakistan: "Pakistan is facing a serious energy crisis and we want to end it as soon as possible."

The 20 February 2013 agreement further pledged Iran's loan of US \$ 500 million to Pakistan to lay pipes on the Pakistani side. Amid a flurry of mutual visits to Islamabad and Tehran in late February and early March 2013 between then Iranian President Ahmadinejad and Pakistani President Zardari, Iran's supreme authority, Ayatollah Khamenei, called for "ignoring the opposition shown by certain actors to the development of Iranian-Pakistani relations... The Islamic Republic of Iran is the only country in the region which enjoys secure energy resources and we are ready to supply Pakistan's in this ground."

"Les Etats," French President De Gaulle once quipped, *"sont des monstres froids"*, nation-states are frozen monsters. Unlike, say, the Shiites of southern Lebanon or the ruling Alawite minority in Syria, the Hazara ethnic group whether in Afghanistan, in Pakistan, or working as

menials in Iran, are not, in fact, particularly appreciated by Tehran. Those in Afghanistan, a country still under de facto US occupation and who perforce come to terms with American officials, are often denounced in the official Iranian press as "agents of America and Israel". And while they are all Shiites, not all Hazaras even belong to the prevailing 'Twelver' Shiite School official in Iran; many are Isma'ili Shiites, a branch frowned upon in Iran.

Hazaras who sought asylum in 19th-century Imperial British Quetta, then remained in 20th-century Pakistani Quetta on assurances that the new Islamic State would liberally shelter all Muslim schools alike (Pakistan in 1947 was actually founded by a secular Bombay-born Shi'a Isma'ili politician, Mohammad Ali Jinnah), seem so to have turned—as US regional influence ebbs—into one of the early 21st century's nastier religious symbols: convenient sacrificed scapegoats, for all major parties concerned. The situation in Bahrain is equally dire, and equally ignored by the United States. The American office, CNIC (Commander, Naval Installations Command) reports that:

Naval Support Activity Bahrain is located in the Kingdom of Bahrain in the Middle East, east of Saudi Arabia. NSA Bahrain covers the busiest 152 acres in the world. We provide services and support to ships at sea, remote sites throughout the region, and military and civilian personnel living in Bahrain. NSA Bahrain is home to approximately 7,179 military personnel and DOD Civilian employees, 1,197 family members, 93 Tenant Commands, as well as Joint and Coalition Forces.^{xii}

Because of this strong U.S. interest—a truly massive naval operation, the United States government has largely

overlooked the persecution of the Shi'a majority in Bahrain by the Al-Khalifa regime. Despite the fact that repression of the Shi'a community has a long history, the United States appears to have been persuaded by the Al-Khalifa regime that Iranian interference is the reason for the uprising. Veteran journalist Genieve Abdo reports:

The strategy of Bahrain's ruling Sunni elite seems to be as follows: blame the demonstrations on the majority Shia, and by extension, on Iran; and justify the violent crackdown and accompanying violence as necessary to avert a Shia takeover which might encourage Iran's direct intervention.

Bahrain has then sought to use these arguments to persuade its close ally and patron the United States that the Saudi invasion was in fact an appropriate response to the uprising. US officials tried to broker a compromise between the opposition, the ruling al-Khalifa family and Saudi Arabia in March, but failed. Moreover, the US appears to be more open to Bahrain's stated fears of Iranian meddling than it was just weeks ago^{xiii}.

Just as the British tolerated repression of minority populations during the colonial period, it appears that the United States will always sacrifice its human rights interests in favor of expediency and solidification of its power throughout the world.

Shi'a Resistance

As a final coda to this report on repression of Shi'a Muslims, it would be remiss not to mention that the Shi'a communities throughout the world have not been

completely passive in their own defense. In particular two organizations that have fought back against oppressive forces where they had no other defense have been Hezbollah in Lebanon and the Houthi in Yemen. Unfortunately, these two groups have been quickly labeled as “terrorists” by the dominant powers both in their own nations and in the region. Moreover, their legitimate defense concerns have been dismissed by individuals who have tried to claim that they have no independent interests, but serve only as an extension of Iranian interests.

Hezbollah was founded in 1980 when Israeli attacks were launched against Palestinians in Southern Lebanon. The Israelis were indiscriminate in their bombing raids, and destroyed native Shi'a villages as well as Palestinian refugee camps. The regular Lebanese army refused to come to the defense of the Shi'a community. Therefore Hezbollah was founded to provide this defense.

It is true that Iran provided initial assistance to the Hezbollah in terms of organization and military training, but in the intervening years, Hezbollah has grown in influence throughout Lebanon and has become a viable political party within the Lebanese legislative system. Iranian influence over Hezbollah's activities is minimal, and has been for over 20 years.

The Houthi takes its name from Hussein Badreddin al-Houthi, their former commander, who was reportedly killed by Yemeni army forces in September 2004. The group's principal mission is the protect the Shi'a community from oppression by the Yemeni army, and also from forces coming into their territory from Saudi Arabia. They are opposed by extremist Wahhabi groups. Recently they have had a degree of success in extending their influence over Northern Yemeni territory, and have recently been able to broker a cease-fire with the Central Yemeni government, who in the past has also tried to link their activities to Iran.

It is hoped that in the future a pluralistic government will emerge in Yemen.

In Bahrain protests against the Al-Khalifa government continue, though they are less established than organizations like the Houthi or Hezbollah. Saudi interference in controlling the protests in Bahrain and United States inaction in preventing human rights abuses is a disappointing aspect of their difficult situation.

Conclusion—Continued Repression

It is disappointing to have to conclude that repression of Shi'a communities continues throughout the world. Although some organizations, such as Hezbollah and the Houthi have had limited success in resisting this repression, there are many millions of Shi'a Muslims in the world today who continue to suffer repression and death at the hands of governments whose habit of hostility toward these communities is both habitual over a long history, and also tolerated by the international community.

Appendix A. Estimated World Sh'a Population

Nations with over 100,000 Shia					
Country	Shia population	Percent of Muslim population that is Shia	Percent of global Shia population	Minimum estimate/claim	Maximum estimate/claim
<u>Iran</u>	66,000,000–70,000,000	90–95	37–40		
<u>Iraq</u>	19,000,000–22,000,000	65–70	11–12		
<u>Pakistan</u>	17,000,000–26,000,000	10–15	10–15		43,250,000–57,666,666
<u>India</u>	16,000,000–24,000,000	10–15	9–14		40,000,000 – 50,000,000.
<u>Yemen</u>	8,000,000 – 10,000,000	35–40	5		
<u>Turkey</u>	7,000,000 – 11,000,000	10–15	4–6		
<u>Azerbaijan</u>	5,000,000 – 7,000,000	65–75	3–4		85% of total population
<u>Afghanistan</u>	3,000,000 – 4,000,000	10–15	<2		15–19% of total population
<u>Syria</u>	3,000,000 – 4,000,000	15–20	<2		
<u>Nigeria</u>	<4,000,000	<5	<2		5-10 million
<u>Saudi Arabia</u>	3,000,000 – 4,000,000	15–22	<1		
<u>Lebanon</u>	1,000,000 – 1,600,000 ^[82]	30–35 ^{[83][84][85]}	<1		Estimated, no official census.
<u>Tanzania</u>	<2,000,000	<10	<1		
<u>Kuwait</u>	360,000 – 480,000	30-40 ^{[62][63]}	<1		30%-40% of 1.2m Muslims (citizen only)
<u>Germany</u>	400,000 – 600,000	10–15	<1		
<u>Bahrain</u>	375,000 – 400,000	66–70	<1	375,000 (66% of citizen population)	400,000 (70% of citizen population)
<u>Tajikistan</u>	400,000	7	<1		
<u>United Arab Emirates</u>	300,000 – 400,000	10	<1		
<u>United States</u>	200,000 – 400,000	10–15	<1		

<u>Oman</u>	100,000 300,000	5-10	<1		948,750
<u>United Kingdom</u>	100,000 300,000	10-15	<1		
<u>Qatar</u>	100,000	10	<1		

Notes

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Lightings on the Violated Rights of the Shiites Majority in Bahrain

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Virtually, there is no country in the world does not have a minority of one or more national or ethnic, religious or linguistic or other. And no exception for the countries in the Middle East and North Africa. Although there are different minorities in the region, citizens or undecided, the majority of countries in the Middle East and North Africa lack appropriate laws and policies in this area. Often these minorities are subject to restrictions and violations of their rights.

Minority rights are from human rights, and must put guarantees for the rights of minorities under the procedure to ensures the enjoy rights similar to other community members and these rights help on for example: the

protection of cultures, religions and languages of minorities; facilitate the participation of these minorities in the public life and in making effective decisions; protect minorities from harm and discrimination. So, we can summarize the foundations of the rights of minorities in the following specific elements: the protection of existence; non-discrimination; identity protection and participation. Usually these groups are not dominant in the face of the majority (the majority groups) in the areas of political, economic, social and / or cultural.

There is difficulty in reaching a definition to be accepted widely in the multiplicity of situations where minorities live. Some of them live in specific areas, separate from the dominant population. While other groups spread across the country. And some minorities have a strong sense of collective identity and recorded history; while others only keep a fragmentary idea about their common heritage. In human rights treaties there are provisions prohibiting discrimination against minorities.

The principle of non-discrimination and equality is the basic principle of the international law of human rights. The principle of non-discrimination prohibits any distinction, exclusion, restriction or preference based on race, color, descent or national or ethnic origin and The purpose or result in nullifying or impairing the recognition of human rights and fundamental freedoms. It should be emphasized here that international law does not impose any requirement to prove intent discrimination. And that the phrase “the purpose or result in” refers to legislation or policies that may seem neutral but in fact lead to discrimination. The

international law of human rights prohibits discrimination, direct and indirect.

Article 27 of the International Covenant on Civil and Political Rights provides that:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language with other members of their group”.

A similar provision is contained in Article 30 of the Convention on the Rights of the Child. The comments the Human Rights Committee (the committee supervising the application of the International Covenant on Civil and Political Rights), No. 23 (1994) on the rights of minorities explanation firmly to Article 27 , as the Commission stated that the article states , and recognizes right given to individuals belonging to minority groups, differs from, and added to all the other rights that are entitled to them as individuals, in partnership with others, to enjoy under the present Covenant. And the right given under Article 27 is an independent right under the Covenant.

Second: the nature of the obligations of the State:

Minorities have the right to protect their cultural identity, religious or linguistic. Which leads to both positive and negative obligations; as in all other human rights. Respect the rights of minorities, protection and identity to achieve it is a key factor in the management of diversity and stability. It should not prevent minorities from expressing their

identity through undue restrictions or through state policies, including policies of assimilation.

According to the United Nations independent expert on minority issues, there are four general obligations must be considered by the state in order to respect and ensure the rights of minorities:

1. Protect the existence of minorities, including the protection of their physical safety and the prevention of genocide.
2. Protection and promotion of cultural and social identity, including the right of individuals to choose any of the ethnic groups, linguistic or religious want to identify them, and the right of these groups to assert their collective identity, protection and rejection of forced assimilation.
3. Ensure the effectiveness of non-discrimination and equality, including putting an end to systematic discrimination or structural.
4. Ensure the effective participation of members of minorities in public life, particularly the decisions that affect them.

Because it is not possible to cover all aspects of rights in regards to the rights of minorities. Therefore, we will focus on some aspects of the right to education as an example for illustration. The direct and indirect distinction of education has a significant impact on the rights of persons belonging to minorities. For example, it may result in curricula and textbooks used to the persistence of discriminatory attitudes toward minorities. Persons belonging to minorities of non-citizens may suffer if education laws provide education for citizens only, although the international law imposes

providing of free and compulsory education for all. The International Convention on the Elimination of All Forms of Racial Discrimination, call on states to ban and eliminate discrimination in education (Article 5).

Third: the rights of indigenous peoples :

UN Declaration recognizes the Rights of Indigenous Peoples, that they have the right to self-determination and the right to exercise their political status and pursue their economic, social and cultural freedom. The rights include the right to :

- Self-determination ;
- Collective ownership of land ;
- The use of natural resources and land ;
- The practice of customary law ;
- Preservation of the environment ;
- Protection of traditional knowledge, intellectual property, and cultural heritage ;
- Free, prior and informed consent on measures that affect them or their lands and territories.

The recognition of collective rights is essential to ensure the continued growth and well-being of indigenous peoples as distinct groups. In contrast, the expression of minority rights in international law as the individual rights of persons belonging to minorities. Some of these rights exercise in parallel with the other, like talking a language or practice their religion, for example. The minority seeks to achieve autonomy on their cultural, linguistic or religious.

Several groups within the majority or minority groups may face marginalization including women and children, the

elderly and persons with disabilities. These groups may expose multiple forms of discrimination and exclusion. The discrimination against these groups, in some cases maybe culturally entrenched.

Religious Discrimination

Religious discrimination involves treating a person unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

Fourth: sectarian discrimination against Shiites in Bahrain (a majority in a minority):

Bahrain's record on human rights has been described by Human Rights Watch as "dismal", and having "deteriorated sharply in the latter half of 2010".

The government of Bahrain has marginalized the majority Shia Muslim population, torturing and mistreating political prisoners to extract confessions, blocked websites and blogs associated with the legal opposition, and harassment of human rights defenders. The crackdown on protesters during the 2011 Arab Spring has brought further human rights complaints, including the destruction of dozens of long-standing Shia mosques. Discrimination

against Shia Muslims in Bahrain is severe and systematic enough for a number of sources (Time magazine, Vali Nasr, Yitzhak Nakash, Counterpunch, Bahrain Centre for Human Rights, etc.) to have used the term “apartheid” in describing it.

The Bahrain Independent Commission of Inquiry was established on 29 June 2011 by King Hamad bin Isa Al Khalifa to assess the incidents that occurred in the Kingdom during the period of unrest in February and March 2011 and the consequences of these events. The report was released on 23 November and confirmed the Bahraini regime's use of torture. It has been criticized for not disclosing the names of individual perpetrators of abuses and extending accountability only to those who actively carried out human rights violations.

Legal Background :

Article (4) of the Constitution of the Conservatory of Bahrain (2002) that "justice is the basis of governance and equal opportunities between citizens and the people are equal no discrimination whatsoever on grounds of sex, origin, language, religion or creed," The Constitution of Bahrain (1973) Article (18) that "people are equal in human dignity, and citizens are equal before the law in public rights and duties without discrimination on grounds of sex, origin, language, religion or creed." Despite the explicit constitutional provision which equals between citizens and prohibits discrimination among them, individually and collectively, the reality experienced by Bahrain and contradicts the constitutional provisions of equality. The political practice of the regime in Bahrain in relation to

equality among citizens and discriminatory practices are inconsistent with the most basic of human rights.

As the distinction is not really transient or an emergency, but general practice systematically and continuously, not the actions of an individual or exceptional, which means it is at the core of the structure of the political system based on tribal and standards narrow in determining who is a citizen and not citizen, who is entitled to enjoy the wealth of the nation and must be excluded from the bounties of the nation, and are discriminated against him. According to the logic of the tribal political system in Bahrain and in accordance with the facts and figures, the Shiite citizens, who are one of the basic components of Bahraini society, face discrimination and exclusion by the Al Khalifa regime.

The situation in Bahrain is inverse, regarding the policies and practices of exclusion and discrimination in the states are usually exclusion and discrimination by the majority to the minority, and that of course unacceptable and condemnable. In Bahrain, what happens is the exclusion and discrimination by the system (Al-Khalifa Tribe) and that does not represent more than 1% of the total population and the Sunni community, and this is a unique situation. Where the minority abuse the majority; and the discrimination practiced in broad daylight. Discrimination in Bahrain over the Shiite community is not new, but starts with a moment of takeover Old Al Khalifa on the islands of Bahrain by more than two centuries, but it takes different forms according to the changes and developments and

changing conditions. But what concerns us in this paper is a form of modern and contemporary discrimination.

Stateless People (Bedouns):

There is a growing problem of stateless people, known as Bedoun, who are descendants of Iranians (especially ethnic Persians) who have lived in Bahrain for many decades. Most of Bahrain's stateless are Muslims .

In Bahrain, stateless people are denied the right to hold legal residency, are not allowed the right to travel abroad, buy houses, and to hold government jobs. They are also not allowed to own land,¹ start a business and borrow loans. Recently, the Bahraini government issued regulations preventing them from sending their children to public schools and to receive free medical care. Bahrain's government revoked 31 Bahraini nationality in November 2012 . Half of them from The Persian origins .

The stateless can also get deported at any time. Since the beginning of the 1980s, the Bahraini government has deported hundreds of Bedouns to Iran.

Torture in Bahrain:

Despite repeated government claims of improvement over the course of several years, there is evidence that torture is a regular part of the legal process in Bahrain.

According to a 2011 report by Human Rights Watch, between 2007 and 2009, the government regularly practiced torture and ill-treatment in interrogating security suspects. Although government spokesmen have issued denials, there is no evidence of criminal investigations and the government has not imposed disciplinary measures on the alleged perpetrators.

In 2011 Human Rights Watch found evidence protections for migrant workers have improved.

Oppression of Shia :

Discrimination against Shia Muslims in Bahrain is severe and systematic enough for a number of sources (Time magazine, Vali Nasr, Yitzhak Nakash, Counterpunch, Bahrain Centre for Human Rights, etc.) to have used the term "apartheid" in describing it.

Origins :

Over two thirds of the citizen population of Bahrain are Shia Muslims. The ruling Al Khalifa family, who are supported by the UK and the US, arrived in Bahrain from Qatar at the end of the eighteenth century. Shiites alleged that the Al Khalifa failed to gain legitimacy in Bahrain and established a system of "political apartheid based on racial, sectarian, and tribal discrimination." Vali Nasr, a leading expert on Middle East and Islamic world said "For Shi'ites, Sunni rule has been like living under apartheid".

According to an article published in The Christian Science Monitor newspaper, Bahrain is practicing "a form of sectarian apartheid by not allowing Shiites to hold key government posts or serve in the police or military. In fact, the security forces are staffed by Sunnis from Syria and Pakistan who also get fast-tracked to Bahraini citizenship, much to the displeasure of the indigenous Shiite population."

According to the Bahrain Centre for Human Rights, while the Shiites exceeds 70% of the population, "they occupy less than 18% of total top jobs in government

establishments. In several government ministries and corporations no Shiite is appointed in leading jobs."

Jobs in the police and armed forces are reserved for Sunnis. Sunni Muslims from favored tribes are admitted to Bahrain as citizens to fill these jobs.

Shiites and "some Sunnis of Persian origins", are banned from residing in the city of Riffa, where only the Sunni Muslims are permitted to live.

According to Human Rights Watch, Bahrain's personal status law (Law 19/2009), adopted in 2009 and marriage, divorce, custody, and inheritance cases, applies only to Sunnis although women's groups believe that it should treat all citizens equally.

There are also concerns of the Bahraini government's systematic efforts to diminish the Shia majority by promotion of immigration of Sunni Muslims and granting them citizenship. According to Dr. Saeed Shahabi, a London-based journalist, "there is the problem of political naturalization. The ruling family -- similar to the Apartheid regime in South Africa, where you had a minority ruling a majority -- wants to change the demographic situation of the country."

Race and sectarian discrimination :

On 28 April 2007, the lower house of Bahraini Parliament passed a law banning unmarried migrant workers from living in residential areas. To justify the law MP Nasser Fadhala, a close ally of the government said "bachelors also use these houses to make alcohol, run prostitute rings or to rape children and housemaids".

Sadiq Rahma, technical committee head, who is a member of Al Wefaq said: "The rules we are drawing up are

designed to protect the rights of both the families and the Asian bachelors , these labourers often have habits which are difficult for families living nearby to tolerate , they come out of their homes half dressed, brew alcohol illegally in their homes, use prostitutes and make the neighbourhood dirty (..) these are poor people who often live in groups of 50 or more, crammed into one house or apartment," said Mr Rahma. "The rules also state that there must be at least one bathroom for every five people , there have also been cases in which young children have been sexually molested."

Bahrain Centre for Human Rights issued a press release condemning this decision as discriminatory and promoting negative racist attitudes towards migrant workers. Nabeel Rajab, then BCHR vice president, said: *It is appalling that Bahrain is willing to rest on the benefits of these people's hard work, and often their suffering, but that they refuse to live with them in equality and dignity. The solution is not to force migrant workers into ghettos, but to urge companies to improve living conditions for workers – and not to accommodate large numbers of workers in inadequate space, and to improve the standard of living for them.*

There was a flurry of race hate messages sent to naturalized Bahrainis from third world countries after opposition political leaders alleged that immigration was tantamount to 'cultural genocide'. In November 2006, Al Ayam published a collection of threats sent to naturalized citizens warning that they would have to 'choose between the suitcase and the coffin', promising 'Death and fire are your destiny' and another warned that the author hated all naturalized Bahrainis, "You are detested. You have taken from us, the sons of Bahrain, our homes, jobs and education opportunities. You will face the same destiny as the

Egyptians in Iraq [after the end of the Iraq-Iran war]. It will be nails, hammers and a coffin. Your destiny is near

If we take the phenomenon of exclusion and marginalization during the last ten years since the imposition of the new constitution in 2002, we find that the policy of discrimination has expanded and is now practiced in public against the Shiite Albaharna in all areas. It is what we will look to him successively in the paragraphs below:

1 - Discrimination at the population level:

In 2005 citizens woke up on a scandal known as AlBander's Report, which is a hellish plan for the exclusion and deportation of the Shiite community for everything that has to do with the rights of citizenship and has a relationship to exercise their role as citizens, and treat them as second class citizens and third.

The important thing in this report / scandal is a plan to change the structure of the population (demographic) through resettlement and naturalization of tens of thousands of citizens of other countries (from the Indian subcontinent, some Arab countries, especially Syria, Yemen, Jordan and Saudi Arabia), and most of them belong to the Sunni sect, all of which are outside the law and in a manner enveloped in mystery and lack of transparency, with the aim of giving priority to a sectarian component, here Sunni component on Shiites component, however , the number of naturalized is unknown, but there are indications demonstrate that their numbers may reach 100 thousand, and possibly more.

This exclusionary and destructive and discriminatory plan called political naturalization, the regime banned talking about this report in the press in order to avoid scandal and make it a state secret, however, the political naturalization still ongoing and consequences of the serious economic, social and cultural services began to emerge.

2- Discrimination on the political level:

We mean by discrimination political weakness of the political participation of the Shiite sect, at the top position in the state and a lack of presence in the decision-making centers, compared to their numbers as a result of prevention and discrimination, while we find that most of the leadership positions in the state is shared by the ruling family first and then secondly the Sunni sect. For example, reference may be made to the composition of the cabinet and some of the institutions: - Cabinet consists of 19 portfolio 10 ministers from the ruling family 6 ministers from the Sunni sect 3 ministers from the Shiite community, add to them the position of a deputy prime minister, a small percentage for their numerical and qualitative weight. Bahrain has about 24 Foundations emerging from the state or linked with the Council of Ministers or the Royal Court, all confined in the presidency or the management members of the royal family, or the Sunni community, while there is no member of the Shiite sect.

In the election law which has been elaborated on the basis of sectarian exclusionary. The congested areas of the population which is predominantly Shiite areas and represent at the same time the electoral bloc cannot submit

to the House of Representatives more than 18 deputies in all cases, while the Sunni electoral bloc can provide 22 deputies out of 40 members is the total number of members of the House of Representatives. Accordingly, it has been detailing the parliament according to the election law and the unjust distribution of electoral districts so that cannot be candidates for the Shiite community to become the majority. Discrimination exists even in the appointed Shura Council, where outweigh the Sunni sect is predominant.

3- Discrimination in the job:

Practiced employment discrimination against Shiites in its ugliest forms of administrative and executive positions in various ministries and state facilities, and this distinction is reflected in the judiciary, which highlights the variety in the Supreme Judicial Council where there is no effective presentation for the Shiites. The form of public prosecution, it is almost exclusively on members of the Sunni sect. It follows that discrimination against Shiites in the judiciary where the figures indicate that the share of the ruling family is 33% of the positions, and 58% of members from the Sunni community, while only 9% of the members from the Shiite community and non-citizens.

In 2011, about 296 was appointed in leadership positions, accounted members of the Sunni sect of about 254 jobs from these positions, or by 86 %, and 24 positions went to members of the Shiite sect, or by 14%, and the figures and ratios are rich for commentary and demonstrate the size of exclusivity on the one hand, the size of discrimination and exclusion against the Shiite community with the majority of the other hand.

Regarding to the ministries of interior and defense highlights discrimination and exclusion against Shiites and grossly exposed. As the community excluded historically to take up leadership positions in these two ministries, and this exclusion has increased during the four recent decades, where there is no senior officers or important in these two ministries. However, regarding the work of the Shiite sect and their involvement in these two ministries is almost restricted, while allowing to the Sunni community, enrollment in various sectors of the security and defense forces, including riot, added to them foreign elements who are non-Bahraini like Indians, Pakistanis, Bloch, Syrian, Yemenis and others.

The figures show that the sons of the family, representing 35% of the internal employees while the sons of the Sunni represent approximately 55 % and the sons of Shiites around 10% which is very low compared to the disproportionate, this is discrimination and exclusion given. In the same context, and as a form of exclusion and discrimination can be referred to the composition of the so-called Council of the Supreme Defense, which consists of 14 members, 13 of them went to the royal family and one member of the Sunni sect, while the Shiite community was exclude like they does not exist.

4- Sectarian discrimination in the Ministry of Education:

In the academic year 2012 - 2013 about 129000 students Enrolled in the Ministry of Education schools and about 60 % of them belong to the Shiite sect , while the organizational structure of the ministry, especially in senior

positions with the rank of minister to the rank of Director and heads of departments are the share of the Sunni sect.

For example, there is 2 positions for the ministry's Undersecretary one for a member of the Sunni sect and the other to one of the sons of the ruling family, and at the same time there are eight positions of Assistant Undersecretary all of them for the Sunni community, and there is no Shiite in any of them. For the departments of the ministry, there are about 27 departments most them for the Sunni community, with the exception of three departments went to members of the Shiite sect, the departments are marginal, and this exclusion and discrimination applies to most of the administrative departments in the ministry, where the bulk of which is still confined to members of the Sunni community.

The Ministry of Education is one of the most important and oldest state agencies that discriminate, and are almost a laboratory for Muslim Brotherhood Party (AlEslah Association) and the Salafis (AlAsala Association and its Branches). The discrimination does not stop at the top jobs even in lower-level jobs, such as teachers where they are contracting with teachers from Arab countries while there Bahraini Shiites to hold these jobs, but this is done in order to exclude the sons of the Shiite community as an old policy followed in this ministry.

The discrimination among the students is well known where the exclusion of students from the Shiite sect of high school graduates and those with high rates of access to specialty that they want, and this is done under the criteria for bypass and non-transparent, non-objective and through this

procedure are oust students to abandon their desires in the specialty university which want to study, and then given a disciplinary better for the Sunni community missions, whether in or outside Bahrain University of Bahrain or local universities with lower success rates in high school.

Linked to the Ministry of Education and can be referred to the University of Bahrain, this university, which was founded in 1986, is illustrated sectarian discrimination in the University of Bahrain in that most of the leadership positions of academic and administrative dominated by members of the Sunni sect. The spread in the university's policy of discrimination in sending workers in the ministry to get master's degrees and doctoral degrees, where they are blocking Shiites staff requests while they facilitate requests for Sunni staff, this as well as the biggest share of staff missions to be the share of the Sunni sect.

In addition, the rapid advancement of lower-level jobs to central jobs for the people of Sunni sect while blocking it to the Shiite sect and this is evident in the movement to improve the function of specialists and top specialists and top department heads. The Ministry of Education, for example, constitutes a flagrant on the worst forms of sectarian discrimination which is more like a farm for the Brotherhood party and Salaf.

5- Discrimination in the media and in front of the law:

This is apparent in the deal of official media, especially state television with the Shiite community and its symbols, it has emerged openly in the programs offered by the Bahrain TV that are exposed to the Shiites and their culture and as a fundamental component of the people of Bahrain

by defamation and ridicule of their beliefs and rituals, and describes them with racism descriptions.

On the other hand taking the media system, especially state television mobilizes hysterically Sunnis against the Shiite community under a labor charge of Iran and the Shiite community that they Safavids and clients Wilayat al-Faqih and their allegiance to Iran not to Bahrain. For example the state television highlights a range of sectarians and sycophants for exposure to the Shiite community and its symbols and intellectuals, and still host people who only exposure to the Shiite community and the accused in their patriotism.

Besides, the system has support most of newspapers to practice discrimination against Shiites, which is reflected in the writings of the press and fabricated news coverage and insults at the leaders and symbols of the Shiite community, and more than that the induction regime on activists and community symbols which enters in the category of insults and defamation to an essential component of the people of Bahrain, but with the blessing of the regime.

In terms of discrimination in front of the law it is represented in the indulgence of regime over the people of the writers, preachers of mosques, clerics, MPs and the various positions who are exposed to the Shiite community or their symbols in their writings and speeches, without being held accountable legally, but leaves the door to the men of the regime to inciting and provoking hatred against Shiites describing them with racist and sectarian descriptions as part of discrimination policy.

6- Economic discrimination:

Has emerged over the past year after the revolution of February 14, and is still continuing. It may be noted in this type of discrimination to the actions that have been taken against a number of Shiites traders, in general and traders Chamber of Commerce and Industry of Bahrain in particular, where it was the sacking of two members of the board of directors of the room just because they belong to the Shiite sect, have also been attacks on shops and stores of the Shiite sect. Also the regime followed the method of boycott the buildings of Shiite sect prevent any leased by the state ministries as a form of punishment and discrimination

7- Discrimination in judicial positions:

The sectarian discrimination also is practiced shamefully without considering the basic human rights nor the values and ignores all the international laws that call to stop all unjust discrimination projects on the basis of race, color, or doctrine in judicial jobs, this discrimination destroy the country and confiscated all the elements of an ideal state prescribed by The Constitution and The Charter that are based on competency, citizenship and equality, which falls the lie of the regime for accusing the citizens of causing sectarian problem, although the regime is the one who issue the appointments and manages the game of installation and appointment on the basis of hate.

According to statistics issued by the judiciary system, which supposed to be neutral and far from sectarian discrimination, but in fact it practice discrimination to beyond the border, especially in senior positions as the head of the Supreme Judicial Council is the king of the country and has entrusted to the Chancellor Salem AlKuwari, Minister of Justice is Sheikh Khalid bin Ali AlKhalifa, the

head of the Cassation Court is Sheikh Salem AlKuwari, the head of the Constitutional Court is Sheikh Khalifa bin Rashed AlKhalifa, the public prosecutor is Ali Albuainain, the general attorney is Abdul Rahman AlSayed, military prosecutor is Yusuf Fulayfel who is also the heads of the military Court of Cassation, the chairman of Fatwa and Legislation Authority is Abdulla Albuainain, the head of the Judicial Inspection is Isa AlKaabi, the heads of High Courts of Appeal are: judge Isa AlKaabi, judge Abdullah Yaqoob, judge Sheikh Salman Al-Khalifa and one Sunni judge of Jordanian nationality, chairman of Bahrain Chamber for Dispute Resolution is Sunni and the head of Commercial Arbitration Chamber is Sunni.

The official statistics which was approved by the judiciary system conclude that the representation of the Shiite community equal to "zero" and the appointments come from the system itself and relate to a system that supposed to be impartiality and integrity and far from dimension and exclusion, marginalization and absence of justice, which represents one of the reasons of the political crisis in Bahrain, which calls for absent social justice.

Regarding the appointments, which was announced two days before for the deputies of public prosecutor are the same, where 12 appointments were made but none of them is from Shiite community, which reveals that the existing political which based on sectarian discrimination extremely increasing, which makes the demand of social justice and impartiality and independence of the judiciary a national necessity to restore confidence in judiciary after it was lost.

A review to the names of the judges we can find that the presence of 117 Sunni judge while only 7 of Shiites and none of them imitate the presidency of the criminal court in

order not to take him clemency to political detainees who filled the courts.

And even the Jaafari legitimacy courts suffer from a lack of the preparation of the Aljafrien judges in comparison with Sunni judges although the similarity of the number of courts so that each sect have 8 courts.

In addition, I see that the elimination of sectarian discrimination start from individuals, the beginning with the sectarian ideology, and then get rid of the sectarianism behaviors and practices, and ends with the States through its pivotal role in the order of responsibility and accountability, oversight and penalty on the symbols and elements of sectarianism.

Among the most important solutions that rests with the individuals to stay away from defamation by the official audio-visual media, faith in the matter of pluralism, and the consequent of plurality such as sharing resources and equality in rights and duties, and it is all in keeping with the preservation of human relations between the communities in social institutions with the acceptance of others with faith in deference.

Also, on forums and social networks, take off the option of one-dimensional social interaction; make the discussion a multi-benefit and merging of its members in one social fabric from the various sects, and stay away from the other cancellation policy.

Regarding the responsibility of the state, it is an articulated responsibility. It has to remember what Bertrand Russell was saying: "Government can easily exist without law, but law cannot exist without government". The Arab and Islamic countries, should initiate rapidly, and with greater determination and firmness in dealing with the sectarian issue as a top priority not to ignore, as well as be exploited for political reasons. They must also initiate the necessary laws and regulations that would criminalize all things

related to the issue of sectarianism and accountability of the perpetrators.

As stated in many articles on criminalization of incitement and sectarian slights, but law enforcement does not perform its role in the trial of those who practice incitement because the state encourages and enables some individuals to play a role in discrimination.

Bahraini Penal Code, Article 172 stated that: “shall be punished by imprisonment for a term not exceeding two years and a fine not exceeding two hundred dinars or either, who instigated publicly to hate people or to scorn them, if such incitement disturbance of the general peace.

And where the concept of the Constitution holds the criminalization of sectarian discrimination by the freedom of religion and conscience, are those texts enough to eliminate the problem of sectarian discrimination? Or we need a special integrated law to criminalize all that related to sectarian discrimination? Including those who are associated with the elimination of the problem and uproots it? Is it linked to the policy of state and governor system? Or related to the historical legacy passed down the individuals themselves? Or is it that the two are linked and complementary to each other ?

The Sons of the Shiite community in Bahrain, the indigenous inhabitants of the country, are subjected to systematic discrimination sponsored and embraced by the Bahraini government.

To deny the existence of sectarian discrimination in Bahrain by government officials, is evidence of the absence of political will to end this disturbing file, it is difficult to find

any solutions to the problem of sectarian discrimination in Bahrain without the approval of the government of this country that there is a problem, and the government itself is responsible for creating it and find solutions to solve it, and this seems out of the question with the political leadership in Bahrain today. While we believe that all international organizations, institutions and newspapers around the world talking about institutionalized sectarian discrimination in Bahrain and the custody of the state and sponsorship for it, we find the head of state and government loyalists in the parliamentary institution and some journalists who are close to regime, insist it does not exist.

And must be noted that the issue of discrimination against Shiites exists in some other Gulf States, but it varies in degrees, and the worst exist in Bahrain and Saudi Arabia.

And it is important in this instance to show that there are a lot of organizations and international committees active in the defense of minority populations or indigenous people in different countries of the world, but yet there no organization or human rights committee works on the defense of the Shiite community in the Arabian Gulf, but today it became necessary to find an entity to defend their rights and their culture as a minority or as an indigenous people of these areas and being persecuted or discriminated against.

The targeting of certain groups in the source of their livelihood and marginalized and isolated them will push their children to the collision and sometimes violent reactions , but that the government's insistence to continue with this policy approach and make the situation in constant tension, lead it to flare at any moment.

Yes that the real causes and indirect violence and security confrontations taking place in regions and villages of Bahrain in intermittent periods are a reaction of the feeling that the large category of Bahraini society are isolated and marginalized and the discrimination inflicted upon them and their children and their neighborhoods. Usually confrontations security ignites under various names, but the real motive is the wrong discriminatory policy.

The causes of the majority of conflicts and civil wars in all regions of the world today is the discrimination and marginalization that has been practiced in some periods in those countries on certain groups, or because of the empowerment of some groups or ethnicities of those countries on the other marginalized categories, lot of these conflicts and civil wars and its beginning, its causes and motivated with the same as what is happening now in Bahrain.

8 - Other forms of discrimination:

Besides all of the above there are other forms of multiple discrimination practiced by the regime which increased frequency and systematic, such as preventing the sect from the right of education on the basis of their beliefs and impose different approaches for their beliefs, but that some of them disbelieves them and disdains of rituals and habits, as the distinction is showed in everything regard to participation in the selection of the government type or participating in it, there is no fate of their decision and their choices. Shiites do not participate in the management of their natural or economic resources, for example oil incomes are property of AlKhalifa and all ministries and

state companies. All decisions which affect the Shiites or their lands do not consulted, for example, changing the names of the areas like AlSeef instead of Karbabad, or invent new names such as Horat Sanad as an alternative to the village of Nuwaidrat, or Lozi housing as an alternative to the village of Karzakan.

Of course we will not talk about a clear distinction in the naming of streets and not in the naming of schools, not in the naming of the hospitals which are all based on the exclusionary discriminatory basis. We will not talk about the construction of worship centers where are entitled to the Sunni community to build places of worship anywhere in Bahrain, including places where there is no Sunni at all. At the same time, prevents the Shiite community to establish places of worship in any place, also prevents them to establish places of worship in the Sunni areas, and prevent the establishment of places of worship in specific places like AlSeef, for example, or in Riffa or in Hamad Town, this, as well as prevent them from the establishment of places of worship and private Matams and Hussainiyat as it happening in Hamad Town, and also we cannot pass on this blatant discrimination done by the regime from the demolition of dozens of mosques and places of worship during so-called national safety. And do not forget denying the Shiite sect of ownership or housing areas in Riffa where only approved by the Senate.

And finally ... a summarization to some suggestions that may contribute to the reduction of the issue of sectarian discrimination:

1. Enactment of an integrated law that criminalize for every act and the punishment of any citizen exercise sectarian discrimination. We can't end sectarian discrimination and eliminate it from our social and national space, unless there is an integrated legal system, dealing with all forms of sectarian discrimination as an offense punishable by law and safeguard the pillars of national unity.
2. Purification educational curricula and media platforms of all the items and issues that broadcasts religious hatred and sectarianism. We cannot end the problem of sectarianism from our reality, but by stopping the cultural and media sources that feed the problem and provide it with reasons and justifications. So we need a real national effort to purify all the curricula of all the vocabulary attacking the other Islamic sects, or attacking its beliefs and historical symbols. Purifying our educational curricula and media from all sectarian vocabularies, is a necessary step to end the sectarian problem from our social and national space. Security can't be prevailing while we are allowing calls to broadcast a culture that encourage the sectarian discrimination between people of one nation.
3. Building a new national culture, based on strong unity and respect for pluralism and diversity in all levels and the maintenance of human rights .
4. Establishment of an independent and impartial authority, including regulatory and preventive sides, also to accept complaints from citizens' individuals or institutions, against those who are trying to destabilize the national unity or seeks for sectarian discrimination in any manner. It also should include a mechanism to arrange a penalty for those who trying to prejudice in any way religious pluralism.
5. Some may see that these suggestions carry a great deal of ideals or exaggeration society's need, but it's really the least that can be dealt with to solve the issue of sectarian discrimination, especially we live in the eastern side of the

world, which is the part that contains sectarian diversity and sub-affiliations, and thus is a fertile ground to follow any disorder banners may appear, sometimes in the name of religion and once again in the name of politics, and maybe crises experienced by the Arab world now, give us an approach to say about it. And therefore the prosperity and evolution of countries in the Middle, is closely linked to social security, and promote a culture of peace, reconciliation and love of people that will not be without the acceptance of religious pluralism and the criminalization of sectarian discrimination.

Conclusion:

Through the above it is clear that discrimination policy supported by the ruling regime in Bahrain against an essential component in this country. There is no doubt that this policy is not the result of time but they stand out to the public in times of crisis. No, but we can say that what happened on February 14, 2011, due in part to the causes of sectarian discrimination. It is true, it would seem on the face of sectarian discrimination, as if the Sunni community is the ones who reap the benefits of this distinction, but the issue is that this political system back to AlKhalifa Regime and the treatment of royal family with the components of the Bahraini people, Sunnis and Shiites.

Therefore, the problem of the system is not with the people but in the system itself, the exclusionary policies based on what are a historic and what is related to the present and the mass movement on the other hand. As long as the political regime remains with its tribal outdated structure unchanged, the discrimination will still be, and will widen, because

tyranny necessarily need discrimination, while the system based on democracy and the devolution of power and good management of the interests of the people regardless of their own beliefs, but as citizens with equal rights and duties. It seems that the Shiite community in Bahrain has imposed as a result of the policy of the regime to commitment to the duties without enjoyment of rights, and has become a component from the third class, so this abnormal and immoral situation must changed, and the movement of February 14, and all aspects of the popular movement comes in this framework.

Review of the Violation of the Rights of Shia Minority

**May El Khansa
Chief of International Coalition
Against Impunity**



Now We Found that a part of people living in Malaysia and Indonesia are facing the most serious crimes of aggression, and crimes against peace, so my speech will be restricted to this subject; although I believe that the serious crimes are happening nowadays against humanity mostly everywhere and especially in the Middle East like it never happened even in the ancient times.

The first thing we will light on it is our hope for the peaceful of humanity future, in both Indonesia and Malaysia. As they are in challenging by a group of people who considered themselves the only Muslims in this world and anybody else who object their decisions and ideas is a

nonbeliever (kafir) and should be killed and they consider that this act leads them to the heaven.

Long ago, the situation of Shia minorities in the Southeast Asian Muslim countries of Indonesia and Malaysia were known to be tolerant societies where various religious minorities enjoy their rights without harassment by either the government or their compatriots following the creed of the majority.

Now, this situation is no longer, because of infiltration of seditious Salafi or Wahhabi elements that are trying to destroy the peace of the two countries by a frenzied campaign against followers of the School of the Ahl al-Bayt of Prophet Mohammad (PBUH), whose numbers are growing steadily in both Indonesia and Malaysia.

No doubt that in Malaysia, life is not good for Shiite Muslims. Christians, Hindus and Buddhists are free to practice their religions in this Muslim-majority country; however, the Shiite Islam has been outlawed and Shiites were demonized.

A report published in Fox News on January 14, 2011 talking about “Tolerant Malaysia, Shiites are banned”, the reporter insists that Malaysia is trying to become a country of Taliban that only allows one school of thought.

Also let us go to Shafaq News, published on December 10, 2013 the Malaysian home ministry in July 2013 has banned Shiite organizations, declaring Shiism as deviant and

forbidden; thus, they are restricted from practicing their faith, and prohibited from propagating it to fellow Malays in Malaysia.

That was not all, the Global politics has played an important role in raising the specter of a Shiite threat and escalating hatred towards Shiites in whipping up anti-Shiite sentiment.

Also the Global media has been widely reporting about the seditious statements by Sheikh Yusuf Qaradhawi, who periodically indulges in anti-Shiite rhetoric. His words, along with those of the Wahhabi clerics in Saudi Arabia, are largely responsible for the upsurge attacks against Shiite.

If we go back to the year 2008, Los Angeles Times, has published an article on September 28, writing that a popular Muslim cleric with a television show and a website that churns out religious edicts and dieting tips agitated centuries-old animosities in the Islamic world recently by referring to Shiite Muslims as heretics seeking to invade Sunni societies.

We are sure that following these statements, the Shiites will feel victimized as individuals whose only crime is having a different vision of the world and spirituality, they will also feel they deserve to be protected and their interests served – since they are found everywhere in Malaysia and Indonesia.

All these speeches are considered as hate speeches. “hate speech” can be defined as insults and characterizations

that are directed against an individual's or group's race, religion, ethnic origin, or gender, which may incite violence, hatred or discrimination.

In the United States (US), hate speech is a broad term that may include a great variety of expression, so in generally it refers to words or symbols that are, hurtful, and wounding and are directed at racial or ethnic characteristics, gender, religious affiliation, or sexual preference.

The US courts usually consider hate speech part of the "rough and tumble" of discourse that is part of a democratic and open society. On the contrary, some contend that hate speech is deliberately hurtful, morally similar to physical aggression, and should not be permitted in civilized societies.

An important point we should talk about it , Freedom of speech is formally assured in Malaysia by Part II of the Federal Constitution under Article 10(1) entitled "Freedom of Speech, Assembly and Association". Article 10 and other laws such as the Sedition Act and Penal Code however have provisions that seek to limit and punish those who are found to be exceeding their right of expression by expressing controversial views on issues.

I want to ask a question here, what we can say about hate speeches that are disregarded by the state either indirectly or unintentionally? How dare the government to be silent? Where is the power of law in Malaysia.

We know that law is the first place where human rights need to be recognized. But the Shiites people in Melisa have no rights to use or enjoy their law as human beings.

As reported by a news online portal, The Malaysian Insider, in a Friday sermon entitled “Virus Shia” on 29 November 2013, the Department of Islamic Development Malaysia (JAKIM) declared that Shia Muslims encourages what they believe in.

The report says that these might upset many Shia Muslims and is perceived as promoting hatred against the Shia community in Malaysia and abroad.

According to the Department of Islamic Development Malaysia (JAKIM), the Fatwa Council in 1996 had declared that Shia was forbidden in Malaysia and made it compulsory for Malaysian Muslims to only follow the teachings, customs and beliefs of the Sunni branch of Islam.

If we return back to law , we can see in Article 11(4), the right to propagate any religious doctrine or belief among persons professing the religion of Islam may be controlled or restricted by State law and Federal law in respect of Federal Territories, Kuala Lumpur and Labuan.

In both Malaysia and Indonesia We need to talk now about the crime of aggression, and crimes against peace, we notice some leaders are planning, and preparation, of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a

common plan or conspiracy against Shia for Crimes against peace which involve unlawful conduct .

For the Americans, crimes against peace were the chief offense of the Nazis, and the criminality of aggressive war needed to be enshrined in international law. But starting a war had not been regarded as criminal up to that time. The Kellogg-Briand Pact of 1928, which outlawed war (not too successfully, to say the least), only rendered aggression an *illegal* act for States, not a criminal act for which individuals could be tried. The French resisted the concept for this reason; the Soviets, for their part, were concerned about criminalizing aggressive war given their invasions of Finland and annexation of parts of Poland. The American view prevailed—though the tribunal’s jurisdiction was limited to Axis aggression—leading to the conviction of leading Nazis for crimes against peace. Afterward, a fierce debate raged in legal circles as to whether the Allies had applied criminal law retroactively.

Although UN bodies have restated the importance of crimes against peace since World War II, the UN’s members—especially Western States—have noted serious obstacles to actually prosecuting individuals. First, a definition of aggression specific enough for prosecutions of governmental officials remains elusive. Second, since wars are typically planned by many people in State bureaucracies, drawing a line of guilt might prove difficult. Third, criminal cases could encompass complex, politically laden factual inquiries ill-suited for courts.

One clear manifestation of these concerns was the Security Council's unwillingness to give the UN's Yugoslavia Tribunal jurisdiction over this crime. Another was the decision by the States drafting the Rome Statute of the International Criminal Court (ICC) to give the ICC jurisdiction over crimes against peace only if States formally amend that statute to add a definition of the crime and the conditions for the exercise of jurisdiction. States thus seem to say that aggression is a crime in the abstract, but are reluctant to prosecute it. The concept of crimes against peace still has some effect on international law, as States want to recognize the illegality of aggression in the strongest way—by proclaiming that leaders can be held accountable for it.

Indonesia is living the same situation as Malaysia. According to Asia Times Online, on December 7, 2012, Indonesian authorities have committed since 1965, at least three massacres that could be considered genocides.

Between 1 and 3 million people—mainly leftists and members of the country's Chinese minority—died during and after the 1965 military coup.

Indonesian forces also killed or starved around 30 percent of inhabitants of East Timor. And at least 120,000 people have been killed in Papua in a conflict that continues to fester.

The crime of genocide is governed by the Rome Statute of the International Criminal Court stating:

Article 6: Genocide

For the purpose of this Statute, "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.

So by law – which is the only power we use - It's clear that these attacks against Shiites and other religious minorities in Malaysia, Indonesia is a mirror to what is happening in Saudi Arabia, Bahrain, and other parts of the Muslim world closely allied to the West.

There are many *schools* in Indonesia that have been funded by money from Saudi Arabia. In exchange they are expected to promote the Saudi brand of Islam – Wahhabism. They are expected to oppose Shia belief and even to attack Shiites, as the message coming from Saudi Arabia is that Shia teaching is heretical.

For example ,and according to BBC News on December 26, 2012, being a Shia is not illegal in Indonesia, but religious minorities have complained that they are increasingly becoming the victims of violent crimes that often go unpunished.

Indonesia's Shi'ite minority is under heavy attack. Men, women, and children have been assaulted, schools damaged, and villages burned to the ground. Many have been killed. It is becoming increasingly clear that Saudi Arabia's intolerant brand of Wahhabi Sunni Islam - propagated far and wide by Saudi oil money - is behind most of assaults.

Naila Zakiyah, a lecturer at a Shi'a school for girls in the city of Bangil, East Java, recently explained to us:

"In light of recent events, we are naturally worried about the safety of our students...

We feel discriminated against. Before this year's Ramadan, the Sunni mosque across the street broadcasted their sermon twice a week. They had their loudspeakers directed towards our school. They were shouting that Shi'a teaching is misguided and that spilling our blood is *halal* [permissible under Islamic law].

It is said that those who are attacking us are being funded by money from Saudi Arabia. In 2007, for example, 500 people demonstrated in front of our boarding school; the Saudis gave each person \$2."

When we visited the neighboring mosque, our hosts showed us anti-Shi'a pamphlets and said that they couldn't talk to their Shi'a neighbors "anymore".

They added, "If they don't want to convert, then we have to use violence. In our opinion, they are *kafir* [unbelievers]. We will not be at peace with them until we die, even if our lives are at stake.

They have already insulted Islam! If the police do not take action against the Shi'a, we will resort to violence."

Another example of violence, in December 2011, a mob of over 500 Sunnis drove 300 Shi'ites from their houses in the village of Nangkernang, Madura Island. Countless dwellings, including a boarding school and a place of worship, were destroyed.

All these acts are considered as Hate Crimes.

According to Law, Hate crimes are acts of violence motivated by bias based on race, religion, ethnicity, national origin, sexual orientation, gender, gender identity, disability, or other similar attributes, or a combination thereof.

Hate crimes include acts of defacing property, desecrating graves and places of worship, assault, murder, and intimidation when verbal threats or threatening behavior place a person or a group of people in fear of harm.

Across the globe, hate crimes attack the very identity of the victim, and studies have shown that they can thus have psychological consequences beyond those that result from violent crimes not motivated by bias.

Hate crimes also threaten whole communities who identify with the victim because of their race, religion, or other attributes, leaving many to live in fear and alienated from the larger society.

Who is supporting all these acts?

An alarm is ringing now, remember always that Saudi Arabia is funding countless institutions which are spreading this dangerous ideology. Even in the United Kingdom you had Saudi Arabian curriculum school books spreading hatred towards Jews and homosexuals.

In the New York Times in an article called “**Lessons of Hate at Islamic Schools in Britain**” by John F. Burns he comments that if the branch of Islamic ideology is being allowed to spread in the mainly non-Muslim world it goes without saying that the situation is even more severe where the “heart of darkness” prevails over society.

This “heart of darkness” applies to nations which support killing apostates, for example Saudi Arabia, and other Western allies like Afghanistan – yes, with allies like this it makes you wonder what politicians are doing in the West.

From here, we need to call on the international committee to move immediately to put pressure on Saudi Arabia and other nations which support killing those who believe in a religion other than theirs.

Otherwise, nothing will change and state sanctioned ideology will continue to kill people, which contradicts with the Principles of Equality and Nondiscrimination.

Principles of Equality and Nondiscrimination

In the wake of the adoption of the **Universal Declaration of Human Rights** (1948), the international community crafted tools with which to put into practice the principles of equality and nondiscrimination, notably through international treaties by which governments accept binding obligations.

The International Covenant on Civil and Political Rights

(ICCPR) (1966) transformed the post-war principles of nondiscrimination into treaty law. Among the rights guaranteed are the right to life (article 6) and security of the person (article 9) – rights that states have an obligation to ensure “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (article 2).

The treaty, to which 152 states are now party, requires governments to report to the Human Rights Committee on the measures adopted to give effect to the rights recognized.

Regional human rights instruments, notably the **European Convention on Human Rights** (ECHR) (1953) have also contributed to the fight against discrimination through the international legal order.

In particular, Protocol No. 12 to the ECHR, concerning the general prohibition of discrimination, entered into force in 2005. The implementation of these norms, in turn, has been monitored and facilitated by the **European Court of Human Rights**.

The horrible situation of the Shiite Muslim community is worsening day after day which is an explicit violation of their human rights and freedom of religion.

According to New York Times, on January 27, 2011 Shia people were afraid of being detained by the religious authorities despite that a statement was issued by the government in Malaysia saying that the constitution guarantees religious freedom to all Malaysians and the National Fatwa Council is responsible for guiding the practice of Islam in Malaysia.

To be noted that in 1996, the National Fatwa Council has issued a ruling stating that Sunni Islam is the official faith of Muslims in Malaysia.

The anti-Shia law and the rejection of Shia teachings can originate hate speech including insults and offensive, hurtful and wounding words which may incite violence, hatred and discrimination.

Western Islamophobia qua its Relation with the Eastern Takfīr

Mohammad Hasan Zaraket¹



It could be said that the renown the term *Islamophobia* knew made us pay no further attention to its core meaning, let alone the significance it bears. Nonetheless, to enhance understanding, let us suppose that Islamophobia means, primarily, the unjustified fear of Islam. But this ailment-like phenomenon is, in fact, not a pure illusion, even if its causes are not real. This very case of ailment is manifested through a set of behaviors that connote the fear of Islam by two groups of people: the first includes

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those who bring about this very phenomenon, and promote it as well, and the second includes those who have fallen victims of this fear, driven by either the promotion thereof, or some experiences they passed through, in a way or another.

Thus treating this very phenomenon brings us upon asking some questions that assist in its understanding; and, hence, concluding the per se recommendations. So what could drive the first party to frighten people through promoting misunderstood ideas, or exaggerating other real events either, in order to intimidate these people through different western media?

This questions was frequently posed, many answers were also provided. Many a scholar tends to hold that the West and the western ideology were in need for an adversary that renders all their behaviors licit, and thus providing them with an excuse for their illicit behaviors. Hence, an urgent need emerged, a need for bringing about an enemy. Thus, scholars say, that at a specific moment of this modern world Islam was chosen. This answer should be revised though, especially that there is no One West. Even if we consider that it is true that the west was in need for an enemy, this, however, doesn't mean that the need for inventing an enemy, in this case, connotes convincing

your very self, or the audience, with the correctness of the brought out theory.

Departing from this, I deem necessary to examine the principles upon which the “Islam hatred to west” is being promoted. It is also said that some Islamic cultural aspects drive west man to consider these very aspects as the direct opposite of the western superman that drove history to its end, thus the one and only choice lies in the “clash of both civilizations.”

We must acknowledge that there is a wide gap of differences between Western and Islamic civilizations, but rather we shall determine the core differences that lead to contradiction amongst Islam and west, so where is the difference between the very two civilizations? Does the core difference lie in religion which forms the true essence of the Islamic civilization and upon which the Western Civilization is established? If we examine the history of the relation between Islam and Eastern Christianity, we will, no doubt, find out that they could live side by side so dear, albeit there were some exceptional frictions driven by religious differences, let alone that Europe itself terribly suffered from religious wars between Christians throughout long periods of time. Thus there is no reason that cultural differences between nations and civilizations could be a source for threatening and fear, unless they are

rendered into materialistic struggle and actual competition.

Those who promote for Islamophobia take the Takfirism, with its all devastating, exclusionary effects, as a pretext. Now some misbehavior done in the name of Islam, throughout the entire globe, could not be refuted, among of which we mention 11 September attacks, car bombs driven by suicidal bombers, among other mischief.

Here, I would like to pose on some points: I would like to mention that “Islamic” Terrorism killed Muslims themselves just more than people of other denominations. If we examine terrorist attacks, we would find out that some Islamic countries were among the first terrorist attacks’ victims globally. So if this unnatural case continues to exist, it will, therefore, adversely affect international stability, and it will annihilate everything, everywhere.

In this world, in which we, humans, search for stability, development, and human rights, we must take a brief pause to criticize ourselves before criticizing others who are different. In the frame of criticizing ourselves, I would like to reflect on the importance of re-examining and refuting the Islamic discourse that adopts this fatal interpretation of Islam. We must

partake in showing others that Islam has other readings far afield from this terrorist dimension that knows but: killing, fighting, blowing, and their likes. I truly regret that moderate Islamic voices that constitute the silent or calm majority, sometimes, fall short of finding a mean to echo their very voice.

As for the west, I would like to shed light on four main points:

1. The terrorism hued by Islam had found many valleys that echoed its voice in different parts of this globe. Some people deemed it convenient to exaggerate the image of this monster to intimidate others in favor of some benefits and interests, whether the need for an enemy or other interests.
2. Some of the practitioners of the so called “Islamic” Terrorism deeply absorbed some aspects of the western civilization, an exemplar of these could be found in 11 September attacks.
3. This Terrorism is not merely an individual work. Some countries, no doubt, are fostering this terrorism, and I don’t think that these countries are unknown to western politicians.
4. Couldn’t we consider that some bad acts done in detention camps, in some western countries,

form an assisting material to develop the epidemic of Takfirism and Terrorism?

5. Some people find in liberty a cause to prove some bad behaviors that adversely affect people of other denominations. Isn't it that very same liberty that renders social media a forum for threatening, or for broadcasting the latest act of terror?

Finally, I would like to add that conflict is not a destiny or fate not be altered. It seems that the world that was rendered into a small village could not but search for common points to ease intellectual frictions, through restoring the values of right, justice, and forgiveness.

Foreword

We could tackle any social or non-social phenomenon in many a way; for instance, we could initiate our inquiry by imposing questions that frame that very phenomenon, then, in turn, we could search for a definition for this phenomenon, and we could, moreover, ask about the causes that drove it or the manifestations thereof, and finally we could ask about its very causes and justifications. As such, everyone could tackle the very same issue from his\her own perspective; I'll be doing so throughout the my discussion, shedding light on the correlation between Islamphobia and Terrorism that is imparted by an

Islamic imprints, so that we could depict the points of convergence in the discourses and thinking of Islamophobia and Terrorism, both, as well as their inter-effectiveness.

Introduction: “To facilitate understanding and determine the point in question”

When I first heard about the term Islamophobia, I maintained that (1) it depicts a real, factual concept, truly existing in the west, (2) that it is a cultural, wide spreading problem, (3) it is a well-defined, clear concept, a one of which any speaker could speak about with no need to provide further definitions or explanations, and (4) that this very concept has its own justifications inasmuch as western people fear from the religion driven by this phobia or “*Ruhāb*,” as it is said in Arabic terminology. However, when I went further, and read, in details, about the discussions brought about this concept, I recognized that what I expected was not the same as what’s happening on the real ground, or let’s say that it was, at least, different from what I managed to be. I recognized that this concept is not that wide spread in the west, driven by this fact, it happened that some people were brought about to speak about Islamophobia Industry. Nonetheless, this concept needs further search in order to be distinguished from other concepts: Some people ask if

Islamophobia is a kind of Anti-Semitism, Racism, Xenophobia, or it is, simply, a criticism of Islam, which Muslims, themselves, give it this notion because they bear not any criticism against them. It is not easy to deal with such a concept or phenomenon (viz. Islamphobia), since some people hold that it is a real problem that needs to be treated; I would like, here, to point out that many a conference were held to treat this very problem, and to confront its adverse effects on western societies: Some people considered that it was “A challenge for us All.”² I would also like indicate that a conference entitled the “2004 United Nations Conference” to tackle this phenomenon.³

On the other hand, some people are proud to bean Islamophobe, see, for example Polly Toynbee who, once, said: “I am an Islamophobe, and proud of it.”⁴ She also demands – in an article entitled that “We must

²Cf. the 1997 Runnymede Trust’s report, entitled “Islamophobia: A Challenge for us All.”

(<http://www.runnymedetrust.org/publications/17/32.html>; retrieved on January, 28, 2014).

³See: <http://www.un.org/News/Press/docs/2004/sgsm9637.doc.htm/>; (retrieved on January, 28, 2014).

⁴Cf. E Bleich, “What Is Islamophobia and How Much Is There? Theorizing and Measuring an Emerging Comparative Concept,” *American Behavioral Scientist*, **55**:12, (2011) p. 1584.

be free to criticise without being called racist”⁵ – her right to criticize Islam and Muslims freely. Rod Liddle also stood in the same positions, he said in his column: “Islamophobia? Count me in.”⁶

Anyhow, albeit the concept of Islamphobia is renowned, and is widely used recently, namely following the 11 September attacks, and the implications thereof, that, in turn, increased the fear from Islam, and encouraged those who aim at frightening non-Muslims from Islam and Muslims themselves. However, because I would like to simplify understanding, and to be clear enough, I would like to come, briefly, upon the definition of this very concept just before dealing with it.

Islamophobia: Definition

I think that my aforementioned words were suffice to reveal that this concept is highly complicated. Many attempts had been made to bring about a clear, determined definition of Islamophobia, in order to treat it as a part of scientific inquiry. These complications, however, had driven some scientists to think that this notion bears no scientific nature that enable it to be

⁵See:

<http://www.theguardian.com/world/2004/aug/18/religion.politics>;
(retrieved on January, 29 2014).

⁶cited in: P. Osborne & J. Jones, *Muslims Under Siege: Alienating Vulnerable Communities* (Colchester: University of Essex, 2008), p. 14.

easily and precisely defined. Thus we propose to understand it in a “circuitous” way.

Eric Bleich stated that

This dissonance surrounding the meaning of Islamophobia is problematic for an emerging comparative concept, but it is far from unusual. Even seemingly well-established terms like democracy or ideology are fluid and subject to scholarly disagreement. One solution to this problem is to analyze Islamophobia as a contested and politicized concept, the shifting definition of which depends on the specific context in which it is embedded. Examining how and why the term has been deployed serves a purpose, but it is not particularly useful for the social scientific study of the causes and consequences of anti-Islamic and anti-Muslim sentiments.⁷

But also other definitions were proposed, the most renown of which is the definition cited in the aforementioned Report of Runnymede Trust, which is considered to be the first official given definition, which asserts that it is difficult to define the terms,

We did not coin the term Islamophobia. It was already in use among sections of the Muslim community as a term describing the prejudice and

⁷E. Bleic, *op. cit.*, p. 1584.

discrimination which they experience in their everyday lives. For some of us on the Commission it was a new term, a rather ugly term, and we were not sure how it would be received by the readers of our document. However, it is evident from the responses which we received that Islamophobia describes a real and growing phenomenon — an ugly word for an ugly reality. Hardly a day now goes by without references to Islamophobia in the media.⁸

J. Stolz, however, defined it as

Islamophobia is a rejection of Islam, Muslim groups and Muslim individuals on the basis of prejudice and stereotypes. It may have emotional, cognitive, evaluative as well as action-oriented elements (e.g., discrimination, violence, etc).⁹

This term was, as Jon Soltz asserts,

coined in the late 1980's, its first known use in print being in February 1991, in a periodical in the United States.⁴ The word is not ideal, but it is recognizably similar to 'xenophobia' and 'europhobia', and is a useful shorthand way of referring to dread or hatred of Islam.¹⁰

Suffice is to say that about definition of Islamophobia, however, I would like to assert that hardly could a

⁸Islamophobia: A Challenge For Us All, by Runnymede Trust, op. cit.

⁹J. Stolz, "Explaining Islamophobia: A test of four theories based on the case of a Swiss city," *Swiss Journal of Sociology*, 31, (2005) p. 548.

¹⁰ *Ibid*, p. 1.

person define several concepts and terms that are deeply rooted throughout history, but, though, less complicated, such as democracy and liberty. Let us, now, concentrate upon the existence of such a phenomenon among western societies.

Islamophobia: a Reality or Illusion

If phobia is “an irrational fear, a kind of anxiety disorder in which the sufferer has a relentless dread of a situation, living creature, place or thing,”¹¹ thus we are speaking about an abstract thing that manifests itself through the actions the phobic reveals. It’s good to mention here that we could not dub it as phobia unless it is need to objective justifications. Thus, the one question will be divided into two: (1) is there a, truly, real phobia in the collective western mind? And (2) is there any objective justifications for this fear, pertinent to the answer given to the first question?

Phobia in the collective, western mind:

I would like, here, to point that treating these questions must not be based on special, exceptional cases, but rather, the phenomenon that we are dealing with, here, is a social phenomenon present in western societies. There is, no doubt, a misunderstanding in the relation

¹¹See, <http://www.medicalnewstoday.com/articles/249347.php>; (retrieved on January, 30, 2014).

between the Islamic East¹² and the West. This misunderstanding or confusion did not appear with the very appearance of Islam. It happened, in fact, late after that, that is when the Western Church was frightened from Islam, and ever since Islam started to be a subject of study within the Church for religious reasons. Most literatures produced by the Church in order to face Islam were written with an attitude of defense and refutation against the new so-called phenomenon of Islam, which started to outreach the Christian Empires when they occupied the Arab deserts, noticed by no body.

Edward Said, the very renown amongst western scholars, presents, in a negative evaluation of the history of western study to east, how the West envisaged East. He named this process of Western study to east by Orientalism. After exposing a big number of western images about east, promoted by renown Orientals, Said concluded that the image of envisaged by western Orientalism is a very negative image, driven by crusades, or religious or political agendas, among others.¹³ Thus, there is an old problem

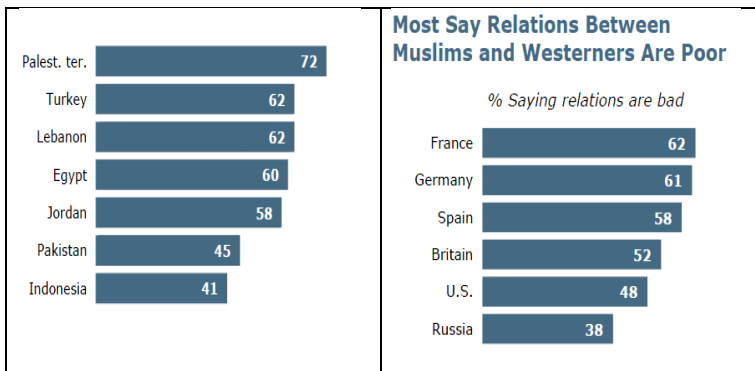
¹² Amnot denoting here Islam, since I think that the duality of east and west is an irrational equation because geographical location is not opposite to intellectuality, and since West is not pure Christian so that opposition between Islam and Christianity, and East is, as well, not purely Islamic.

¹³ E.Said, *Orientalism* (New York: Vintage Books, 1979), pp. 58-75.

between East and West. It seems that history is quiet repeating itself, since media in the West exposes, from time to time, what shows that very image, a fact that indicates that the image did not change ever since old days.

The following report, issued by the Pew Research Center, indicates that the same negativity is still looming so far. It is said in its introduction that

Muslim and Western publics continue to see relations between them as generally bad, with both sides holding negative stereotypes of the other. Many in the West see Muslims as fanatical and violent, while few say Muslims are tolerant or respectful of women. Meanwhile, Muslims in the Middle East and Asia generally see Westerners as selfish, immoral and greedy – as well as violent and fanatical.¹⁴



¹⁴Pew Research Center, Common Concerns About Islamic Extremism: Muslim-Western Tensions Persist, July, 2011.

We, here, mention some symptoms which are considered as indicators of Islamophobia:

- Verbal and physical attacks on Muslims in public places;
- Attacks on mosques and desecration of Muslim cemeteries;
- Widespread and routine negative stereotypes in the media, including the broadsheets, and in the conversations and ‘common sense’ of non-Muslims – people talk and write about Muslims in ways that would not be acceptable if the reference were to Jewish people, for example, or to black people;
- Negative stereotypes and remarks in speeches by political leaders, implying that Muslims in Britain are less committed than others to democracy and the rule of law – for example the claim that Muslims more than others must choose between ‘the British way’ and ‘the terrorist way’;
- Discrimination in recruitment and employment practices, and in workplace cultures and customs;
- Bureaucratic delay and inertia in responding to Muslim requests for cultural sensitivity in

education and healthcare and in planning applications for mosques;

- Lack of attention to the fact that Muslims in Britain are disproportionately affected by poverty and social exclusion;
- Non-recognition of Muslims in particular, and of religion in general, by the law of the land, since discrimination in employment on grounds of religion has until recently been lawful and discrimination in the provision of services is still lawful;
- Anomalies in public order legislation, such that Muslims are less protected against incitement to hatred than members of certain other religions; and
- Laws curtailing civil liberties that disproportionately affect Muslims.¹⁵

Other occasions were much wide spread among public, some of which are:

Caricatures:

In 2005 Jyllands-Posten newspaper printed a series of caricatures that make fun of some aspects of Islam, such as the issues of women within Islam, the Hijab

¹⁵*Islamophobia: issues, challenges and action*, A report by the Commission on British Muslims and Islamophobia Chaired by Dr Richard Stone, (London, 2004), p. 8.

manely, and Prophet Mohammad, peace be upon him. These drawings produced very negative reflections throughout the Islamic world, thus complicating the relation between east and west much more and more.

The Burning of the Koran: In 2012 western media aired that pastor Terry Jones was planning to judge the Koran; and once this news was spread, the Islamic World witnessed anxiety. Many initiatives were held to prevent him from doing what he planned, but all diplomatic pressures had fallen short of preventing him. Then he established a hilarious court, that it is by itself an offence to the Koran, and the Islam at large. Let alone the results brought about by that alleged court to finally consider that the Koran should be burned. All these events were photographed and published, becoming a new knot added to the already existing.

Hijab: Hijab in Islam bears that both Men and women should cover their body with some differences in the quantity of the covered parts, not in the origin of covering itself. In west, Hijab became a real conflict for a big number of female Muslims, who lives there, and many of them are, in fact, western citizens, driven by the constitutional and non-constitutional restrictions on Hijab at schools, for example. The issue of Hijab reveals, clearly, a form of the codified Islamophobia in the west.

These were some examples of Islamophobia, or manifestations thereof, that some western countries witnessed in different levels.

Between the right to express and the Offense of the Sacred

Some polemist defend the aforementioned behaviors, saying that “sacred” western falls under the umbrella of the right to express. Other Muslim polemist hold that there is a big difference between the right to express and these behaviors, and I would like to point out some main issues in this regard that constitute the Islamic viewpoint:

- a. Islam restricts not the right to express. Koran in itself speaks about some negative incidents Prophet Mohammad witnessed, driven by pagans, and even more, the Koran speaks about bad incidents towards God Himself. Regardless of this issue, Muslims admit that they could demand western media to maintain Islamic values in expressing, this is far afield from rationality, the evidence of this is that many a book were written against Islam and Muslims, usually, do not object on, though they do not accept its content.
- b. We should regard the difference in values between Muslims and non-Muslims towards the examples mentioned above: Muslims usually

make ablution before touching the Koran; if they write a verse from the Koran on sheet of paper, they neither throw it in garbage nor do they burn it; Muslim scholars dictate that it's haram to defile the Koran by a najis; they even see that it is haram to sell a Koran to non-Muslims, fearing that he\she who will buy that Koran will not respect it the way it should be. Am just saying that to show the sacredness in which Muslims view the Koran, so that western people will understand the harsh reflections of Muslims towards the bad treatment of the Koran or the bad view to Prophet Mohammad, peace be upon him.

- c. Moreover, the aforementioned examples, all, bear no touch of art to be defended. Rather, they are all quickly prepared with shallowness that could reach people of different works of life. There is a big difference between a work of art that needs keen contemplation to be understood, and shallow art that one could by no means feel happy while watching it.
- d. The last issue that I should shed light on is that the difference between Islam and west lies not only in values, but rather with capabilities: there is a big difference between the western journalist or intellect who, by means of language and communication, could address

both east and west, and the Muslim who, had he\she tried to defend his\her viewpoints through evidence, finds many a hurdle, such as language, restrictions on some icons in western media, among other obstacles that guarantee not equal opportunities between both sides.

The Relation between Takfirism and Islamophobia

Now I will proceed to speak about the common points between the islamophobia promoted within western arenas and Takfiri currents; so they have common points in fields, some of which are:

Negative effect:

The very works we have pointed out drive many negative effects which even Islam refutes. These effects appear spontaneously, with no previous planning, at least from those who are making them; however, I don't know if the main responsible for these acts is the same active agent: the doer of the first action. Suffice is to follow the reports that pointed out the embassies burned, and other acts of violence towards some restaurants following the publication of the caricature.

Common Language:

The language used by Takfiris resembles to a big extend the language used by Islamophobics. Thus

the objective observer feels that he is before the same used terminology, though the languages change. We will find in both discourses the “we” versus the “they”. Takfiris declare that the world is divided into two camps: the camp of faith, and the camp of the non-faith. Islamophobics, as well, declare that the world is also divided into two groups: a barbarian, backward group, and a developed civilized group.

The Common way of thinking:

Islamophobics hold that Islam is but a one solid piece that bears no change, nor could be reformed. They maintain that this Islam is trying to invade other different countries unabated, in order to bring them back to medieval centuries, and to throw out all achievements brought about by modern, western civilization. On the other hand, Takfiris hold that the entire West conspires against Islam, wanting to uproot it, in order to bring the Muslims back to Ignorance before the dawn of Islam. The other common issue between the Takfiris and Islamophobics is the generalization, or stereotyping, they both do stereotype their counterparts, including the entire west and Muslims.

Common Actions:

Both groups respect not the sacred of the other. The burning of the Koran reveals that he who

burned it respected not what Muslims view as sacred; moreover, the breaking of the crucifix and the un-respect of churches, and some sacred, Islamic places, and the bombing thereof, fall in the very same spirit, whether brought about from a Takfiri or an Islamophobic.

Common Interests:

The most dangerous point in the relation of the Takfiri currents and some dominant western arenas is the common interests they, both, share; some of these are so known that could bear no doubt, even they are mentioned in western media. For example, throughout the last decades western media made al-Qaeda as the most dominant example of Islamic terrorism, but it is known that the United States of America was the most important source, providing ammunition for al-Qaeda to fight the Soviet Union in Afghanistan for a long period of time.

Besides, some western journals pointed out that there was a kind of cooperation between some Intelligence circles, on one hand, and some organizations that western constitutions regard as terrorist groups, on the second, albeit their ammunition is kept untouched, whether directly or through mediators that have strong relations with some western countries.