

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. What is the law regarding apostasy in Jordan? How are converts to Christianity treated by the authorities? What role do Shari’a courts play?**
- 2. Are converts to Christianity in Jordan subject to harm from private actors i.e. family, community, or religious groups?**
- 3. Is a convert to Christianity likely to be denied state protection?**

RESPONSE

- 1. What is the law regarding apostasy in Jordan? How are converts to Christianity treated by the authorities? What role do Shari’a courts play?**

In 2008 the UK Christian organisation Christian Solidarity Worldwide (CSW) released an in-depth report on apostasy and Islam. This states that Jordan, like most Muslim countries, does not have codified laws on apostasy. According to the US Department of State (USDOS) 2008 religious freedom report, “the Constitution, in Articles 103-106...provides that matters concerning the personal status of Muslims are under the exclusive jurisdiction of Shari’a courts which apply Shari’a in their proceedings”. The USDOS report states that “Shari’a, in theory, provides for the death penalty for Muslims who apostatize; however, the Government has never applied such a punishment”. The report also states that the “Government prohibits conversion from Islam” and “Muslims who convert to another religion face societal and governmental discrimination”. Further: “converts from Islam face legal discrimination and risk the loss of civil rights, including threats to their person and/or family. Shari’a courts have the authority to prosecute proselytizers and converts from Islam”. Information from the Department of Foreign Affairs and Trade (DFAT) likewise states: “Any individual can file a case at the Sharia court if he/she knows of someone who changed his/her religion from Islam

to Christianity. If his/her apostasy is proven in court then the verdict is given that the person is an apostate and is a proscribed person whom any Muslim may kill. The court also issues an order stripping all his/her rights and assets. The court will also nullify the marriage contract if the person is married.” However, DFAT notes that its sources “said that all Sharia court verdicts are automatically appealed at the Sharia appeals court. This higher court has never upheld a Sharia court ruling that stipulates the killing of an apostate”. The USDOS report details a number of apostasy cases and convictions in Shari’a courts from 2005 to 2008. The report observes that the “status of respect for religious freedom by the Government declined during the period covered by this report”, and that the Government’s handling of apostasy cases contributed to the decline (Meral, Z. 2008, *No place to call home: Experiences of Apostates from Islam, Failures of the International Community*, Christian Solidarity Worldwide website, pp. 45-46

http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=09ae125dba76986113441ef1463aca8e.attach&attachOriginalFileName=CSW_Briefing_Apostasy_April_2008.pdf – Accessed 1 September 2009 – Attachment 1; US Department of State 2008, *International Religious Freedom Report 2008 – Jordan*, 19 September – Attachment 2; DIMIA Country Information Service 2004, *Country Information Report No. 30/04 – Jordan: How Apostasy is dealt with in Jordan*, (sourced from DFAT advice of 24 March 2004), 1 April – Attachment 4).

US Department of State (USDOS)

The 2008 USDOS human rights report states that “Several converts reported being called in by the GID [General Intelligence Directorate] for repeated interrogations” (Section 2.c). The latest USDOS religious freedom report includes extensive information on Shari’a and apostasy in Jordan. It is recommended that the religious freedom report be read in full (US Department of State 2009, *2008 Human Rights Report: Jordan*, 25 February, Section 2.c – Attachment 5; US Department of State 2008, *International Religious Freedom Report 2008 – Jordan*, 19 September – Attachment 2).

Department of Foreign Affairs and Trade (DFAT)

In 2004 DFAT provided advice on how apostasy is dealt with in Jordan (later DFAT advice in 2006 indicated that this information remained current). DFAT states:

Apostasy cases in Jordan are handled only by Sharia courts, which are supervised by the Chief Islamic Justice Department and not the Ministry of Justice. Any individual can file a case at the Sharia court if he/she knows of someone who changed his/her religion from Islam to Christianity. If his/her apostasy is proven in court then the verdict is given that the person is an apostate and is a proscribed person whom any Muslim may kill. The court also issues an order stripping all his/her rights and assets. The court will also nullify the marriage contract if the person is married. However, our interlocutors said that all Sharia court verdicts are automatically appealed at the Sharia appeals court. This higher court has never upheld a Sharia court ruling that stipulates the killing of an apostate. Our interlocutors said they had no knowledge of any person being killed in Jordan because he/she was an apostate (DIMIA Country Information Service 2004, *Country Information Report No. 30/04 – Jordan: How Apostasy is dealt with in Jordan*, (sourced from DFAT advice of 24 March 2004), 1 April – Attachment 4; DIMIA Country Information Service 2006, *Country Information Report No. 06/50 – Jordan: Jordan Country Information – CIS Request No JOR8669*, (sourced from DFAT advice of 7 September 2006), 7 September – Attachment 6).

Christian groups

The 2008 CSW report observes that the stripping of the civil rights of those convicted of apostasy results in the risk of “civil death” for a convert, even though apostasy is not a codified “crime” in Jordan. The relevant extract follows:

Jordan

A more subtle situation emerges in...Islamic countries which declare Islam and shari'a law as 'the principal source of legislation'...most of these countries use a mixture of secular and religious laws, limiting shari'a often to personal status law. In such settings, apostasy can become a major offence, even though there is no direct or codified legal stance on the issue.

For example, Jordan has no codified laws on apostasy. Its legal system, being dominantly secular, limits the use of shari'a mostly to the Status courts. Article 104 of the Constitution creates two different court systems on religious matters: a) shari'a courts for Muslims, and, b) courts for recognised non-Muslim religions, whose members are exempted from shari'a. Although these courts do not have any criminal punishment mandates, their decisions on civic matters, such as marriage, inheritance and official registrations, can have serious consequences for an apostate.

When a convert is taken to the Status court, accused of apostasy by a relative or spouse, the court refers to shari'a law. Since the court has no authority to hand down a criminal punishment, and because there are significant international implications in response to a ruling of capital punishment, apostasy charges take on the equivalence of the annulment of marriages, denial of inheritance and custody rights, removal of official records and confiscation of identification cards. In this way, even though apostasy is not a codified 'crime' in Jordan, a convert from Islam faces the risk of 'civil death'.

During 2005 and 2006 two apostasy cases were heard by the shari'a courts in Jordan. In January 2005, the shari'a appeals court, declaring a Muslim convert to Christianity to be a ward of the state, stripped him of his civil rights and annulled his marriage. The court stated that he no longer had any inheritance rights and that he could not remarry his wife unless he returned to Islam. He was also forbidden from being considered an adherent of any other religion. The verdict also implied the possibility that legal and physical custody of his child could be assigned to someone else. The convert has since left Jordan, received refugee status, and resettled in another country. A similar decision in 2006 left another Jordanian man without identification cards, thus depriving him of basic social rights (Meral, Z. 2008, *No place to call home: Experiences of Apostates from Islam, Failures of the International Community*, Christian Solidarity Worldwide website, p. 46

http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=09ae125dba76986113441ef1463aca8e.attach&attachOriginalFileName=CSW_Briefing_Apostasy_April_2008.pdf – Accessed 1 September 2009 – Attachment 1).

The Open Doors website, a UK Christian organisation dedicated to “serving persecuted Christians worldwide”, lists Jordan at 37th on its 2009 list of the “worst 50 countries for persecution of Christians” (“The Open Doors World Watch List, 2009’ 2009, Open Doors website <http://www.opendoorsuk.org/resources/documents/WorldWatchList.pdf> – Accessed 2 July 2009 – Attachment 7). On the website’s country profile of Jordan it states that “leaving Islam is prohibited” and that “[m]any Muslims who become Christians maintain a low profile in order to avoid harassment”:

The constitution guarantees freedom of religion; however, leaving Islam is prohibited and ‘public proselytism’ of Muslims is against government policy. Pressure has increased on

foreign Christians, with some pastors being deported for 'illegal' missionary activities. Many Muslims who become Christians maintain a low profile in order to avoid harassment. In April 2008 one had his marriage annulled by a Shariah court because of his conversion ('Country Profiles – Jordan' (undated), Open Doors website <http://www.opendoorsuk.org/resources/wwl.php?country=37> – Accessed 1 September 2009 – Attachment 3).

A 2005 article in the Christian magazine *World* provides more details of one of the apostasy cases mentioned in the USDOS report (the individual and his family ended up fleeing the country and subsequently received refugee status). The article details the situation for Samer, who had converted to Christianity 14 years ago, and his wife Abeer. The article states that "Samer over the years since his conversion has been questioned several times by security police but never detained. This time, the police turned him over to the Islamic courts". A pastor who became involved in the case was also later summoned to appear before security police for questioning. The article states:

Last September Jordanian security police connected to the country's Mukhabarat, or intelligence agency, showed up at the couple's home unannounced. They arrested Samer and detained him overnight. Samer's crime: coming to faith in Jesus Christ 14 years ago. Originally a Muslim, Samer over the years since his conversion has been questioned several times by security police but never detained. This time, the police turned him over to the Islamic courts.

Jordan is a constitutional monarchy in name only, with an elected parliament whose decisions are subject to royal fiat and a judicial system that continues to impose strict penalties under Islamic, or Shariah, law. Apostasy, or religious conversion, is rarely punished but remains illegal. Church leaders in Amman say they know of two Muslim-background Christians now in prison because they became Christians, both non-Jordanians and one in solitary confinement.

At his October hearing, Samer was asked to "alter his confession," or recant his Christian faith. He refused. Officials set another court date. In the meantime, Samer made precautionary arrangements for Abeer, his wife, and their 18-month-old son to leave Jordan... At a November hearing before the Islamic court, an exasperated judge told Samer, "We don't know what to do with you." He implored him, saying, "You cannot be a Christian, you must come back to Islam." Samer again refused.

The judges convicted Samer of apostasy. In a Nov. 23 decision the court decreed that his identification papers must be changed from "Muslim" to "no religion"; that he had forfeited any inheritance; that his marriage to Abeer is now illegal, and therefore he is not entitled to custody of his son. The court delivered its decision – finalized in writing only last month – in the name of King Abdullah.

Religious identity laws in Jordan and other largely Muslim countries are the coda to basic human rights. Denied a new religious identity, Samer cannot hold a job, maintain custody of his son, retain legal title in his marriage, or own property. He is regarded as an apostate, and other Muslims can legally attack – even kill – Samer.

Afeef Halaseh, a pastor in Jordan and head of Arabs for the Arabs, has hired a lawyer to bring the case before Jordan's Supreme Court. International human-rights advocates have intervened, sending 4,000 cabled messages from Norway alone to King Abdullah. But whether Samer is to face further punishment or pardon is anyone's guess. Two brothers have threatened his life; Samer has changed his mobile phone number and is in hiding. Mr. Halaseh himself was summoned to appear before security police for questioning last week (Belz, M.

2005, 'Apostasy rules', *WORLD Magazine*, vol. 20, no. 14, 9 April
<http://www.worldmag.com/articles/10504> – Accessed 1 September 2009 – Attachment 8).

2. Are converts to Christianity in Jordan subject to harm from private actors i.e. family, community, or religious groups?

3. Is a convert to Christianity likely to be denied state protection?

As detailed above, conversion from Islam is prohibited in Jordan. According to the 2008 USDOS religious freedom report, "Muslims who convert to other religions often face social ostracism, threats, and abuse from their families and Muslim religious leaders". The report details a number of examples of converts facing harm from family. In the most recent case example given in the USDOS report, Muhammad Abbad, a convert to Christianity who was convicted of apostasy, alleged that his relatives severely beat him. Further: "Official hospital records indicate he sustained multiple injuries. Abbad's father formally charged him with apostasy and filed for custody of his children. Abbad also reported that he was mocked and denied medical treatment by police during the processing of his case". Information from the Christian website Open Doors states: "Many Muslims who become Christians maintain a low profile in order to avoid harassment" (US Department of State 2008, *International Religious Freedom Report 2008 – Jordan*, 19 September, Section 3 – Attachment 2; 'Country Profiles – Jordan' (undated), Open Doors website
<http://www.opendoorsuk.org/resources/wvl.php?country=37> – Accessed 1 September 2009 – Attachment 3).

In 2004 DFAT stated that if "apostasy is proven in court then the verdict is given that the person is an apostate and is a proscribed person whom any Muslim may kill". However, DFAT noted that its sources "said they had no knowledge of any person being killed in Jordan because he/she was an apostate". In reply to the questions of whether Christian converts in Jordan are at risk of persecution and whether there was effective state protection for Christian converts, DFAT states:

Muslims who convert are on some occasions more likely to be at risk of persecution in Jordan by their own family members, particularly where the latter are very conservative. Persons at risk usually have only a few options to safeguard themselves. One is to seek protection by informing the administrative head of the governorate that their life is at risk and be taken into protective custody as stipulated in the 1960 crimes prevention law, or to seek refuge with one of the tribal leaders. If the administrator knows the person causing the threat to the apostate he could summon that person and have him sign a guarantee that he would not harm the apostate. (However this would not necessarily guarantee the apostate's safety as one could sign a guarantee and have someone else do the actual killing, as is occasionally the case in other crimes in Jordan) (DIMIA Country Information Service 2004, *Country Information Report No. 30/04 – Jordan: How Apostasy is dealt with in Jordan*, (sourced from DFAT advice of 24 March 2004), 1 April – Attachment 4).

In 2006 DFAT advised that the above information had not changed. DFAT also added the following advice and gave the example of "a Jordanian convert to Christianity who had been persecuted by his (Muslim) father, was placed under police protection and was now in hiding":

Our interlocutors did not know of any incident in Jordan where a convert's family had killed or otherwise physically harmed apostates. They did note that there was usually strong pressure from family members to revert to Islam, and that in cases where the convert had

refused to do so, the family had taken the case to the Civil Status Department so as to prevent the convert from being able to either inherit or bequeath property or assets. Marriages had also been annulled as a result of conversion. It is reported that [there] was a genuine fear on the part of converts that if their conversion was more widely known, they might be at risk of physical attack or harassment from strict religious groups within Jordan. Converts in the past have been advised to leave the country for their own safety. Sources can not recall an incident where a convert had been physically injured in Jordan.

Sources report that a Jordanian convert to Christianity who had been persecuted by his (Muslim) father, was placed under police protection and was now in hiding. Sources also report they would have no hesitation in stating that the convert would be in serious danger from his father if his whereabouts was known (DIMIA Country Information Service 2006, *Country Information Report No. 06/50 – Jordan: Jordan Country Information – CIS Request No JOR8669*, (sourced from DFAT advice of 7 September 2006), 7 September – Attachment 6).

The CSW report notes that being convicted of apostasy is equal to “civil death” in Jordan. The report provides a couple of examples of individuals and families who converted to Christianity many years ago, but keep the fact secret from relatives and neighbours. The report details the experience of Ahmed, a convert to Christianity, who fled the country when his conversion became known. The report states: “He was not only afraid of physical punishment from his father and relatives, but also that a local Imam, a friend or relative, would report him to the Personal Status Court as an apostate. Ahmed knew of other examples of apostates who had been sentenced to ‘civic death’ by the courts and did not wish to suffer the same fate. He is still living abroad” (Meral, Z. 2008, *No place to call home: Experiences of Apostates from Islam, Failures of the International Community*, Christian Solidarity Worldwide website, p. 65 http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=09ae125dba76986113441ef1463aca8e.attach&attachOriginalFileName=CSW_Briefing_Apostasy_April_2008.pdf – Accessed 1 September 2009 – Attachment 1).

The 2005 *World* article detailing the situation for convert Samer states that: “Religious identity laws in Jordan and other largely Muslim countries are the coda to basic human rights. Denied a new religious identity, Samer cannot hold a job, maintain custody of his son, retain legal title in his marriage, or own property. He is regarded as an apostate, and other Muslims can legally attack – even kill – Samer” (Belz, M. 2005, ‘Apostasy rules’, *WORLD Magazine*, vol. 20, no. 14, 9 April <http://www.worldmag.com/articles/10504> – Accessed 1 September 2009 – Attachment 8).

A September 2008 article found on the Jihad Watch website (the anti-Islam leanings of the website are self-evident) details a “grisly apostate/honor killing” which reportedly took place in Jordan in August 2008. The wife of a convert to Christianity was killed by her father. The convert himself remained in hiding. The article also notes that both families were ostracized by the communities they lived in “for the great shame of having a relative convert to Christianity” (‘Jordan: father repeatedly stabs daughter, crushes her head with rock’ 2008, Jihad Watch website, 21 September <http://www.jihadwatch.org/archives/022787.php> – Accessed 1 September 2009 – Attachment 9).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Meral, Z. 2008, *No place to call home: Experiences of Apostates from Islam, Failures of the International Community*, Christian Solidarity Worldwide website http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=09ae125dba76986113441ef1463aca8e.attach&attachOriginalFileName=CSW_Briefing_Apostasy_April_2008.pdf – Accessed 1 September 2009.
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4. DIMIA Country Information Service 2004, *Country Information Report No. 30/04 – Jordan: How Apostasy is dealt with in Jordan*, (sourced from DFAT advice of 24 March 2004), 1 April. (CISNET Jordan CX92102)
5. US Department of State 2009, *2008 Human Rights Report: Jordan*, 25 February.
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7. ‘The Open Doors World Watch List, 2009’ 2009, Open Doors website <http://www.opendoorsuk.org/resources/documents/WorldWatchList.pdf> – Accessed 2 July 2009.
8. Belz, M. 2005, ‘Apostasy rules’, *WORLD Magazine*, vol. 20, no. 14, 9 April <http://www.worldmag.com/articles/10504> – Accessed 1 September 2009.
9. ‘Jordan: father repeatedly stabs daughter, crushes her head with rock’ 2008, Jihad Watch website, 21 September <http://www.jihadwatch.org/archives/022787.php> – Accessed 1 September 2009.

