

Report on Anti-Muslim Hatred and Discrimination

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Introduction

We appreciate the attention paid to this very important but neglected subject by the special rapporteur Mr. Ahmed Shaheed and hope that we are able to address this issue properly. In this regard we are willing to mention an aspect of this subject which is less acknowledged. Whenever the issue of “Discrimination against Muslims” is being discussed, all the focus goes to places where Muslims are considered as a minority, e.g. European countries and East Asian countries. The point we try to make in this report, concerns countries and regions where Muslims form the majority. Islam is split into two major branches, i.e. Shia and Sunni and in some countries which a specific denomination of Islam is in the majority, the other denomination is very vulnerable and likely the victim of discrimination, for example Saudi Arabia, Afghanistan, Pakistan, and Bahrain. In these countries, Shia Muslims are in the minority and are being treated wrongfully. This can be considered as “Discrimination against Muslims”. Regarding this, here we present our report on this matter. In the following, we will discuss this issue relating to the holy places for Muslims.

In the past, some Muslim holy sites have been damaged by governmental and non-governmental aggressors, and the remains of some of these buildings have survived to date. Even today, we sometimes see different groups encroach on these holy places. Aggressors include military groups, militias, terrorists, and even religiously motivated individuals (even Muslims). Governments are expected to work to help Muslims preserve their cultural heritage, which is the common heritage of all humanity, such as historical sites, rituals, traditions and customs. As the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 states: “Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world”. Moreover, the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage says: “Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong”.

The present text, which presents reports of instances of discrimination and hatred against Muslims in relation to their holy places and rituals, focuses on the places where Muslim rites, traditions, customs and worships are intertwined with physical places. Therefore, the encroachment on these holy places and the restriction of Muslims in dealing with them, according to the introduction and Articles 1, 2 and 8 of the 2005 Convention on the Protection and Promotion

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of the Diversity of Cultural Expressions, are acts of violence and discrimination against Muslims in their freedom to practice their rituals, traditions, customs, worship, and, in general, cultural expression. All governments are expected to allow all Muslims to participate in the construction and repair of these sites and to gather in them and practice their rituals and, further, to consider the provisions of this freedom in their laws.

Sacred places for Muslims include mosques, Hussainiyahs and the like, monasteries, cemeteries, shrines, monuments and other historically or spiritually valuable sites to which they feel they belong and which they respect. This value and respect is the result of some mental elements of Muslims, such as sanctification, blessing and other manifestations that appear from a Muslim man, because of his belief. If governments deprive Muslims of such freedoms, they restrict their cultural expression and, as a result, discriminate against them. Thus, governments should pay attention to the protection of these places for the sake of Muslims, who are part of the society, and take appropriate measures in this regard. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage states: "Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole."

For example, if Muslims want to legally open a mosque and pray there, the government shall not ignore their right not to restrict their cultural expression. Also, if they want to legally repair and activate a sacred building, such as a mosque, cemetery or monument, the government not only should not prevent this, but also should provide financial and non-financial assistance in accordance with legal regulations (Such as facilitating administrative and operational conditions for reconstruction) and pay to preserve this cultural heritage. In case of government obstruction or refusal of support, the contents of the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 might be ignored, since its introduction suggests: "Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace ;Being determined to take all possible steps to protect cultural property."

We must emphasize that governments should not restrict Muslims from engaging in the affairs of their own cultural sites and related rituals, such as repairing, actively participating, holding ceremonies, performing traditions (such as pilgrimage and blessings), and donating in various forms. For example, the government, as the defender of cultural expressions and the custodian of cultural heritage, should not tax the funds spent on sacred places or prevent the performance of rituals and traditions in a way that offends the general feelings of either a minority or the majority of Muslims. These conditions stand even in period of war, as the Article 53 of the 1977 Protocol I to the Geneva Conventions of 12 August 1949 says: "Protection of cultural objects and of places of worship Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited: (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; (b) to use such objects in support of the military effort; (c) to make such objects the object of reprisals." Also the Article 16 of The 1977 Protocol II to the Geneva

Conventions of 12 August 1949 expresses: “Without prejudice to the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.”

In addition to government support for Muslims, international human rights organizations, such as UNESCO, are expected to provide comprehensive assistance to affected groups when needed, as the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 mentions: “Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection” and also the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage states: “Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto.” In regard to this, it is appropriate to mention one of the actions taken jointly by the Iraqi government and UNESCO: “The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Government of Iraq have concluded an agreement on reconstructing the Al-Askari Holy shrine in Samarra, badly damaged by attacks last year and earlier this month” (June 26, 2007, See: news.un.org).

Here are examples related to holy places that show discrimination, hatred and violence against Muslims living in countries with the Muslim majority:

No.	State	Destroys / threatens	Date	Cause / Responsible	Subsequent reaction	reporter
1	Afghanistan	Destruction of the Minhajuddin Mosque and School in Palaspoush village of Balkh district	May 2020	Taliban	-	avapress.com
2		Burning of two schools and destruction of a mosque				parstoday.com
3		Destruction a mosque and school and kill several civilians in Ghazni	Mar 2019	US military		tasnimnews.com
4		Demolition of Roza Sharif Mosque	Feb 2018	The state		People's reaction
5	Azerbaijan	Demolition of Hazrat Zahra Mosque in Baku	Jun 30, 2020	The state	-	mashreghnews.ir

6		Destruction of the Haj Abdul Rahim Beyk and threaten the Haji Javad Mosque	2017			avapress.com
7		Attempts to destroy the Shiite mosque in Qazax	2016	Extreme groups		qafqaz.ir
8		Change of use of several mosques	During the time	The state		mashregh news.ir
9		Demolition of 30 Shiite mosques	May - Jun 2019	The state	-	shabestan.ir
10		Destruction of 39 mosques belonging to Shiites (Destruction the Al-Alawiyat Mosque again after rebuilding on August 7, 2018)				
11	Bahrain	Attacking and damaging 7 mosques, 50 Hussainiyahs and 2 tombs	2011	The state	-	hawzahnews.com \ irna.ir \ tasnimnews.com \ fararu.com
12		Manipulation of archeological inscriptions and writings that indicate the Shiite identity in the oldest mosque in Bahrain in the Al-Khamis region and even the change of its historical name, which is derived from Shiite culture				
13		Prohibition of holding prayers and building mosques	2018			
14	Egypt	Destruction of 26 mosques	Jul 2016	The state	-	aljazeera.net
15		Demolition of five mosques in northern Sinai	May 2015			

16		Seal 909 mosques and monasteries in Alexandria province	Jun 2014			
17		Attempt to destroy Shiite Husainiyahs	Apr 2014	Salafists		shia-news.com
18	Iraq	Destroying Shiite and Sunni shrines, Hussainiyahs and huge number of mosques and killing Muslims	Since 1999	ISIS	Military confrontation	Many news agencies
19		Attacks on Iraqi religious sites	Feb 2006	Terrorism	Religious and international reactions / reconstruction	news.un.org
20	Kuwait	Bombing of Al-Imam As-Sadiq Mosque, Kuwait City: 27 killed and 227 wounded	Jun 26, 2015	Fahd Sulayman Abdul Mohsen Al-Quba, a Saudi citizen: Suicide attack (maybe by ISIS)	Judicial prosecution	wikipedia.org
21	Libya	A mosque in the capital was targeted by artillery fire	Apr 26, 2020	The militant group known as the "Libyan National Army" under the command of Khalifa Haftar	-	aljazeera.net
22		Destruction and desecration of Saidi Al-Shaab Al-Dahmani Mosque - Explosion of the shrine of the Sufi scholar Sheikh Abdul Salam Al-Asmar - Burning the Zeltin City Library	Aug 2012	An armed Salafist group	Condemnation of Salafists by the government	dw.com
23	Pakistan	Shiite Hussainiyah blast in Parachinar district	Apr 2020	Unknown	The Shiites condemned it and demanded prosecution	middleeastpress.com
24		Demolition of parts of the historic mosque in the city of Khodabad in Sindh	Apr 2019	Government negligence	Decided to rebuild	dawn.com

25		Destruction of Shiite mosque and Hussainiyah and threatening people	Mar 18, 2019	The navy		raaznews.ir
26		Hussainiyah Abolfazl Al-Abbas and Jafaria Mosque	Aug 2016	Multan Municipality	-	rasanews.ir
27		Destroying two sections of the Shiite mosque and burning the Holy Quran	Mar 2, 2012	Head of Faisalabad Central Prison, a member of SSP and LeJ		shia-news.com
28	Saudi Arabia	Prohibition of performing rituals and reconstruction of the shrine of Baghi	Since 2009	The state	Frequent protests	bbc.com
29		Destruction mosques of Mousawarah of Awamia	Jul 2017		-	kayhan.ir
30	Syria	Destruction of several mosques and shrines in the north of the country	2012	ISIS	Military confrontation	alamamtv.net
31		Destruction of Shiite Husseiniyahs		Terrorism	-	qudsonline.ir
32	Turkey	Destruction of 57 mosques in Cizre and Silopi and other mosques in other parts of country	Since 1984	PKK	Restoration of some of these destroyed mosques	aa.com.tr
33	Turkmenistan	Destruction of Imam Reza and Hazrat Ali Mosques in Ashgabat after the destruction of 7 other mosques in previous years	Nov 2015	The state	-	shabestan.ir
34	United Arab Emirates	Destruction of Shiite mosque and allocating them to Sunnis	Nov 20, 2011	Security forces ordered by the authorities	-	islamtimes.org