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Anti-blasphemy offensives in the digital age: When hardliners take over

BY JOELLE FISS



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The author

Joelle Fiss is a senior researcher and independent consultant based in Geneva, Switzerland. Recent researches have included: examining the relationship between security and religious freedom in the era of counter terrorism, measuring the risk of abuse for over 70 blasphemy laws around the world, analysing the impact of the Paris attacks in 2015 and the international controversies around the *Charlie Hebdo* paper. Prior to her research work, Joelle worked at Human Rights First (its mission being to shape the United States' government positions on human rights) and in the European Parliament (where she worked for the Alliance of Liberals and Democrats for Europe on Civil Liberties, Justice and Home Affairs). Joelle has guest lectured and has participated in many debates on questions linked to freedom of expression worldwide and violence committed in the name of religion. She is currently a member of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief.

All feedback on this analysis paper is very welcome. Joelle's email is: fissjoelle@gmail.com.

Introduction

“While all free societies are alike, each unfree society is unfree in its own way”¹

“It is not inevitable that the internet will evolve in a manner compatible with democracy”²

Laws against blasphemy³ forbid insulting religion and religious symbols or interpreting religious texts in a way that conflicts with the state’s interpretation. In fact, nearly half (47%) of the countries and territories in the world have laws or policies that penalize blasphemy, apostasy (abandoning one’s faith), or defamation of religions,⁴ and nearly a quarter (22%) have anti-blasphemy laws or policies in place.⁵ Cutting across different regions and faiths,⁶ blasphemy laws have triggered political instability in recent years. While many religious traditions have taboos against blaspheming the sacred, there is a notable history of anti-blasphemy campaigns within the Muslim world. Watershed moments in this regard include General Zia’s 1986 adoption of capital punishment for blasphemy in the Pakistani criminal code, the 1989 fatwa issued by Ayatollah Khomeini against Salman Rushdie

for the publication of “The Satanic Verses,” and the campaign led (since 1999) by the Organization of Islamic Cooperation (O.I.C.) pushing states to adopt a resolution prohibiting “defamation of religions” at the United Nations. The O.I.C. offensive was replaced with a new, consensual approach (since 2011).⁷ However, many, including the U.S. Commission on International Religious Freedom, remain concerned that O.I.C. states continue to individually support a global anti-blasphemy law.⁸

Violence related to allegations of blasphemy is particularly prevalent across Islamic states. This phenomenon may be linked to the legal framework in place, but also to how states enforce the laws. The Middle East and North Africa, as a region, has the highest proportion of countries criminalizing blasphemy (65%), including Algeria, Bahrain, Egypt,

1. Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom* (New York: Public Affairs, 2011), 29.

2. Rebecca MacKinnon, “Government and the net serve us, not vice versa,” *Wired UK*, May 12, 2012.

3. Hereafter, the term will be shortened to “blasphemy laws,” as commonly known.

4. “Laws Against Blasphemy, Apostasy and Defamation of Religion are Widespread,” Pew Research Center, December 10, 2012, <http://www.pewresearch.org/daily-number/laws-against-blasphemy-apostasy-and-defamation-of-religion-are-widespread/>.

5. Angelina Theodorou, “Which Countries still Outlaw Apostasy and Blasphemy?” Pew Research Center, May 28, 2014, <http://www.pewresearch.org/fact-tank/2014/05/28/which-countries-still-outlaw-apostasy-and-blasphemy/>. This data was collected in 2012.

6. According to the Pew Research Center, eight European countries still have blasphemy laws, including to protect Catholicism or Greek Orthodoxy. In Myanmar, also known as Burma, it is forbidden to depict Buddha. In 2014, Russian members of Parliament voted for a new law against offending religious feelings allowing jail sentences up to three years, minutes after passing anti-gay legislation. See Miriam Elder, “Russia Passes Law Banning Gay ‘Propaganda’,” *The Guardian*, June 11, 2013, <http://www.theguardian.com/world/2013/jun/11/russia-law-banning-gay-propaganda>.

7. The ‘politics of blasphemy’ at the United Nations is a subject of analysis in its own right. To summarize recent developments, a new consensus approach replaced the divisive “defamation of religions” resolution in 2011. It was led at the time by U.S. Secretary of State Hillary Clinton and O.I.C. Secretary-General Ekmeleddin Ihsanoglu. The new text (U.N. Human Rights Council Resolution 16/18) calls on states to adopt positive measures to fight religious intolerance and discrimination, rather than to criminalize speech concerning religion. This gave way to what has been called the “Istanbul Process,” which involves states hosting a series of expert meetings to discuss best practices for implementing Resolution 16/18. For more information, see Asma T.Uddin and Haris Tarin, “Rethinking the ‘Red Line’: The Intersection of Free Speech, Religious Freedom, and Social Change,” The Brookings Project on U.S. Relations with the Islamic World, U.S.-Islamic World Forum Papers 2013, November 2013, <https://www.brookings.edu/research/rethinking-the-red-line-the-intersection-of-free-speech-religious-freedom-and-social-change/>.

8. “USCIRF recommends that the State Department...remain vigilant against any renewed efforts at the UN to seek legal limitations on offensive or controversial speech about religion that does not constitute incitement to violence, and continue to press countries to adhere to the Resolution 16/18 approach, including by repealing blasphemy laws” in “Annual Report of the U.S. Commission on International Religious Freedom,” United States Commission on International Religious Freedom, 2015, <http://www.uscirf.gov/reports-briefs/annual-report/2015-annual-report>.

Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, Sudan, the United Arab Emirates, and Western Sahara. In the Asia-Pacific region, 18% of countries have anti-blasphemy laws, including Afghanistan, India, Indonesia, Iran, Malaysia, the Maldives, Pakistan, Singapore, and Turkey.⁹

Even in countries where such laws do not exist, alleged blasphemy can prompt violence, as was the case when 12 people were killed in the attack on the satirical weekly *Charlie Hebdo* offices in Paris in January 2015.¹⁰ In spectacular fashion, the attacks in Paris show the extent to which violence surrounding questions of blasphemy can trickle into historically secular societies. One month after the Paris attacks, one person was killed at a public event in Copenhagen¹¹ entitled “Art, Blasphemy and Freedom of Expression.” In France and in Denmark, Jews were also the direct targets of the

anti-blasphemy violence, leading to the death of five people (four in Paris and one in Copenhagen).

Blasphemy laws violate international standards of freedom of expression, religion, and belief, as defined by the United Nations. They have been condemned by several U.N. bodies, despite the fact that some U.N. member states publicly support anti-blasphemy laws.¹² Across the Islamic region, supporters of criminalizing blasphemy argue that criticism of Islam is a variant of hate speech. Although hate speech laws are illegal in the United States, as they breach the First Amendment of the U.S. Constitution, they do fall under the scope of international law.¹³ However, while hate speech laws forbid speech that could harm the targeted individual, anti-blasphemy laws serve to protect the theology of the state, rather than its citizens. The focus is not on the need to protect the safety of in-

9. “Laws Against Blasphemy, Apostasy and Defamation of Religion are Widespread,” Pew Research Center, November 21, 2012, <http://www.pewforum.org/2012/11/21/laws-penalizing-blasphemy-apostasy-and-defamation-of-religion-are-wide-spread/>; “Compendium of Blasphemy Laws,” Human Rights First, May 20, 2014, <http://www.humanrightsfirst.org/resource/compendium-blasphemy-laws>. Other states that have blasphemy laws include Nigeria, Somalia, Mauritania, Germany, Greece, Ireland, Malta, and Poland.

10. “French terror attacks: Victim obituaries,” *BBC*, January 13, 2015, <http://www.bbc.com/news/world-europe-30724678>.

11. Contrary to France, Denmark does have a legislation in place against blasphemy, but it is rarely enforced.

12. Although some U.N. member states publicly support anti-blasphemy laws, several reports adopted by U.N. bodies contest their legality. For example, in General Comment 34 (a technical document tasked to clarify free speech standards outlined in Article 19 of the International Covenant on Civil and Political Rights), paragraph 48 states: “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant... it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.” “General Comment No. 34,” Human Rights Committee, United Nations, September 12, 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

Also, the December 2013 report of the U.N. Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, states: “At the national level, blasphemy laws are counter-productive, since they may result in de facto censure of all inter-religious or belief and intra-religious or belief dialogue, debate and criticism, most of which could be constructive, healthy and needed. In addition, many blasphemy laws afford different levels of protection to different religions and have often proved to be applied in a discriminatory manner.” Heiner Bielefeldt, “Report of the Special Rapporteur on freedom of religion or belief (Focus: Tackling manifestations of collective religious hatred),” adopted by the General Assembly of the United Nations, December 26, 2013, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/19/41/PDF/G1319141.pdf?OpenElement>. See also Bielefeldt’s recommendation that “States should repeal any criminal law provisions that penalize apostasy, blasphemy and proselytism as they may prevent persons belonging to religious or belief minorities from fully enjoying their freedom of religion or belief,” in Heiner Bielefeldt, “Report of the Special Rapporteur on freedom of religion or belief (Focus: Freedom of religion or belief of persons belonging to religious minorities),” adopted by the General Assembly of the United Nations, December 24, 2012, http://www.ohchr.org/Documents/Issues/Religion/A.HRC.22.51_English.pdf. All of the annual reports by the Special Rapporteur on freedom of religion or belief can be found here: <http://www.ohchr.org/EN/Issues/Freedom-Religion/Pages/Annual.aspx>.

In his 2012 report presented to the U.N. General Assembly, the U.N. Special Rapporteur on the promotion and protection to the right to freedom of opinion and expression, Frank La Rue, states that anti-blasphemy laws “are inherently vague and leave the entire concept open to abuse,” calling upon “all States to repeal anti-blasphemy laws and to initiate legislative and other reforms that protect the rights of individuals in accordance with international human rights standards.” Frank La Rue, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,” United Nations General Assembly, September 7, 2012, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/501/25/PDF/N1250125.pdf?OpenElement>.

13. According to the International Covenant on Civil and Political Rights, “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” “International Covenant on Civil and Political Rights,” Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

dividuals, which could be compromised as a result of the speech, but rather on the degree to which the words caused offense. With frequently vague wording, anti-blasphemy laws are open to whimsical interpretation and result in scores of abuses.¹⁴

Accusations of blasphemy block ideas from spreading and stifle the oxygen needed for any society to breathe intellectually, to thrive culturally, and to develop democratically. Tolerating blasphemous speech can only strengthen the fabric of debate in society, and add a layer of nuance to people's judgments through assertion, irony, humor, provocation, or satire. In prohibiting discussion of religious beliefs, anti-blasphemy advocates license states to determine which conversations on religion are admissible, and which are too controversial. However, pluralism requires peaceful expression of divergent views, with no fear of retribution or attack. In a context where governments can restrict freedom of expression at whim on the grounds of "insult to religion," any peaceful expression of political or religious views is subject to potential attack. In a world where sectarian violence is growing, it is more important than ever to be able to talk about religion. The threshold of what is tolerable serves to quantify how resilient a society is towards debate and determine whether peaceful minority views are accepted in the public space.

The laws help majority viewpoints to triumph against those of dissenters, strengthening state positions as they weaken social cohesion and unity. Accusations of blasphemy create particular problems for adherents of minority faiths viewed as "heretical" by the majority or state-backed religious establishments. Religious freedom is seriously eroded when anti-blasphemy laws are used to contest beliefs. Religious minorities (as well as atheist thinkers) in Muslim majority countries are frequently targeted by these laws. For example, to be a Christian in

Pakistan, a Copt in Egypt, a Baha'i in Iran, or an atheist in Bangladesh is to be vulnerable to allegations of blasphemy before even uttering a word.¹⁵ Muslims are also prominent victims, despite belonging to the majority religion in many states that criminalize blasphemy. Islamic intellectuals or religious thinkers who express different Quranic interpretations than the state or mainstream religious institutions are frequently persecuted. Others, such as those belonging to the Ahmadiyah sect in Indonesia and Pakistan for example, are also exposed to risk. Additionally, religious freedom advocates, as well as dissenting and reformist Muslims, are often targeted by such laws.

In states where blasphemy is considered a crime, accusations of blasphemy can have deadly consequences. In some countries, blasphemy is punishable by life imprisonment or death (e.g., Pakistan and Iran), while blasphemy accusations in other countries often lead to arbitrary arrests, imprisonment, and assaults (e.g., Egypt, Saudi Arabia, and Indonesia). Non-state actors also issue harsh punishments for blasphemy, such as ISIS; under the penal code it published in December 2014, blasphemy is punishable by death, even if the accused repents. It specifies retributions such as beheadings, crucifixions, lashings, and the severing of limbs.¹⁶

In some Islamic states, mobs take it upon themselves to "uphold justice" by attacking those they believe to be guilty of blasphemy. Crowds have descended on towns, burned places of worship, looted homes, and killed and injured fellow citizens. Often, governments deny protection to those under assault or fail in their obligations to protect them.

Blasphemy laws can also be used as a personal weapon in unrelated petty conflicts. In a private argument between two neighbors or a dispute between business partners, for example, one party

14. Joelle Fiss, "Free Speech vs. Hate Speech in France: A Guide for the Perplexed," *World Affairs*, January 28, 2015, <http://www.worldaffairsjournal.org/blog/joelle-fiss/free-speech-vs-hate-speech-france-guide-perplexed>.

15. In 2014, Saudi Arabia introduced a series of new laws which define atheists as terrorists, according to a report by Human Rights Watch: "Saudi Arabia: New Terrorism Regulations Assault Rights," Human Rights Watch, March 20, 2014, <http://www.hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights>.

16. Adam Kredo, "Islamic State Penal Code Promises Crucifixion, Lashing for Unbelievers," *The Washington Free Beacon*, December 17, 2014, <http://freebeacon.com/national-security/islamic-state-penal-code-promises-crucifixion-lashing-for-unbelievers/>.

can resort to accusing the other of blasphemy for intimidation purposes. The ease with which one may initiate a legal proceeding in some countries raises serious concerns about the fairness of any resulting trials.

Beyond the drastic human rights implications, anti-blasphemy activists can foment political instability when their arguments are used as tools to disrupt the political status quo. Manipulated by radical Islamists, who have an interest in imposing their vision on others to gain power, mobs enraged over reports of blasphemy may turn violent. This scenario has played out in Egypt, Pakistan, Tunisia, and Bangladesh. In these cases, hardliners used the concept of blasphemy to impose ever more restrictive interpretations of religion in their societies, at the expense of basic freedoms, and to fire up crowds in opposition to the alleged transgressions. The pattern is such that blasphemy cases tend to strengthen extremists, who use anti-blasphemy laws to target moderates.

Blasphemy laws also tend to empower conservative prosecutors and judges to impose harsh sentences, which is what has occurred in Saudi Arabia, Iran, Turkey, Indonesia, and Mauritania. In countries where the penalties are harsh, law-enforcement officials are emboldened to initiate arrests and investigations based on allegations of blasphemy.

Beyond the argument that peaceful commentary around religion can serve pluralism and democracy, it can also serve as a barometer of the extent to which basic rights and freedoms are enshrined in law and implemented in practice. Enforcement of blasphemy laws can serve to measure if the state sanctions individuals who fuel extremism, and how the states' law-enforcement and judicial systems operate. They indicate the level of free speech for citizens and the degree of respect for religious minorities or those with dissident views. In that re-

spect, anti-blasphemy laws serve to measure a state's democratic inclination or transition to democracy.

In June 2013, a study found that the Middle East and North Africa region had the highest restrictions on religious freedom in the world before the Arab Spring, and that most of those restrictions remained in place afterward, in some cases becoming even more severe.¹⁷ Set against the backdrop of rising sectarian hostilities, the question of blasphemy was raised during the transitional period of the Arab uprisings. During the Tunisian and Egyptian constitutional debates around their respective "springs," the two governments approached the issue of blasphemy in very different ways. Unlike in Egypt, Tunisia's new constitution did not outlaw blasphemy. Tunisia's Ennahda party had initially sought such a provision, but its leader, Rached Ghannouchi, publicly stated on a trip to the United States, "Blasphemy is not a crime. Freedom of choice is very clear in the Quran; it says 'let there be no compulsion in religion.'"¹⁸ Tunisia's new constitution sets a precedent for democratic transition in the Arab world, whereas Egypt moved in the opposite direction, first under Mohammed Morsi, and then with greater enforcement of its provision in the penal code and a higher rate of convictions under President Abdel-Fattah el-Sissi, not least against social media users.

17. "Sidebar: Religious Restrictions and Hostilities in the Middle East and North Africa During the Arab Spring," Pew Research Center, June 20, 2013, <http://www.pewforum.org/2013/06/20/arab-spring-restrictions-on-religion-sidebar1/>. This study is referenced in Evelyn Aswad and Rashad Hussain and Arsalan Suleiman, "Why the United States cannot agree to disagree on blasphemy laws," *Boston University International Law Journal*, 32 (2014):119.

18. Joelle Fiss, "Leader of Tunisia's Ruling Party: Blasphemy is Not a Crime," *Human Rights First*, June 7, 2013, <http://www.humanrightsfirst.org/blog/leader-tunisia%E2%80%99s-ruling-party-blasphemy-not-crime>.

Religious speech and technology: Individuals caught in the crossfire

Whether online or offline,¹⁹ high-profile allegations of blasphemy have affected foreign relations.²⁰ The use of technology has raised new policy stakes for relations between the U.S. and the Muslim world. In the digital age, verbal expressions that were once limited to the immediate geographic vicinity are now broadcast at lightning speed. A video can go viral not only when it is considered entertaining or informative but also when it triggers shock, anger, or hatred. On the Internet, people's reactions and emotions spread in seconds. Reactions are also often stronger, as it is easier to type a few inflammatory words on a screen than to acknowledge responsibility for such discourse articulated in front of a person. Speech online, unaccompanied by the context of gestures, facial expressions, or contextual commentary, can accelerate a sense of urgency or chaos.

The anarchic aspect of the Internet is essential to its spirit. Critique of religion should be able to flow on the web without discrimination, as long as it respects the thresholds mapped out in international law. The problem in the case of blasphemy is that online speech has created new opportunities for persecution by repressive regimes reasserting power. In that respect, the Internet has created the illusion of freedom for citizens in non-democratic states, where users feel empowered to openly voice opinions, without anticipating the consequences that they know would unfold offline.

Despite the illusion, not everyone is born equal on the web. According to Freedom House's Freedom on the Net 2014 report, social media users are among of the main targets of repression, as governments increasingly police the digital realm. The report affirms that nowhere is this "more prevalent than in the Middle East and North Africa. Of the 11 countries examined in the region, 10 featured detentions or interrogations of Internet users during the coverage period. Dozens of social-media users were arrested in Bahrain, Saudi Arabia, and the United Arab Emirates, with many sentenced to jail terms of up to 10 years. Despite their high levels of access, the countries of the Persian Gulf remain some of the most restrictive for online freedom of expression."²¹ Allegations of blasphemy fit into that pattern. For example, as of 2012, at least 17 nations (9% worldwide) have police enforcing religious norms. In the Middle East and North Africa, roughly one-third of countries (35%) do.²² In December 2014, it was reported that the 10,000-officer-strong Saudi religious police corps (formally known as the Commission for the Promotion of Virtue and the Prevention of Vice) had opened a new technology department to monitor social media. One branch of the new department addresses complaints filed by citizens, while another directly monitors web activity and content. A spokesman claimed that the unit had already "played a major role" in closing down more than 10,000 Twitter accounts and that several people had been arrested for online "religious and ethical violations."²³

19. This report provides a sample of cases where allegations of blasphemy intertwine with social media. But there are scores of abuses—even atrocities—that occur offline, too. For example, in 2014, a Sudanese mother was sentenced to 100 lashes and death by hanging for converting from Islam to Christianity. In Pakistan, an angry crowd beat a Christian couple to death after being accused of desecrating a Quran. In December 2014, a self-declared police force loyal to the Islamic State decapitated four men in western Syria after accusing them of blasphemy. In March 2015, an angry mob in the center of Kabul killed a woman and set her body on fire for allegedly burning a copy of the Quran.

20. Incidents of blasphemy when violence and diplomatic tensions arose between the United States and the Islamic world include: in September 2005, 12 editorial cartoons depicting the Prophet Muhammad were published in the Danish newspaper *Jyllands-Posten*. In 2010, a Florida pastor burned copies of the Quran. In 2012, U.S. soldiers stationed at the Bagram Air Base in Afghanistan burned Islamic religious material.

21. Sanja Kelly et al., "Freedom on the Net 2014, Tightening the Net: Governments Expand Online Controls," Freedom House, 2014, 7, https://www.freedomhouse.org/sites/default/files/FOTN_2014_Full_Report_compressedv2_0.pdf.

22. Angelina Theodorou, "Religious police found in nearly one-in-ten countries worldwide," Pew Research Center, March 19, 2014, <http://www.pewresearch.org/fact-tank/2014/03/19/religious-police-found-in-nearly-one-in-ten-countries-worldwide/>.

23. "Saudi religious police gets expanded mission: Monitoring social media," *World Tribune*, December 16, 2014, <http://www.worldtribune.com/archives/saudi-religious-police-gets-expanded-mission-monitoring-social-media/>.

Since 2012, accusations of blasphemy on the Internet have increased.²⁴ In 2014 alone, there were web-related blasphemy cases in Egypt, Iran, Pakistan, Saudi Arabia, and Turkey. Many such stories have not been covered in the English-speaking media, while some are missed entirely by the press. Through the stories presented below, patterns emerge. Often, governments track down users who have posted their beliefs on a website, leading to unjustified arrests and prosecutions. Sometimes the victims deny the authenticity of the page and claim that their profiles were tampered with. Often the nature of the arrests are vague, creating an atmosphere of fear and uncertainty in which Internet users are not sure of their rights and can be accused at any moment of committing blasphemy. People don't know what they can or cannot say online. In the best case, the result is self-censorship.

Bangladesh

In November 2013, a post on Facebook containing a religious insult led to violent attacks on a Hindu community in Pabna district. Mobs attacked, ransacked, and torched at least 35 houses, three temples, and 15 businesses following rumors that Rajib Saha, a Hindu boy from Sahaparha, had slandered the Prophet Muhammad on his Facebook page.²⁵ Similarly, in Ramu in September 2012, thousands of rioters torched 22 Buddhist temples and houses in reaction to a tagging of an image depicting the desecration of a Quran on the timeline of a fake Facebook account under a common Buddhist male name.²⁶

Since the start of 2015,²⁷ three bloggers have been hacked to death in Bangladesh. They were all known for their secular and anti-fundamentalist writing. In February, Avijit Roy, a U.S.-Bangladeshi blogger was hacked to death with machetes by assailants in Dhaka. His wife was also hurt. Roy's writings on religion had angered Islamist hardliners, and he had received threats after publishing articles promoting secular views on his Bengali-language blog, *Mukto-Mona* (Free Mind). He had also defended atheism in a recent Facebook post, calling it a "rational concept to oppose any unscientific and irrational belief."²⁸

Weeks later, another blogger known for his atheist views was stabbed in Dhaka: Washiqur Rahman, 27, died of serious injuries inflicted in the assault. Vocal against religious fundamentalism, he also used to write a satirical column on Facebook against believers, according to press reports.²⁹ In the third attack on bloggers, Ananta Bijoy Das, known for advocating science and secularism, was attacked and killed by masked men. He had also collaborated with the website *Mukto-Mona* and had been critical of religious fundamentalism and of previous attacks on secular thinkers.³⁰

The list of victims goes on.³¹ In August 2015, Niloy Neel was killed by a group of six men armed with machetes who tricked their way into his home.³² In October 2015, Faisal Arefin Deepan, a Muslim publisher of secularist books (including those of Avijit Roy) was killed by machete-wielding assailants at

24. Or at least, the media coverage of cases has increased in the English speaking media. While this report focuses on the large majority of cases within the Islamic world, the media has also reported incidents in the non-Islamic world. For example, in March 2015, a bar manager from New Zealand and two Burmese men were sentenced to two years in prison in Myanmar for posting an image online of the Buddha wearing headphones as part of an effort to promote an event. See Wai Moe and Austin Ramzy, "Myanmar Sentences 3 to Prison for Depicting Buddha Wearing Headphones," *The New York Times*, March 17, 2015, http://www.nytimes.com/2015/03/18/world/asia/myanmar-sentences-3-to-prison-for-defaming-buddhism.html?_r=2.

25. Pabna correspondent, "Ramu attack a Santhia rerun," *bdnews24.com*, November 11, 2013, <http://bdnews24.com/bangladesh/2013/11/08/ramu-attack-a-santhia-rerun>.

26. AFP, "Rioting mob torches temples in Bangladesh," *News ABC*, September 30, 2012, <http://www.abc.net.au/news/2012-09-30/rioters-torch-buddhist-temples-in-bangladesh/4288598>.

27. Cases used in this paper have been recorded through July 2016. At the time of publication, some stories may need to be updated.

28. "US-Bangladesh blogger Avijit Roy hacked to death," *BBC*, February 27, 2015, <http://www.bbc.com/news/world-asia-31656222>.

29. Jason Burke and Saad Hammadi, "Bangladesh blogger becomes second to be murdered in a month," *The Guardian*, March 30, 2015, <http://www.theguardian.com/world/2015/mar/30/blogger-hacked-death-bangladesh-dhaka>.

30. Roy Greenslade, "Secular blogger Ananta Bijoy Das hacked to death in Bangladesh," *The Guardian*, May 13, 2015, <http://www.theguardian.com/media/greenslade/2015/may/13/another-secular-blogger-hacked-to-death-in-bangladesh>.

31. For a timeline of the assassination of bloggers, publishers, and activists in Bangladesh, see "Timeline of Attacks on Bloggers, Writers, Publishers, and Activists in Bangladesh," Center for Inquiry, May 12, 2015, http://www.centerforinquiry.net/blogs/entry/timeline_of_attacks_on_bangladeshi_writers_and_bloggers/.

32. "Bangladesh blogger Niloy Neel hacked to death in Dhaka," *BBC*, August 7, 2015, <http://www.bbc.com/news/world-asia-33819032>.

his Jagriti Prokashoni publishing house.³³ The same day, three others—Ahmedur Rashid Tutul, Tariq Rahim, and Ranadipam Basu—were shot but survived. In April 2016, Nazimuddin Samad, a student, was killed by several suspected Islamic extremists while returning home from class.³⁴ Xulhaz Mannan, senior editor of Bangladesh's first LGBT magazine, and Tanay Fahim, a fellow LGBT rights activist, were stabbed to death in Mannan's home.³⁵ Rezaul Karim Siddique, an English professor who founded a music school and edited a literary magazine, was hacked to death on his way to work.³⁶

Egypt

In 2012, a juvenile court sentenced 17-year-old Gamal Abdou Massoud to three years in jail for allegedly insulting Islam on his Facebook page.³⁷ Bishoy Kamel Garas, a Coptic Christian teacher from Egypt, was arrested and detained by authorities for posting blasphemous cartoons on Facebook. The court sentenced Kamel to six years of prison. While he admitted to managing the page in question, he said he did not control what others posted there. He refuted the charges against him, claiming that his Facebook account had been hacked. In April 2016, he was proven innocent after having served over half of his six year sentence.³⁸ Alber Saber was arrested on charges of

blasphemy for having posted the “Innocence of Muslims” YouTube ‘trailer’ on his Facebook account. Saber called the police when an angry mob gathered outside his house accusing him of insulting Islam. In December 2012, he was sentenced to three years in prison for insulting religion. He was released from jail a few days later.³⁹

An investigation was initiated against Maikel Nabil Sanad, who was accused of insulting Islam by expressing his atheistic beliefs on his Twitter account.⁴⁰ In June 2014, Kerolos Shouky Attallah, a Christian Egyptian convicted for “liking” a Facebook page run by formerly Islamic converts to Christianity, was sentenced to six years in prison, shocking the Coptic community and other Facebook users.⁴¹ In October 2014, Fatima Naoot, a writer, was charged for contempt of the Islamic religion and mockery of an Islamic ritual after having published a note on her Facebook page criticizing the traditional sacrifice of animals during Eid al-Adha. The trial started on January 28th, 2015.⁴² That month, student Karim Ashraf Mohamed al-Banna was sentenced to three years in prison on blasphemy charges for announcing on Facebook that he was an atheist, and was thereby considered to have “insulted Islam.” The 21-year-old was arrested in November 2014 with a group at a cafe in Cairo.⁴³ He was released on bail after having spent 55 days behind bars.⁴⁴

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33. “Publisher of Secularist Books Murdered in Bangladesh: Center for Inquiry Demands Action,” Center for Inquiry, October 31, 2015, http://www.centerforinquiry.net/newsroom/publisher_of_secularist_books_murdered_in_bangladesh_center_for_inquiry_dem/.
34. Mohammad Jamil Khan, “JnU student killed in suspected militant attack,” *Dhaka Tribune*, April 7, 2016, <http://archive.dhaka-tribune.com/bangladesh/2016/apr/07/jnu-student-killed-suspected-militant-attack>.
35. “LGBT magazine editor stabbed dead at Dhaka home,” *The Daily Star*, April 25, 2016, <http://www.thedailystar.net/city/2-stabbed-dead-kalabagan-1214434>.
36. Agence France-Presse in Dhaka, “Islamic State claims it killed Bangladeshi academic,” *The Guardian*, April 23, 2016, https://www.theguardian.com/world/2016/apr/23/bangladeshi-professor-hacked-to-death-rajshahi-islamists?CMP=tw_t_b-gdnnews.
37. Andres Jauregul, “Gamal Abdou Massoud, Egyptian Christian Teen, Sentenced To Three Years For Insulting Islam; House Firebombed By Angered Muslims,” *The Huffington Post*, April 9, 2012, http://www.huffingtonpost.com/2012/04/09/egyptian-christian-teen-gets-three-years_n_1412896.html.
38. Florence Taylor, “Egyptian Christian proven innocent of ‘Facebook blasphemy’ after 3 years in prison,” *Assyrian International News Agency*, April 6, 2016, <http://www.aina.org/news/20160406152049.htm>.
39. William Booth, “Egyptian blogger’s arrest shows differences in views over freedom of speech,” *The Washington Post*, September 26, 2012, http://www.washingtonpost.com/world/egyptian-blogger-alber-sabers-arrest-shows-differences-over-freedom-of-speech/2012/09/26/b5cfb272-07dd-11e2-aff-d6c7f20a83bf_story.html.
40. Maikel Nabil Sanad, “Yes, I’m a blasphemer. Get over it,” *Foreign Policy*, October 19, 2012, http://transitions.foreignpolicy.com/posts/2012/10/19/yes_i_m_a_blasphemer_get_over_it.
41. Morning Star News, “Christians Convicted of ‘Blasphemy’ in Egypt for ‘Liking’ Facebook Page,” *The Christian Post*, June 25, 2014, <http://www.christianpost.com/news/christians-convicted-of-blasphemy-in-egypt-for-liking-facebook-page-122210/>.
42. “Trial date set for Egyptian writer charged with blasphemy,” *Aswat Masriya*, December 27, 2014, <http://en.aswatmasriya.com/news/view.aspx?id=19b36086-5719-4e1e-a49b-0e7069351ffb>.
43. Roy Greenslade, “Egyptian student jailed for proclaiming that he is an atheist,” *The Guardian*, January 13, 2015, <http://www.theguardian.com/media/greenslade/2015/jan/13/egyptian-student-jailed-for-proclaiming-that-he-is-an-atheist>.
44. “Facebook atheist Karim al-Banna risking jail seeks to flee Egypt,” *The Straits Times*, March 9, 2015, <http://www.straitstimes.com/news/world/middle-east/story/facebook-atheist-karim-al-banna-risking-jail-seeks-flee-egypt-20150309>.

In February 2015, Sherif Gaber was given a one-year prison sentence for contempt of religion relating to his activities on campus and atheist statements online. In 2013, he was reported to have made posts supporting atheism on Facebook, and suspected of being behind a page called “The Atheists.” Subsequently, the university’s then-president (Mohamed A. Mohamedein) filed a legal complaint against the student to the local prosecution on the grounds of contempt of religion. Gaber can avoid the prison sentence on a bail of 1,000 Egyptian Pounds, but a retrial could increase his prison sentence to over two years.⁴⁵

According to one press article, 24-year-old Michael Mounir Bishay was threatened by local extremists who accused him of sharing a video on Facebook of two Muslim sheikhs discussing a controversial religious issue. Protesters mobbed his family home and threatened to burn it down. Police then arrested him.⁴⁶ Beshay remains in custody, awaiting his fate.⁴⁷ In May 2015, police arrested five Coptic Christian children after angry mobs accused them of blasphemy for being featured in a prayer video with their Coptic teacher, showing them making fun of the Islamic State.⁴⁸

Indonesia

In June 2012, Alexander Aan was sentenced to two-and-a-half years of prison for stating on his Facebook account that God did not exist. Before he was arrested, he was beaten up by an angry mob that called for his beheading. After over a year in prison, during which there was intense international campaigning on his behalf, he was released.⁴⁹

Iran

In May 2014, a court sentenced eight people to a combined 123 years in prison for various offenses, including insulting the country’s supreme leader on Facebook. The Cyber Unit of the Revolutionary Guard had arrested them the previous year. The individual prison sentences ranged from seven to 20 years for such crimes as blasphemy, propaganda against the Iranian state, spreading lies, and insulting Supreme Leader Ayatollah Ali Khamenei.⁵⁰ In September 2014, an Iranian blogger, Soheil Arabi, was found guilty of insulting the Prophet Muhammad on Facebook and sentenced to death. Arabi had kept eight Facebook pages under different names on which he admitted to posting material insulting to the Prophet. Soon after Arabi’s sentence, a Facebook page protesting the decision was set up and gained significant attention, receiving more than 2,400 “likes.”⁵¹ Nevertheless, the Iranian Supreme Court upheld the sentence in November 2014.

In October 2015, Iranian award-winning filmmaker Keywan Karimi, whose work focuses on modern life and political expression in the Islamic Republic, was sentenced to six years in prison and 223 lashes, on charges that include “insulting Islamic sanctities.” Despite the government’s presumed détente with the West over its nuclear program, many artists and journalists continue to be imprisoned on multiple grounds. Although the charges invoked are not consistently specified as insulting to Islam, they are linked to “obscene behavior” and “hurting public chastity.” For example, in one case six Iranians were arrested and given a suspended sentence of 91 lashes and six months in prison for

45. Emir Nader, “Facebook Posts,” *Daily News Egypt*, February 27, 2015, <http://www.dailynewsegypt.com/2015/02/17/egyptian-student-given-prison-sentence-for-atheist-facebook-posts/>.

46. Hazel Haddon, “In Sisi’s Egypt, Blasphemy is Still a Crime,” *Foreign Policy*, April 21, 2015, <http://foreignpolicy.com/2015/04/21/in-sisis-egypt-blasphemy-is-still-a-crime/>.

47. Ishak Ibrahim, “Tales of Blasphemy in Egypt,” Atlantic Council, April 23, 2015, <http://www.atlanticcouncil.org/blogs/egypt-source/tales-of-blasphemy-in-egypt>.

48. Samuel Smith, “5 Egyptian Christian Children Arrested for Blasphemy After Recording Prayer Video that ‘Mocked’ ISIS,” *The Christian Post*, May 7, 2015, <http://www.christianpost.com/news/5-egyptian-christian-children-arrested-for-blasphemy-after-recording-prayer-video-that-mocked-isis-138752/>.

49. “Atheist Alexander Aan gets of prison,” *The Jakarta Post*, January 31, 2014, <http://www.thejakartapost.com/news/2014/01/31/atheist-alexander-aan-gets-prison.html>.

50. Lorenzo Franceschi-Bicchieri, “Iran Sentences 8 Facebook Users to Combined 123 Years in Jail,” *Mashable*, May 28, 2014, <http://mashable.com/2014/05/28/iran-jails-8-facebook-users/>.

51. Michael Rundle, “Iranian Blogger Soheil Arabi To Be Executed For Posting ‘Insults’ On Facebook,” *The Huffington Post*, December 3, 2014, http://www.huffingtonpost.co.uk/2014/12/03/iranian-blogger-soheil-arabi_n_6261904.html.

what authorities deemed “obscene behavior” when they appeared in a video singing along to Pharrell William’s hit song “Happy.”⁵² (After international campaigning, they were subsequently released).

In February 2016, it was reported that members of the Iranian metal band, Nikan Siyanor Khosravi and Khosravi Arash Chemical Ilkhani were jailed and face execution for blasphemy. Both men were arrested by the Army of the Guardians of the Islamic Revolution for promoting music considered to be Satanic, writing anti-religious lyrics, and granting interviews to forbidden foreign radio stations. They could face a minimum of six months to six years in prison, and if found guilty of the blasphemy charge, they could be executed.⁵³

Kuwait

In June 2012, Hamad Al Naqi was sentenced to ten years in prison for posting blasphemous remarks on his Twitter account. Naqi was accused of insulting the Prophet Muhammad’s wife Aisha and his compatriots, and of mocking Islam, provoking sectarian tensions, insulting the rulers of Bahrain and Saudi Arabia, and misusing his mobile phone to spread his remarks. Naqi denied the accusations and said that his Twitter account had been hacked.⁵⁴

In November 2013, Musab Shamsah was sentenced to five years in prison for a Twitter comment about Sunni/Shia theology. His lawyer said that he had deleted the tweet ten minutes after publishing it, and clarified what he had meant in two subsequent tweets.⁵⁵ In April 2016, Sheikha al-Jassem, a prom-

inent philosophy professor at Kuwait University, was charged with blasphemy after an interview she gave on TV on the question of the rise of Islamic extremism. She had asserted that the constitution of Kuwait should be above the Quran and Islamic law in governing the country.⁵⁶

Mauritania

In April 2016, an appeals court upheld the death sentence on charges of apostasy of convicted blogger Mohamed Cheikh Ould Mohamed M’khaitir, who was arrested in January 2014, after having posted an article on the *Aqlame* newspaper’s website that was deemed blasphemous towards the Prophet Muhammad. The case will now be referred to the Supreme Court.⁵⁷ According to reports, the article criticized Mauritania’s caste system and compared the issue of marginalization to Prophet Mohammed’s treatment of the Jews of the Hijaz. M’khaitir also allegedly challenged the Prophet’s decisions during the holy wars.⁵⁸

Pakistan

Rashid Rehman, a human rights lawyer, was shot dead in May 2014 for defending a university lecturer, Junaid Hafeez, who had been accused of insulting the Prophet on Facebook. Rehman had received death threats and asked the police to provide him with security, but the police declined to do so.⁵⁹ In 2013, a student affiliated with Islami Jamiat Talaba, a wing of the Jamaat-i-Islami party, had accused Hafeez of insulting the Prophet Muhammad on Facebook. Students soon held a protest calling for Hafeez’s execution, and the police registered a case.⁶⁰

52. Leah Marieann Klett, “Young Iranians arrested, sentenced to 91 lashes for singing, dancing to Pharrell’s ‘Happy,’” *The Gospel Herald*, September 22, 2014, <http://www.gospelherald.com/articles/52640/20140922/young-iranians-arrested-sentenced-to-91-lashes-for-singing-pharrells-happy.htm#sthash.65x8Y15H.dpuf>.

53. Robert Pasbani, “Iranian musicians jailed, facing possible execution for playing metal,” *Metal Injection*, February 10, 2016, <http://www.metalinjection.net/metal-crimes/iranian-musicians-jailed-facing-possible-execution-for-playing-metal>.

54. “Kuwaiti jailed for 10 years for Twitter ‘blasphemy,’” *BBC*, June 4, 2012, <http://www.bbc.com/news/world-middle-east-18322418>.

55. “Kuwait Twitter ‘insult’ prison sentence condemned,” *BBC*, November 20, 2013, <http://www.bbc.com/news/world-middle-east-25017719>.

56. Sebastian Usher, “Kuwait academic charged with blasphemy over TV interview,” *BBC*, April 14, 2016, <http://www.bbc.com/news/world-middle-east-36046706>.

57. “Mauritanian blogger’s death sentence upheld,” *BBC*, April 22, 2016, <http://www.bbc.com/news/world-africa-36111386>.

58. “The Case of Mauritanian Blogger Mohamed Cheikh Ould M’khaitir,” *Global Freedom of Expression*, Columbia University, <https://globalfreedomofexpression.columbia.edu/cases/the-case-of-mauritanian-blogger-mohamed-cheikh-ould-mkhaitir/>.

59. Ali Sethi, “Pakistan’s Tyranny of Blasphemy,” *The New York Times*, May 20, 2014, http://www.nytimes.com/2014/05/21/opinion/pakistans-tyranny-of-blasphemy.html?_r=0.

60. Ibid.

In July 2015, two Christians brothers accused of posting disrespectful content on their website were arrested for blasphemy and face the death penalty. According to press reports, after four years on the run abroad and at home Qaisa and Amoon have been imprisoned in Lahore. The case was registered in relation to personal accusations dating back to 2011.⁶¹

In November 2015, an anti-terrorism court jailed a Shia Muslim for 13 years after he posted hate speech on Facebook. Saqlain Haidar was also fined for “posting hateful material against companions of the Prophet Muhammad (pbuh).”⁶² In what appears to be two separate charges according to media reports, this case demonstrates well the conflation of two accusations, where on one hand, the victim was charged with inciting sectarian hatred under the anti-Terrorism Act, and on the other hand, accused of posting hateful messages against companions of the Prophet on Facebook.

In December 2015, it was reported that a Christian family fled its home in Islamabad after the mother mentioned an anti-Muslim video that had been posted on Facebook. The woman owed her Muslim neighbor money (about \$115 USD) and during an argument about the debt, he accused her of not respecting his religion. She shared a video on Facebook arguing that Christians respect Muslims more than the rest of the world. Her husband was beaten before managing to get away with their family, which is now in hiding.⁶³

Saudi Arabia

The journalist Hamza Kashgari was accused of blasphemy after he posted a string of tweets in which

he imagined himself speaking with the Prophet Muhammad. In February 2012, he fled to Malaysia in the hopes of traveling on to New Zealand. Within hours, tens of thousands of people responded on social media to Kashgari’s tweets, calling for his punishment; on a single Facebook page, over 12,000 people called for his execution.⁶⁴ On orders of Saudi Arabia’s King Abdullah, Kashgari was arrested and returned home. The public prosecutor in Jeddah reportedly said that he planned to bring charges against Saudis who “supported or encouraged Kashgari’s stance” on Twitter.⁶⁵

Raif Badawi was also convicted of blasphemy when he created a website dedicated to fostering debate on religion and politics. Originally sentenced to seven years in prison and 600 lashes in 2013, he was resented in September 2014 to “10 years in prison, separated from his wife and children; 1000 lashes, given in installments of 50 lashes every week, in public; a 10-year travel ban after his prison sentence; and a massive fine.”⁶⁶ He received his first 50 lashes after the Friday prayers on a public square in Jeddah in January 2015.

According to news reports, an Islamic court sentenced a man (unnamed) to death for renouncing his Muslim faith, in February 2015. The man, in his 20s, had posted an online video ripping up a copy of the Quran, and hitting it with a shoe.⁶⁷ In other news reports, religious police arrested an Indian man (unnamed) for “liking” an offensive Hindu picture on Facebook. The arrest was made after a Saudi national who felt offended by the picture reported it to the country’s Commission

61. “Lahore: Two Christians arrested for blasphemy could get the death penalty,” *AsiaNews.it*, July 21, 2015, <http://www.asianews.it/news-en/Lahore:-Two-Christians-arrested-for-blasphemy-could-get-the-death-penalty-34822.html>. For more information: <http://www.pakistanchristianpost.com/headlinenews.php?hnewsid=5483>.

62. “Man jailed for 13 years for Facebook hate speech,” *The Express Tribune*, November 23, 2015, <http://tribune.com.pk/story/996881/man-jailed-for-13-years-for-facebook-hate-speech/>. For more information: <https://globalfreedomofexpression.columbia.edu/cases/case-saqlain-haider/>.

63. Ruth Gledhill, “Christian family forced to flee home in Pakistan over blasphemy allegations,” *Christian Today*, December 18, 2015, <http://www.christiantoday.com/article/christian.family.forced.to.flee.home.in.pakistan.over.blasphemy.allegations/74035.htm>.

64. Jane Sasseen, “A Clash of Cultures: Hate Speech, Taboos, Blasphemy, and the Role of News Media,” Center for International Media Assistance, October 3, 2013, 21, http://www.cima.ned.org/publication/a_clash_of_cultures__hate_speech__taboos__blasphemy__and_the_role_of_news_media/.

65. Nancy Messieh, “Supporters of jailed Saudi Twitter user may be charged with blasphemy,” *TNW.com*, February 14, 2012, <http://thenextweb.com/me/2012/02/14/supporters-of-jailed-saudi-twitter-user-may-be-charged-with-blasphemy/>.

66. “Raif Badawi, Appeal Denied, Will Soon Face Brutal Punishment for Blasphemy,” Center for Inquiry, September 4, 2014 (updated: September 17, 2014), http://www.centerforinquiry.net/blogs/entry/saudi_court_denies_raif_badawis_appeal/.

67. “Saudi court gives death penalty to man who renounced his Muslim faith,” *Reuters*, February 24, 2015, <http://www.reuters.com/article/2015/02/24/us-saudi-execution-apostasy-idUSKBNOLSOS620150224>.

for the Promotion of Virtue and the Prevention of Vice (Haia).⁶⁸ The image showed the Kaaba, Islam's holiest site, being replaced with Hindu religious symbols. The man was arrested on cyber crime charges. Press reports note that the suspect admitted the social network page was his, but said that he had seen a link to the picture on another account and that he had to click "Like" to view the image, which was then automatically posted on his account.⁶⁹

In February 2016, a Saudi court overturned the death sentence of Ashraf Fayadh, a Palestinian poet convicted of apostasy. Instead of being beheaded, he has now been sentenced to eight years in prison and 800 lashes, which are to be carried out in 16 sessions.⁷⁰ Prosecutors charged him with a host of blasphemy-related charges, including: blaspheming "the divine self" and the Prophet Muhammad; spreading atheism and promoting it among the youth in public places; mocking the verses of God and the prophets; refuting the Quran; denying the day of resurrection; objecting to fate and divine decree; and having an illicit relationship with women and storing their pictures in his phone.⁷¹

Tunisia

Two young atheists, Jabeur Mejri and Ghazi Beji, were sentenced in March 2012 to seven-and-a-half years in prison for Facebook postings that were judged blasphemous. Mejri faced trial in court, while his friend Beji was convicted in ab-

sentia. After serving nearly two years in prison, Mejri was pardoned by Tunisian President Moncef Marzouki and released.⁷²

Turkey

A trial was brought against the pianist Fazil Say for blasphemous tweets, alarming the artistic community. He was given a suspended ten-month jail term, but in October 2015, Turkey's Supreme Court of Appeals reversed the sentence. In May 2014, a Turkish court handed a 15-month jail term to a teacher over Twitter posts deemed religiously offensive. The man, identified as Ertan P., allegedly insulted Islamic values with his Twitter handle.⁷³ In October 2014, a Turkish woman was arrested on suspicion of blasphemy after she posted a photo on Twitter of red-stilettoed feet standing on the Quran. She was released after questioning.⁷⁴ In January 2015, a Turkish court ordered Facebook to block a number of pages deemed insulting to the Prophet Muhammad, threatening to stop access to the whole social networking site if it did not comply.⁷⁵

United Arab Emirates

An Indian employee in Dubai under the initials S.G. is being prosecuted after posting a blasphemous status on his Facebook page, in which he curses the Prophet Muhammad and Islam. In April 2015, prosecutors sought a seven-year imprisonment and a fine of 1 million Emirati Dirham, which is the toughest punishment applicable against the defendant, who breached the cyber-crime law.⁷⁶

68. Drishya Nair, "Saudi Arabia: Religious Police Expel Men from Festival for Being 'Too Handsome'," *IB Times*, April 16, 2013, <http://www.ibtimes.co.uk/saudi-arabia-festival-men-expelled-handsome-457734>.

69. Ludovica Iaccino, "Saudi Arabia: Religious police arrest Indian man for 'liking offensive Hindu picture on facebook'," *The International Business Times*, March 5, 2015, <http://www.ibtimes.co.uk/saudi-arabia-religious-police-arrest-indian-man-liking-offensive-picture-facebook-1490609>.

70. "Ashraf Fayadh: Saudi court quashes poet's death sentence," *BBC*, February 2, 2016, <http://www.bbc.com/news/world-middle-east-35476183>.

71. "Saudi Arabia: Poet Sentenced to Death for Apostasy," Human Rights Watch, November 23, 2015, <https://www.hrw.org/news/2015/11/23/saudi-arabia-poet-sentenced-death-apostasy>.

72. Tristan Dreisbach, "Jabeur Mejri Finally Released from Prison, According to Lawyer," *Tunisalive*, March 4, 2014, <http://www.tunisia-live.net/2014/03/04/jabeur-mejri-finally-released-from-prison-according-to-lawyer/>.

73. "Turkey jails Twitter user AllahCC for blasphemy: report," *Al Arabiya News*, May 29, 2014, <http://english.alarabiya.net/en/media/2014/05/29/Turkey-sentences-Twitter-user-to-jail-for-blasphemy-report.html>.

74. Charlotte Alfred, "Woman Arrested For Tweet Showing Red Stilettoes On The Quran," *The Huffington Post*, October 23, 2014, updated November 10, 2014, http://www.huffingtonpost.com/2014/10/23/turkey-stilettoes-quran-tweet_n_6035198.html.

75. "Turkish court orders Facebook to block pages insulting Mohammad," *Reuters*, January 26, 2015, <http://www.reuters.com/article/2015/01/26/turkey-facebook-idUSL6NOV50MF20150126>.

76. Bassam Za'za, "Facebook status lands man in court," *Gulf News*, April 13, 2015, <http://m.gulfnews.com/news/uae/facebook-status-lands-man-in-court-1.1491112>.

In March 2016, an Emirati security official was accused of blasphemy for publicly insulting Christianity during a Christmas party held at the end of the year. The incident was recorded by an Egyptian hotel manager, who forwarded it on WhatsApp to his Sudanese colleague. The footage was then posted on Instagram. When the Emirati security agent complained that his privacy had been breached by the decision to post the clip on social media, the Egyptian and Sudanese hotel staffers were in turn accused of breaching privacy and committing blasphemy, given that they used social media “to disdain Christianity.”⁷⁷

77. Bassam Za'za, “Hotel employee accused of insulting religion,” *Gulf News*, March 13, 2016, <http://gulfnews.com/news/uae/courts/hotel-employee-accused-of-insulting-religion-1.1689540>.

Cross-border repercussions, diplomatic strains

'Everyone Draw Muhammad Day': When Facebook was blocked

Consecutive episodes of “Everybody Draw Muhammad Day” have illustrated over the years how blasphemy can be used as a motive for systematic censorship. Initially held in May 2010, the event was intended to support satiric expression and to oppose the death threats targeting Trey Parker and Matt Stone, co-creators of the U.S. animated television show *South Park*, for depicting the Prophet Muhammad in one of the program’s episodes. A Facebook page promoting “Everybody Draw Muhammad Day” was created, which quickly drew over 100,000 participants. A counter-initiative attracted slightly more supporters.⁷⁸

In May 2010, a judgment from Lahore High Court ordered the Pakistan Telecommunication Authority (P.T.A.) to block the entire Facebook website for thirteen days. Days later, the ban was extended to include YouTube due to “blasphemous content”; access to Wikipedia and Flickr was also restricted.⁷⁹ Facebook announced that it was “very disappointed” with the ban and said that it was “analyzing the situation and the legal considerations” to take appropriate action.⁸⁰ Pakistan’s Deputy Attorney General then launched a criminal investigation against Facebook CEO and Founder Mark Zuckerberg, which under local laws could lead to a death sentence. (The judicial proceedings were unfounded—Facebook’s CEO could not be tried given that he is not a Pakistani citizen). Meanwhile, Pakistan lodged an official complaint with the U.S. State Department, and its Ambassador, Husain Haqqani, raised the issue with U.S. Special Represen-

tative for the region, Richard Holbrooke. The embassy urged the U.S. government to “take effective measures to prevent, stop or block this blasphemous contest immediately,” arguing that, according to the laws of commerce, Facebook was under the legal jurisdiction of the United States.⁸¹ Finally, on May 31, 2010, the ban on Facebook was lifted, one day after Bangladesh imposed its own ban.⁸² Emboldened by Pakistan’s uncompromising stance, the acting chair of the Bangladesh Telecommunications Regulatory Commission stated that access to Facebook would be re-opened only when the “pages that contain the obnoxious images” had been erased.⁸³

The unilateral blocking of Facebook by Pakistan and Bangladesh put Internet companies on notice for future government attempts to block services based on allegations of blasphemous content. Ever since the shutdown, Facebook has complied with censorship requests and blocked content in countries where blasphemy is illegal, even when such content does not violate its community standards.⁸⁴ Clearly, Facebook prefers to impose content restrictions, rather than subject itself to erratic governmental blackmail or shutdowns.

Four years later, press reports confirm that the Pakistani government has stepped up its censorship efforts, with a 968% increase in the number of pieces of content restricted in the first six months of 2014, compared to similar requests made in the second

78. Jenny Yuen, “Draw Mohammed drawing in fans, foes,” *Toronto Sun*, January 26, 2010, <http://www.torontosun.com/news/torontoandgta/2010/05/20/14026241.html>.

79. For more information, see Sabrina Tavernise, “Pakistan Widens Online Ban to Include YouTube,” *The New York Times*, May 20, 2010, <http://www.nytimes.com/2010/05/21/world/asia/21pstan.html>.

80. Sara Inés Calderon, “Pakistan Shuts Down Facebook Over ‘Everybody Draw Mohammed’ Page,” *Social Times*, May 20, 2010, <http://www.adweek.com/socialtimes/pakistan-shuts-down-facebook-over-%E2%80%99everybody-draw-mohammed%E2%80%99-page/240178>.

81. “Pakistan protests Facebook images, Haqqani conveys sentiment to US officials,” *Associated Press of Pakistan*, May 22, 2010, <http://archive.is/ORn2>.

82. “Now Bangladesh bans Facebook in outrage over online competition to draw Prophet Mohammed,” *The Daily Mail*, May 30, 2010, <http://www.dailymail.co.uk/news/article-1282659/Bangladesh-bans-Facebook-Prophet-Mohammed-drawing-competition.html>.

83. “Bangladesh ‘blocks Facebook’ over political cartoons,” *BBC*, May 30, 2010, <http://www.bbc.co.uk/news/10192755>.

84. “Facebook Community Standards,” Facebook, accessed July 26, 2016, <https://www.facebook.com/communitystandards>.

half of 2013. According to a Facebook report covering the first six months of 2014, 1,773 pieces of content were restricted. By contrast, access was restricted to just 166 pieces of content in the second half of 2013.⁸⁵ It has also been reported that the P.T.A. has blocked over 64,000 websites, 14,000 of them on the grounds of blasphemy.⁸⁶

'Everyone Draw Muhammad Day': A turning point for Twitter?

The cartoon competition of "Everyone Draw Muhammad Day" also had an impact on Twitter. When the event was held in 2012, a "high-level decision" was made by the Pakistani government to shut down Twitter for about eight hours, prompted by the social networking service's refusal to remove content considered blasphemous.⁸⁷ That same year, Twitter decided that it would, in certain cases, take down content on a country-by-country basis (as opposed to across its global network) in an attempt to ensure that governments would not block it entirely. "If we receive a valid and properly scoped request from an authorized entity, it may be necessary to reactively withhold access to certain content in a particular country from time to time," Twitter announced.⁸⁸ The decision was strongly criticized by free speech activists and Twitter's reputation for promoting free expression was damaged. The company committed to record all the blocked tweets at the Chilling Effects Clearinghouse,⁸⁹ a U.S. website that tracks down the traces of content blocked by online censorship.⁹⁰

Two years later, in May 2014, its new policy was put to the test in Pakistan when the P.T.A. asked Twitter

to block several tweets that it declared were offensive to the religious feelings of Pakistani Muslims. Twitter complied with the request, again arguing that it was a lesser evil to block specific tweets that might violate local laws than to have the entire site blocked in a given country.⁹¹ One month later, however, the company reviewed the request and defiantly unblocked the content (23 accounts and 15 specific tweets).⁹² "In the absence of additional clarifying information from Pakistani authorities, we have determined that restoration of the previously withheld content is warranted," Twitter stated.⁹³

Twitter's 180-degree reversal, which followed an international campaign opposed to its original compliance with the P.T.A., as well as considerable media coverage of the story, shows that it is ready to resist government censorship requests. This case demonstrates just how much corporate policy in this area is still a work in progress, how decisions can change, and where the rules are yet to be firmly established.

"Innocence of Muslims": When a YouTube video sparked deaths and an international diplomatic crisis

The most emblematic case of blasphemy in the digital age may well be that of the video "trailer" "Innocence of Muslims," which was released on the U.S.-based YouTube website in 2012. The plot tells the story of a corrupt man who founds Islam and goes on a frenzied rampage in the ancient Middle East. The scope of the damage it caused in both human casualties and diplomatic tensions was unprecedented for an online clip. The crisis prompted a domino effect of mass protests

85. Gibran Ashraf, "Marked increase in govt's efforts to censor critical, blasphemous content on Facebook," *The Express Tribune*, November 5, 2014, <http://tribune.com.pk/story/786070/marked-increase-in-govts-efforts-to-curb-critical-blasphemous-content-on-facebook/>

86. Obaid Abbasi, "Over 60,000 websites were blocked by PTA," *The Express Tribune*, January 20, 2015, <http://tribune.com.pk/story/824865/over-60000-websites-were-blocked-by-pta/>.

87. Richard Leiby, "Pakistan blocks, then restores, Twitter access," *The Washington Post*, May 20, 2012, http://www.washingtonpost.com/world/pakistan-blocks-then-restores-twitter-access/2012/05/20/GIQAQqBPdU_story.html?hpid=z3.

88. "Country Withheld Content," Twitter, accessed July 26, 2016, <https://support.twitter.com/articles/20169222-country-withheld-content>.

89. Chilling Effects is a collaborative network to protect lawful online activity. It allows users to submit content to the site and to receive information about their legal rights and responsibilities. <https://www.chillingeffects.org>.

90. Paul Sims, "Why is Twitter helping to censor blasphemy in Pakistan?" *New Humanist*, June 10, 2014, <https://newhumanist.org.uk/articles/4675/why-is-twitter-helping-to-censor-blasphemy-in-pakistan>.

91. Robert Mackey, "Twitter Agrees to Block 'Blasphemous' Tweets in Pakistan," *The New York Times*, May 22, 2014, <http://www.nytimes.com/2014/05/22/world/asia/twitter-agrees-to-block-blasphemous-tweets-in-pakistan.html>.

92. Twitter Transparency Report, "Removal requests January 1—June 30, 2014," Twitter, <https://transparency.twitter.com/removal-requests/2014/jan-jun>.

93. "Twitter unblocks 'blasphemous' tweets in Pakistan," *BBC*, June 18, 2014, <http://www.bbc.com/news/technology-27902627>.

around the Muslim world, many of which turned violent, causing deaths and political unrest.⁹⁴ In fact, no other video, article, or other piece of content has set off anywhere near the same level of international reaction.⁹⁵ It's hard to quantify the number of casualties caused by the riots as press reports differ widely, but estimates indicate that dozens died and hundreds were injured.

Public perceptions in the United States versus those in the Muslim world swiftly became polarized after the fourteen-minute video started circulating on the Internet in September 2012. For many Western viewers, the trailer was amateurish, blatantly designed to offend Muslims, and undeserving of the attention it deliberately sought. As offensive as the video was, a point which officials at the highest levels repeated incessantly, the U.S. administration considered the video a form of free speech protected under the U.S. Constitution's First Amendment. In line with the longstanding U.S. tradition of counter-speech, leaders spoke up to condemn the content of the video.

In the Islamic world, the trailer was seen as criminally offensive and denigrating to the Prophet Muhammad. Beyond its detestable, anti-Islamic nature, the film was perceived as a Western incitement to hatred against Muslims. Member governments of the Organization of Islamic Cooperation (O.I.C.) called for the video to be banned. Some, seeking to take advantage of popular anger, turned a blind eye to the violence caused by it. Some repressive regimes suspected that the U.S. government was behind the video. After all, wasn't a company that would allow the posting of such content online acting as a mouthpiece for its own government?

It is impossible not to note the glaring paradox that the ISIS footage depicting savage crimes committed

against Muslims, in the name of Islam, has not caused nearly the same sort of uproar in the Muslim world. Multiple videos of beheadings and the burning alive of a Jordanian pilot earlier in 2015 were quickly censored by Google, but the idea of them being available online did not elicit half as much offense. Many rioters who took to the streets to protest the "Innocence of Muslims" had not even viewed the trailer, but the *idea* of Western contempt of Muslims was enough to prompt them to action.

The gap in the reactions to the ISIS videos and the trailer suggests that the anger toward the latter was nurtured to benefit extremist interests. In fact, the "Innocence of Muslims" clip was initially uploaded to YouTube in July 2012 in English, and seldom viewed. Two months later, it was translated into Arabic. It only picked up momentum when it appeared on a blog run by an Egyptian-American lawyer named Morris Sadek, who was known to be a strident critic of Islam and who posted a photo of himself alongside Terry Jones, the Florida pastor infamous for having burned copies of the Quran.⁹⁶ According to one press report, a broadcast on the Egyptian channel Al-Nas, during which a scene from the trailer was aired, was the tipping point. "Within 48 hours of Al-Nas's broadcast, hundreds of protesters were climbing the walls of the United States embassy in Cairo in protest, and an armed mob was setting fire to the (U.S.) consulate in Benghazi."⁹⁷

By the second week of September 2012, riots were erupting in many parts of the Muslim world, a chain reaction that included Egypt, Libya, Yemen, Sudan, Tunisia, Pakistan, Indonesia, Afghanistan, and Lebanon. The violence developed into a serious national security threat for the United States. Despite many peaceful protests, which were not often picked up by the media,⁹⁸ the global story became one of chaos.

94. For a chronology of events, see "Timeline: Protests over anti-Islam video," *Al Jazeera*, September 21, 2012, <http://www.aljazeera.com/news/middleeast/2012/09/201291720158465768.html>.

95. Sasseen, "A Clash of Cultures: Hate Speech, Taboos, Blasphemy, and the Role of News Media," October 3, 2013.

96. Elizabeth Flock, "How 'Innocence of Muslims' Spread Around the Globe and Killed a US Diplomat," *U.S. News & World Report*, September 12, 2012, <http://www.usnews.com/news/articles/2012/09/12/how-innocence-of-muslims-spread-around-the-globe-and-killed-a-us-diplomat>.

97. *Ibid.* Today, there is a broad consensus that the Benghazi assault was a pre-planned terrorist attack that was not linked to the film.

98. "Innocent Mistakes: EJM Report on How Media Failure Inspires Hate," *Ethical Journalism Network*, May 15, 2013, <http://ethicaljournalismnetwork.org/en/contents/innocent-mistakes-ejm-report-on-how-media-failure-inspires-hate>

The chronology of violence around the “Innocence of Muslims”⁹⁹

The first string of protests started in **Egypt**, on September 11, 2012, and continued for four days in Cairo. Opponents climbed over the U.S. embassy wall and replaced an American flag with a black Islamist one. A rally outside the U.S. Embassy in Cairo had originally been announced on August 30th by Jamaat al-Islamiyya (listed as a terrorist organization by the United States), to call for the liberation of its leader, Sheikh Omar Abdel Rahman.¹⁰⁰ Once the trailer started circulating, Salafists in Egypt took advantage to attract crowds around the U.S. embassy.

In **Yemen**, security forces used water cannons to repel crowds after protesters stormed the U.S. embassy grounds in Sana’a. At least five Yemenis were killed.¹⁰¹ An American flag was torn down and vehicles set on fire. The Pentagon sent 50 Marines to secure the compound.¹⁰²

In **Sudan**, thousands of protesters in Khartoum stormed the German embassy and set the building on fire. People also gathered at the American and British embassies, and the police used tear gas to disperse the crowd. Three people were killed during the riots.¹⁰³

In **Tunisia**, four people were killed and 46 were injured during clashes in Tunis when demonstra-

tors breached the American Embassy.¹⁰⁴ A nearby school serving expatriate families was ransacked. All staff members of the embassy and the school were evacuated. The diplomatic staff at the U.S. mission in Tunis was subsequently reduced, affecting its operational activities in the midst of the Tunisian Spring, when U.S. programming was most needed. To this day, the collateral damage of this incident is felt within the embassy: the State Department has still not restored it to its full capacity.

In **Pakistan**, at least 15 people died in Peshawar and Karachi alone, and 78 were injured (according to the most moderate estimates).¹⁰⁵ Mobs attacked banks, churches, cinemas, government buildings, and shops. About 60,000 to 70,000 people protested in Mardan.¹⁰⁶ Police officers held off a convoy of protesters at the U.S. consulate in Karachi, while rocks were hurled at the U.S. consulate in Lahore. One hundred children in Karachi chanted “Death to America” and “Any friend of America is a traitor” in the presence of their teachers.¹⁰⁷ The Pakistani authorities announced a public holiday to let people protest, during which tens of thousands of Pakistanis took to the streets across the country.¹⁰⁸ Property worth billions of rupees was destroyed.

99. In Libya, the American ambassador and three of his staff members were killed during an attack on the U.S. diplomatic mission in Benghazi, when a mob stormed into the compound. At the time of the attack, the role of the video in stirring the planned terrorist assault was heatedly debated in the United States, and the Obama administration was criticized for initially linking the attack to the trailer in public statements. Today there is a broad consensus that the assault was a pre-planned terrorist attack that had little if anything to do with the film.

100. Sara Lynch and Oren Dorell, “Deadly embassy attacks were days in the making,” *USA Today*, September 12, 2012, <http://usatoday30.usatoday.com/news/world/story/2012/09/12/libyan-officials-us-ambassador-killed-in-attack/57752828/1>.

101. Suliman Ali Zway and Rick Gladstone, “In Libya, Chaos Was Followed by Organized Ambush, Official Says,” *The New York Times*, September 13, 2012, <http://www.nytimes.com/2012/09/14/world/africa/libya-attacks-came-in-two-waves-official-says.html>.

102. Mohammed Ghobari, “U.S. sends Marines to Yemen; new clashes outside embassy,” *Reuters*, September 14, 2012, <http://www.reuters.com/article/2012/09/14/us-protests-yemen-idUSBRE88D1CO20120914>.

103. “Embassies under attack over anti-Islam video,” *Al Jazeera*, September 15, 2012, <http://www.aljazeera.com/news/middleeast/2012/09/201291482159758224.html>.

104. “Tunisia death toll rises to four in U.S. embassy attack,” *Reuters*, September 15, 2012, <http://www.trust.org/item/?map=tunisia-death-toll-rises-to-four-in-us-embassy-attack/>.

105. CNN Wire Staff, “Death, destruction in Pakistan amid protests tied to anti-Islam film,” *CNN*, September 21, 2012, <http://www.cnn.com/2012/09/21/world/anti-islam-film-protests/>.

106. *Ibid.*

107. CNN Wire Staff, “Embassies close in fear of more protests,” *CNN*, September 21, 2012, <http://edition.cnn.com/2012/09/20/world/anti-islam-protests/index.html>.

108. “Violent protests against video rock Pakistan,” *Al Jazeera*, September 22, 2012, <http://www.aljazeera.com/news/asia/2012/09/20129219618263113.html>.

In **Indonesia**, 500 Islamists threw rocks and bricks at the U.S. embassy in Jakarta where the Islamic Defenders Front (FPI) and Majelis Mujahideen Indonesia reportedly led the protest.¹⁰⁹ At least ten police were rushed to the hospital and one protester was hospitalized. There were also protests in Medan and Bandung. In Java, protesters stormed Kentucky Fried Chicken and McDonald's restaurants.¹¹⁰ One month later, Indonesian police, who arrested eleven people suspected of planning attacks on domestic and foreign targets, including the U.S. embassy, said that anger at the "Innocence of Muslims" video was among the motives behind the failed terror plot.¹¹¹

In **Afghanistan**, demonstrations in Kabul turned violent. Protesters burned tires and set fire to cars and shipping containers. A crowd of around 1,000 people gathered, from which gunmen opened fire at police. The officers did not return fire. "Between 40 to 50 policemen were 'very slightly wounded' by stone throwers."¹¹²

In **Lebanon**, protesters set fire to fast food restaurants in Tripoli. One person was killed and at least two dozen were injured.

In addition, 10,000 Bangladeshis marched in Dhaka, 3,000 Iraqis protested in Basra and 2,000 Sri Lankans rallied in Colombo.¹¹³

"Innocence of Muslims": The chain of diplomatic reactions

Beyond an intense debate on the limits of free speech, the clip sparked a vigorous exchange between the U.S. government and O.I.C. states at a United Nations General Assembly meeting during the time of the riots. At the meeting, U.S. President Barack Obama dedicated almost 20 minutes to discussing the video.¹¹⁴ One day later, Egypt's then president, Mohammed Morsi, rejected the insults to the Prophet Muhammad and declared that they were part of "an organized campaign" against Muslim religious and cultural values.¹¹⁵

There was fundamental disagreement, however, on what caused the security threat. For O.I.C. states, the video's hateful message was responsible for causing the violence, and was an example of how Western hatred against Muslims was destabilizing the world. According to their perspective, criticism of religion in the video *did* directly incite violence. In the worldview of the O.I.C. states, the offensive nature of the video justified the riots. For the United States and Western liberal democracies generally, the level of violence that ensued in response to the video was unjustifiable in all circumstances.

Other O.I.C. leaders took to the floor to condemn the video, including President Susilo Bam-

109. Michael Bachelard and Ben Doherty, "Embassy under attack as protests spread," *The Sydney Morning Herald*, September 18, 2012, <http://www.smh.com.au/world/embassy-under-attack-as-protests-spread-20120917-262qt.html>.

110. Abdullah Khan, "'Innocence Of Muslims' Protests: Violent Clashes Over Anti-Islam Film Break Out In 3 Nations," *The World Post*, September 17, 2012.

111. AP, "Indonesia Terror Attack: 'Innocence Of Muslims' Film Said To Fuel Embassy Plot," *The World Post*, October 29, 2012.

112. "Violence erupts as protesters burn cars and throw rocks at U.S. military base in Afghan capital over anti-Islam video," *The Daily Mail*, September 12, 2012, <http://www.dailymail.co.uk/news/article-2204400/Innocence-Muslims-protests-Rioters-burn-cars-throw-rocks-U-S-military-base-Afghan-capital-anti-Islam-video.html>.

113. "Violent protests against video rock Pakistan," *Al Jazeera*, September 22, 2012.

114. President Obama said: "There is no speech that justifies mindless violence. There are no words that excuse the killing of innocents. There's no video that justifies an attack on an embassy. There's no slander that provides an excuse for people to burn a restaurant in Lebanon, or destroy a school in Tunis, or cause death and destruction in Pakistan. In this modern world with modern technologies, for us to respond in that way to hateful speech empowers any individual who engages in such speech to create chaos around the world. We empower the worst of us if that's how we respond. More broadly, the events of the last two weeks also speak to the need for all of us to honestly address the tensions between the West and the Arab world that is moving towards democracy." To view the full speech, see: https://www.youtube.com/watch?v=Q_ijBilki-l. For the transcript from the White House: <http://www.whitehouse.gov/the-press-office/2012/09/25/remarks-president-un-general-assembly>.

115. Anne Green, "Egypt's President Morsi tells U.N.: Insults to Muhammad 'unacceptable,'" *The Washington Post*, September 26, 2012, http://www.washingtonpost.com/world/national-security/egypts-president-morsi-tells-un-insults-to-muhammad-unacceptable/2012/09/26/fef14e46-07f3-11e2-858a-5311df86ab04_story.html.

bang Yudhoyono of Indonesia,¹¹⁶ President Asif Ali Zardari of Pakistan,¹¹⁷ President Hamid Karzai of Afghanistan,¹¹⁸ and Prime Minister Recep Tayyip Erdogan of Turkey.¹¹⁹ Some called for a global code to criminalize blasphemy. The timing of such statements was unfortunate: inflammatory rhetoric diffused on TV channels around the world clearly weakened the credibility of a consensus resolution adopted at the United Nations only 18 months prior, calling on states to fight religious intolerance without criminalizing speech.¹²⁰ After decades of deadlock, the fragile compromise reached between the United States and the O.I.C. was on the verge of collapse. But, despite the heated words during the General Assembly, the textual consensus finally prevailed.¹²¹

Unlike “Everyone Draw Muhammad Day,” in which Facebook was the principle object of attacks, the U.S. government was targeted as the principle offender in the case of “Innocence of Muslims.” Still, YouTube (owned by Google) was rapidly caught in the cross-fire. At the time, it stated: “We work hard to create a community everyone can enjoy and which also enables people to express different opinions. This can be a challenge because what’s OK in one country can be offensive elsewhere. This video—which is widely available on the Web—is clearly within our guidelines and so will stay on YouTube.”¹²²

In a transparency report¹²³ covering the second half of 2012,¹²⁴ Google explained that it had received inquiries from 20 countries concerning the clip:

Australia, Bangladesh, Brazil, Brunei, Djibouti, Egypt, India, Indonesia, Iran, Jordan, Lebanon, Malaysia, the Maldives, Pakistan, Russia, Saudi Arabia, Singapore, Turkey, the United Arab Emirates, and the United States. “Australia, Egypt and the United States requested that we review the videos to determine if they violated our Community Guidelines, which they did not. The other 17 countries requested that we remove the video.” The U.S. request came directly from the White House, indicating how high up in government the concern had risen.¹²⁵

Google reported that it had blocked the “Innocence of Muslims” video from view in Indonesia, India, Jordan, Malaysia, Russia, Saudi Arabia, Singapore, and Turkey, thus responding to eight out of the 17 government requests (47%). “Due to difficult circumstances,” the company stated, “we [also] temporarily restricted videos from view in Egypt and Libya,” after assessing the likelihood of imminent violence in those countries due to the trailer’s availability. The next section of this paper will discuss the range of reasons potentially involved in the decision-making process that led to the video being taken down in some of the requesting countries but not in others.

In February 2014, Google removed the film from its U.S. service. This action resulted from a lawsuit filed against YouTube and the producer of the film by one of the actresses who claimed that she was duped into providing an artistic performance that,

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116. A transcript of the speech can be found at the permanent mission of Indonesia to the United Nations: http://www.indonesiamission-ny.org/menu_kiri/k1_peace_security/k1_statements/120925_RI_UNGA67.pdf.
117. A transcript of the speech can be found at the embassy of Pakistan to the United States: http://embassyofpakistanusa.org/news546_09252012.php.
118. A transcript of the speech can be found at the permanent mission of Afghanistan to the United Nations: <http://www.afghanistan-un.org/2012/09/president-hamid-karzai-speaks-at-the-united-nations-general-assembly/>.
119. The video of the speech can be found here: <http://www.c-span.org/video/?301708-3/turkish-prime-minister-recep-tayyip-erdogan-united-nations-address>.
120. For more information, read “Defusing the defamation issue,” *The Economist*, May 25, 2011, http://www.economist.com/blogs/newsbook/2011/03/free_speech.
121. For more, see Uddin and Tarin, “Rethinking the ‘Red Line’: The Intersection of Free Speech, Religious Freedom, and Social Change,” November 2013.
122. Rebecca J. Rosen, “What to Make of Google’s Decision to Block the ‘Innocence of Muslims’ Movie,” *The Atlantic*, September 14, 2012, <http://www.theatlantic.com/technology/archive/2012/09/what-to-make-of-googles-decision-to-block-the-innocence-of-muslims-movie/262395/>.
123. Transparency reports of Internet companies disclose on a regular basis data a range of statistics, which include among other information, requests for user data and content.
124. Google Transparency Report, “Explore Requests - Request Period: July to December 2012,” Google, accessed July 26, 2016, <http://www.google.com/transparencyreport/removals/government/notes/?hl=en#period=Y2012H2>.
125. AP, “Google says it won’t take down anti-Muslim clip,” *CBS News*, September 12, 2012, <http://www.cbsnews.com/news/google-says-it-wont-take-down-anti-muslim-clip/>.

once aired, led to serious threats against her life.¹²⁶ A YouTube search for the video in the United States during the lawsuit resulted in this message: “A U.S. Court has ordered Google to remove the video. We strongly disagree with this copyright ruling and will fight it.” In May 2015, a federal appeals court overturned the order, allowing the video to again be posted online.¹²⁷

126. Elizabeth Landau and Miguel Marquez, “Google ordered to remove anti-Muslim film from YouTube,” *CNN*, February 26, 2014, <http://edition.cnn.com/2014/02/26/us/google-movie-innocents-of-muslims/>.

127. Bill Chappell, “Google wins copyright and speech case over ‘Innocence of Muslims’ video,” *NPR*, May 18, 2015, <http://www.npr.org/sections/thetwo-way/2015/05/18/407732594/google-wins-copyright-and-speech-case-over-innocence-of-muslims-video>.

Censorship and surveillance: What can be done to protect Internet users accused of blasphemy?

Blasphemy is but a drop in the ocean when it comes to broader questions around Internet freedom. What distinguishes it is the potency with which allegations of blasphemy can be used to weaken free speech standards, undermine diplomatic relations between the Western and Muslim worlds, and deepen cultural tensions between large segments of the global population. The tech industry cannot prevent violent riots from breaking out when commentary around religion creates controversy. Nor is it responsible for arbitrary government arrests or imprisonment. Still, policies in place can tip the balance to better protect users from state-led intrusion or human rights abuses.

Insulting religion is not a value tech companies should strive for, but criticism of religion, however crude and insensitive, should be tolerated because debate, and even contestation, lies at the heart of any reform. Without it, there is no chance for religious pluralism to emerge. Cutting out peaceful commentary on religion amounts to defining the frontiers of what can be discussed in Islam. In a world ridden with sectarian conflicts and where religious minorities and dissenters are endangered, there is a need for more debate, introspection, and questioning, not less.

Governments frequently use surveillance and censorship against alleged blasphemers, and social media giants are not neutral players. Free speech will either be upheld or weakened by corporate behavior as governments attempt to impose greater state control or request to block blasphemous content from the Internet. Privacy will either be protected or further eroded with every abusive demand for user information that could lead to arbitrary arrest, impris-

onment, or corporal punishment. At this moment, the boundaries of the Internet are being tested. With no rules in place, the groundwork for future policies and norms is being established on a case-by-case basis. Governments continue to test their limits through their requests, and companies continue to make inconsistent decisions. But each time a company chooses to comply with a foreign blasphemy law, a precedent is set. Such responses empower states to make more censorship requests, and to call on other social media companies to comply. As a result, the lowest common denominator has the potential to develop into the de facto standard practice.

As discussed in the cases of “Everyone Draw Muhammad Day” and “Innocence of Muslims,” Facebook and YouTube/Google effectively faced blackmail when authorities threatened to block their entire services if the blasphemous pages were not removed. These patterns continue. For example, YouTube was banned for three years in Pakistan, until the government lifted the ban in January 2016. To achieve that result, Google launched a localized version of YouTube in Pakistan (YouTube.pk), after Pakistani authorities confirmed that YouTube.pk did not contain any links to the “Innocence of Muslims.”¹²⁸ The localized version of YouTube paved the way for access into the Pakistani market.

In January 2015, shortly after Mark Zuckerberg condemned the attack on *Charlie Hebdo* and spoke of his commitment to “building a service where you can speak freely without fear of violence,”¹²⁹ Facebook complied with a Turkish court order to block a page it said offended the Prophet Muhammad.¹³⁰

128. Maria Khan, “Pakistan YouTube Ban Lifted after Google launches local version,” *International Business Times*, January 18, 2016, <http://www.ibtimes.co.uk/pakistan-youtube-ban-lifted-after-google-launches-local-version-1538650>.

129. Following the *Charlie Hebdo* attack, see Mark Zuckerberg’s January 9, 2015, Facebook status: <https://www.facebook.com/zuck/posts/10101844454210771>.

130. Sebnem Arsu and Mark Scott, “Facebook Is Said to Block Pages Critical of Muhammad to Avoid Shutdown in Turkey,” *The New York Times*, January 26, 2015, http://www.nytimes.com/2015/01/27/world/europe/facebook-said-to-block-pages-on-muhammad-to-avoid-ban-in-turkey.html?_r=0.

Social media firms are entitled to remove content when their guidelines are clearly violated. Facebook does that in the case of violence and threats, self-harm, bullying, hate speech, graphic content, nudity, and security.¹³¹ Google removed content in the case of illegal activities, theft of intellectual property, malicious products, hate speech, child exploitation, sexually explicit material, and bullying.¹³² For Twitter, tweets are restricted in cases of impersonation, trademark violation, exposure of private information, violence and threats, copyright transgression, and unlawful use or misuse of Twitter badges.¹³³ For example, in 2015 alone, Twitter shut down thousands of accounts linked to ISIS.¹³⁴

In contrast to these examples, blasphemy should not be defined as a legitimate reason to take down content. Scores of employees within social media companies patrol their services to remove content considered hateful according to international standards. In countries where blasphemy is considered a form of hate speech, however, the line between what is tolerable and what is hateful becomes blurred. Not all tech employees are aware of the legal nuances in international law—what is permitted, what is forbidden, and why. When social media companies apply their corporate guidelines, the subtleties around free speech must be duly considered, otherwise international standards will erode. Google explains its clear policy when it comes to government requests for content removal: they “must be made in writing, be as specific as possible about the content to be removed, and explain how the content is illegal. . . . Sometimes, written letters from agencies aren’t sufficient and a court order is necessary instead.” In cases where it determines that a court order has been forged, Google states that it “won’t comply.”¹³⁵

When it comes to digital surveillance, the number of inquiries related to blasphemy may well be lower compared to other (and better documented) categories, but the proportion involving human rights violations is unusually high. Internet companies disclose user information to governments frequently for many reasons, not least tracking terrorism or fighting crime or child pornography. Far from these legitimate motives, the problem is when regimes use national security (or child safety) as an excuse for censorship or surveillance. The release of sensitive information, such as a browser’s location, an email chat, names of friends, or listing of pages that have been “liked,” can compromise a user’s safety.¹³⁶ The stakes are high when data on religious minorities or political dissidents can lead to crackdowns. In recent times, companies have given greater control to users over what they choose to share and with whom. For example, Facebook engineers added new encryption and security settings that enable users to better protect themselves against surveillance as well as unauthorized intrusion into their accounts.¹³⁷ But even more can be done.

To date, the number of inquiries pertaining to individuals who have “insulted” religion on the Internet is unknown. Companies do not detail when user data requests are motivated by the “crime” of blasphemy. Reasons for content removal are described in broad strokes, when considered necessary at all to inform the public—although Google does have a system to categorize cases involving alleged “religious insult.” But when it comes to criminal investigations of private Internet users, even the social media giants are not always aware of the motives. The nature of the investigations that prompt requests for information are not always disclosed when appeals are made. (To take

131. “Facebook Community Standards,” Facebook, accessed July 26, 2016, <https://www.facebook.com/communitystandards>.

132. “Google Policies and Principles,” Google, accessed July 26, 2016, <https://www.google.com/intl/en/+policy/content.html>.

133. “The Twitter Rules,” Twitter, accessed July 26, 2016, <https://support.twitter.com/articles/18311-the-twitter-rules>. For example, taking down thousands of accounts supporting the Islamic State fits into that category.

134. Polly Mosendz, “Twitter Shuts Down 2,000 ISIS-Linked Accounts,” *Newsweek*, March 3, 2015, <http://www.newsweek.com/twitter-shuts-down-2000-isis-linked-accounts-310969>.

135. Google Transparency Report, “Government requests to remove content”, Google, accessed July 26, 2016, <http://www.google.com/transparencyreport/removals/government/>.

136. The trend of government requests for users’ data is clearly on the rise and is not restricted to O.I.C. states. On the contrary, Western democracies, with the U.S. frequently in the lead, generate the highest number of criminal requests, whether carried out by national agencies, law-enforcement agencies or court orders.

137. Rebecca MacKinnon, *Consent of the Networked: The Worldwide Struggle for Internet Freedom* (New York: Basic Books, 2012), 159.

a hypothetical example, if a policeman searched a hotel room to find a suspect, he would not justify his request by explaining at length that the guest could be part of an organized crime ring. Rather, he would inform the hotel that there was an urgent need to access the room, because the guest was under criminal investigation).

In fact, governments are less and less likely to state their motives for data requests as “blasphemy,” knowing that it could raise red flags. The requests are becoming more subtle; governments and hackers alike are finding new, sophisticated ways to break into accounts each day.

Corporate decision-making and allegations of blasphemy on the Internet

Corporate decision-making is made through a maze of jurisdictions that shape the company’s margin for action. Once a firm is established in a host country, with a local presence and operating staff, it is required to comply with domestic law—including laws regulating speech. As Michael Samway (former vice president and deputy general counsel at Yahoo! Inc., where he founded the company’s Business & Human Rights Program) explains, “companies like Yahoo!, Google, Microsoft, Facebook, LinkedIn, Twitter, and others have to anticipate the most likely scenarios where local law or practice may conflict with international norms, and where companies may be required by host governments to take steps that interfere with citizens’ rights to free expression and privacy. These risks merit thoughtful and sustainable responses.”¹³⁸

An Internet company with offices and staff established in a given location needs to comply with local jurisdiction; otherwise its staff’s security and financial welfare could be jeopardized. In 2012, for example, police detained Google’s most senior executive in Brazil after Google refused to take down a YouTube video allegedly violating

the country’s electoral laws.¹³⁹ When it comes to blasphemy-related requests, such circumstances can shape decision-making.

In a scenario where a company is not legally settled abroad, there is greater flexibility in terms of the types of laws the company must adhere to. Other considerations can play a role in how social media companies interact with government policies, such as the level of investment or the potential for market growth in the given environment. According to Rebecca MacKinnon, director of the Ranking Digital Rights project at the New America Foundation and renowned Internet expert, “Google tailors its interactions with governments choosing which services to place under whose jurisdiction based on commercial opportunities, legal risks, and its wish to promote a global brand image imbued with freedom (and) openness.”¹⁴⁰

Companies do not get to choose local laws, but they *do* get to choose where they are subject to jurisdiction by deciding where to establish operations and invest. It is hard to forget that Google pulled out of the Chinese market altogether in March 2010 as a result of China’s firewall designed to block officially blacklisted websites. This can help explain some decisions Internet companies have made when it comes to blasphemy. In 2014, when Twitter restored the tweets that the Pakistani government had urged it to remove, it was not legally bound to comply with Pakistan’s jurisdiction. When Google removed the “Innocence of Muslims” trailer from India and Turkey, the fact that the company had offices and staffers on the ground in those countries surely factored into the decision-making process.

In contrast, Facebook complies with government demands when they are “valid requests relating to criminal cases,” so domestic law is respected, even in countries where the company is not established. The company explains that it has “stringent processes in place to handle all government data re-

138. Michael A. Samway, “The Internet, Human Rights, and the Private Sector. An Interview with Michael A. Samway,” interview by Warren Ryan, *Georgetown Journal of International Affairs*, Winter/Spring 2014, 26.

139. “Google executive in Brazil detained after failure to remove YouTube video,” *The Guardian*, September 27, 2012, <http://www.theguardian.com/technology/2012/sep/27/google-brazil-remove-youtube-video>.

140. Rebecca MacKinnon, “Playing Favorites,” *Guernica*, February 3, 2014, <https://www.guernicamag.com/features/playing-favorites/>.

quests” under which authorities must meet a “very high legal bar” to receive any information on the users. Facebook says that it scrutinizes each request “for legal sufficiency under our terms and the strict letter of the law.” It fights off many requests when *legal* deficiencies are found, or if the scope of the request is too vague. When required to comply, “we frequently share only basic user information, such as name,” Facebook states.¹⁴¹

Facebook’s approach is rigorously legal. Even if government requests for information on users conflict with international free speech standards, Facebook will comply so long as such requests meet strict legal criteria. Yet, in the wake of the attack on *Charlie Hebdo*, Mark Zuckerberg recalled the “extremist in Pakistan [who] fought to have me sentenced to death because Facebook refused to ban content about Mohammed that offended him.” He stated: “I won’t let that happen on Facebook. I’m committed to building a service where you can speak freely without fear of violence.”¹⁴²

This statement appears to conflict with his company’s legalistic approach. Beyond the “strict letter of the law” referred to by Facebook, corporations must carefully examine if its spirit complies with international standards, and also scrupulously examine the political circumstances in which the law is enforced domestically. Related factors must be weighed, for example whether the judicial system is independent, and if there are checks and balances in place to protect Internet users. Context is crucial in a country like Pakistan where defense lawyers of alleged blasphemers are killed,¹⁴³ judges are intimidated, police cannot assure the physical security of

blasphemers (even in their jail cells¹⁴⁴), men released from prison are gunned down,¹⁴⁵ and radicals are empowered by each anti-blasphemy action.

Corporations are not expected, nor should they be encouraged, to set international human rights standards. Those have already been defined. But social media networks have committed to respect those principles through membership with the Global Network Initiative (G.N.I.), of which Google and Facebook are fully-fledged members. The G.N.I., sponsored by firms, NGOs, and universities, was created on a set of principles to prevent Internet censorship and protect privacy rights. Participating companies commit to respecting and protecting “the freedom of expression rights of their users when confronted with government demands, laws and regulations to suppress freedom of expression, remove content or otherwise limit access to information and ideas in a manner inconsistent with internationally recognized laws and standards.”¹⁴⁶ When it comes to privacy, “Participating companies will respect and protect the privacy rights of users when confronted with government demands, laws or regulations that compromise privacy in a manner inconsistent with internationally recognized laws and standards.”¹⁴⁷ Google and Facebook have also committed to having their performances independently reviewed. Human rights assessments are particularly useful when entering new markets, launching new products, acquiring companies, or establishing partnerships. In that respect, it is useful to explore the human rights landscape of the prospective market, anticipate the areas where the company’s products or services may intersect with human rights issues, and then design responsible approaches to mitigate the risks.¹⁴⁸

141. “Global Government Requests Report”, Facebook, accessed July 26, 2016, https://www.facebook.com/about/government_requests.

142. Facebook status of Mark Zuckerberg, January 9, 2015 <https://www.facebook.com/zuck/posts/10101844454210771>.

143. “Pakistan ‘blasphemy lawyer’ shot dead in Multan office,” *BBC*, May 7, 2014, <http://www.bbc.com/news/world-asia-27319433>.

144. Muhammed Salim, a Pakistani who was facing trial on charges of committing blasphemy, was tortured to death by his inmates in jail. After heated arguments over blasphemy, inmates punched him, after which he was taken to a hospital, where he died. “Undertrial prisoner arrested for blasphemy killed in Pakistan jail,” October 19, 2014, *ZNews*, http://zeenews.india.com/news/south-asia/undertrial-prisoner-arrested-for-blasphemy-killed-in-pakistan-jail_1487200.html.

145. AP, “Pakistani man gunned down on release from jail,” *CBS News*, January 8, 2015, <http://www.cbsnews.com/news/pakistan-man-killed-after-release-from-jail-on-blasphemy-charge/>.

146. “Principles on Freedom of Expression and Privacy,” Global Network Initiative, https://www.globalnetworkinitiative.org/sites/default/files/GNI_-_Principles_1_.pdf.

147. *Ibid.*

148. This is taken from Samway, “The Internet, Human Rights, and the Private Sector. An Interview with Michael A. Samway,” Winter/Spring 2014, 27.

Recommendations

In some Islamic states, there are scores of human rights abuses committed in the name of fighting “blasphemy.” They constitute obstacles to reform and democracy and enhance the likelihood of sectarian violence. Many incidents where individuals were accused of blasphemy were on the Internet, which often go unreported. Since 2012, cases have been reported in the English-speaking media in Bangladesh, Egypt, Indonesia, Iran, Kuwait, Pakistan, Saudi Arabia, Tunisia, and Turkey.

The decisions that Internet companies make on what online content to remove have political and social ramifications, as well as legal consequences for global standards relating to freedom of expression. When asked by governments to disclose information about their users, Internet companies cannot operate as if unaware of the risks their users take. Moreover, compliance with a government request sets a precedent for the whole tech industry, and can be used as a basis for governments to make similar requests to other companies in the future. Often, it is difficult for Internet companies to know what government requests are about. As a result, it is hard to track down specific blasphemy-related requests. This information could be useful to policy-makers and human rights activists for advocacy purposes.

Although companies do not get to choose local laws, they do get to choose where they are subject to jurisdiction, through the business decisions they make as to where to establish operations and invest.

Recommendations to technology companies

Individuals are often accused of blasphemy as a result of content posted on the Internet. Technology companies thus have an important role

to play in the debate over free speech and anti-blasphemy laws. Social media companies in particular must take action to ensure the protection of both their users and uphold global standards of free speech.

1. **Corporate decision-making should integrate the political contextualization of blasphemy laws and their enforcement.** Internet companies must be aware of how blasphemy laws are used in some states as a tool to create political instability and to empower extremism.
2. Whether a company is subject to local jurisdiction or not, **users’ rights to free expression and physical security should be prioritized** and should not be jeopardized.
3. U.S. companies should not frame the free speech debate as one between “First Amendments standards in the United States” and “local laws around the world that reflect local culture.” **Online speech must be protected in conformity with international human rights norms. Internet companies must duly scrutinize each government request and examine whether it complies with international law.** There must be a solid knowledge of the internationally recognized standards safeguarding free speech, and what distinguishes incitement to violence from blasphemy. This knowledge should not be restricted to a small group of experts, but mainstreamed for senior executives at the highest corporate levels.
4. **Violence, threats, or governmental blackmail should not be rewarded.** When riots erupt or threats are issued by state or non-state actors, as a consequence of allegations around blasphemy, companies may feel pressured to give in to government requests. However, violence must not be rewarded through compliance with censorship, and social media firms must avoid at all costs facilitating human rights abuses, when considering whether to disclose information on their users.

5. **Increased data on government requests linked to allegations of blasphemy should be collected to measure government attitudes towards online speech involving religion.** Such information should then be factored into broader political and human rights assessments of the role that religion plays in politics and the enforcement of international law.

Recommendations to the U.S. government

The United States has a duty to encourage religious tolerance and freedom of expression around the world. As such, there are certain steps the United States should take to oppose anti-blasphemy laws in a broader effort to curb violent extremism and to promote stability and pluralism.

1. **The U.S. government should continue to vigorously uphold freedom of expression as well as freedom of religion or belief, and oppose blasphemy laws and their implementation.** At the diplomatic level, the United States must raise its concerns with its counterparts, especially in the Muslim world where the dangers are prevalent. It can do so through bilateral discussions, at the United Nations, and in other forums.
2. **Countering blasphemy allegations must be better integrated into U.S. counterterrorism and counter-radicalization strategies** in order to maximize joint efforts against anti-blasphemy campaigns. There should be better coordination and awareness of anti-blasphemy agendas throughout various branches of government dealing with countering violent extremism—notably within the law-enforcement and diplomatic communities.
3. **The United States should unify a broad coalition of different actors who can encourage free speech and religious freedom across the local landscape.** Those include: religious minorities, dissidents, religious leaders, and Islamic thinkers who support pluralism; online activists who challenge extremist narratives; elected officials; social media companies; the broader tech industry; and law enforcement.

Local civil society groups who face serious risks due to their speech supporting pluralism—whether online or offline—should be supported through assistance, training, and protection, when possible.

4. **The reality of violent anti-blasphemy offenses in the digital age must be included in the discussions that occur between the U.S. government and U.S. Internet companies.**
5. **The State Department should train civil servants to deal with incidents of blasphemy in embassies abroad where there is a high risk of violence for local free speech advocates, minorities, and dissidents.** It should also publicly condemn all blasphemy-related violence, and engage positively to uphold the right to free expression.

Given the rise of social media and information technology, the debate over anti-blasphemy laws has become one of international importance. Criminalizing blasphemy compromises international human rights standards and undermines the prospect of religious tolerance and free expression. As we proceed through the digital age, it will be increasingly important for governments and social media companies alike to combat anti-blasphemy policies as a means of protecting pluralism and democracy.

About the Project on U.S. Relations with the Islamic World

The Brookings Project on U.S. Relations with the Islamic World is a research initiative housed in the Center for Middle East Policy at the Brookings Institution. The Project's mission is to engage and inform policymakers, practitioners, and the broader public on the changing dynamics in Muslim-majority countries and to advance relations between Americans and Muslim societies around the world.

To fulfill this mission, the Project sponsors a range of activities, research projects, and publications designed to educate, encourage frank dialogue, and build positive partnerships between the United States and Muslim communities all over the world. The broader goals of the Project include:

- Exploring the multi-faceted nature of the United States' relationship with Muslim-majority states, including issues related to mutual misperceptions;
- Analyzing the social, economic, and political dynamics underway in Muslim societies;
- Identifying areas for shared endeavors between the United States and Muslim communities around the world on issues of common concern.

To achieve these goals, the Project has several interlocking components:

- The U.S.-Islamic World Forum, which brings together leaders in politics, business, media, academia, and civil society from the United States and from Muslim societies in Africa, Asia, Europe, and the Middle East. The Forum also serves as a focal point for the Project's ongoing research and initiatives, providing the foundation for a range of complementary activities designed to enhance dialogue and impact;
- An Analysis Paper Series that provides high-quality research and publications on key questions facing Muslim states and communities;
- Workshops, symposia, and public and private discussions with key stakeholders focused on critical issues affecting the relationship;
- Special initiatives in targeted areas of demand. In the past these have included Arts and Culture, Science and Technology, and Religion and Diplomacy.

The Project's Steering Committee consists of Martin Indyk, Executive Vice President; Bruce Jones, Vice President and Director of Foreign Policy Studies; Tamara Cofman Wittes, Senior Fellow and Director of the Center for Middle East Policy; William McCants, Senior Fellow and Director of the Project on U.S. Relations with the Islamic World; Kenneth Pollack, Senior Fellow in the Center; Bruce Riedel, Senior Fellow in the Center; and Shibley Telhami, Nonresident Senior Fellow of the Project and Anwar Sadat Chair for Peace and Development at the University of Maryland.

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1775 Massachusetts Ave., NW
Washington, D.C. 20036-2103

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