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Human Rights Violations Under the Sharia'a:

A Comparative Study of the
Kingdom of Saudi Arabia
And the Islamic Republic of Iran

By: Luiza Maria Gontowska

May, 2005

A closed, backward society where stoning, flogging and limb amputations are rampant and women's rights a forbidden concept. This is the image of Saudi Arabia that human rights groups and media reports often present. At the heart of this "medieval" society lies the notorious Sharia'a, causing the human rights violations we have grown so accustomed to associating the country with. However, there is little recognition attributed to another country in the Middle East, whose government also imposes strict Islamic Law on its citizens: Iran. Rarely are its stoning incidents or executions mentioned yet they occur with higher frequency and severity than those of the Desert Kingdom.

Human rights itself is a new legal concept; "the placing of legal constraints on the power of the modern nation state"¹and officially defined only fifty-seven years ago. It still requires many adjustments in an age where the still-undefined act of terrorism, infringes closely on its territory. Much like the Western legal system has recently been accommodating to human rights as enforceable justice, Islamic Law too has transcended far from its

¹ Mayer, Elizabeth Ann. Islam & Human Rights: Tradition and Politics. Westview Press, Inc. Colorado: 1991.

traditionally tribal foundations. The clash between civilizations is most reflective in this matter where one society's advancement is seen as prompting another to abandon its culture and traditional way of life. In fact, an important argument regarding the universality of human rights was made by Iran's UN representative, Sai Rajaie-Khorassani when he defended his country's human rights violations. Khorassani paraphrased statement read, "...apart from Islamic law...conventions, declarations and resolutions or decisions of international organizations, which were contrary to Islam, had no validity in the Islamic Republic of Iran...The Universal Declaration of Human Rights (UDHR), which represented secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions."² This argument parallels those made by Saudi Arabia during the drafting of the UDHR. According to the Kingdom's representative, it reflected Western culture and was "at variance with

² United Nations General Assembly. Thirty-Ninth Session. Third Committee. 65th meeting, held on Friday, 7 December 1984 at 3 p.m. New York. A/C.3/39/SR.65.

patterns of culture of Eastern States" and due to the provisions for religious liberty violating Islamic law.³

The cultural-relativism argument as applied to the Middle East is extraneous after the 1981 formulation of the Islamic Declaration of Human Rights (claimed to be based on the Qur'an), which attests that human rights standards developed in the United Nations are compatible with Islamic Law. The Declaration's fundamental guarantees include the right to "due process of the Law," under all provisions of Article V. Article III.a states that, "All persons are equal before the Law and are entitled to equal opportunities and protection of the Law," and "entitled to equal wages" (III.b). The Declaration prohibits torture (Article VII), provides the right to asylum (Article IX), and allows for rights of minorities with freedom of own laws in a Muslim country (Article X.b). Further, the Declaration allows for the right to freedom of belief, thought and speech (Article XII), religion (Article XIV), protection of property (Article XVI), education (Article XXI), and freedom of movement and residence (Article XXIII). With exception to the Qur'an-ic and Muslim

³ John Kelsay, "Saudi Arabia, Pakistan, and the Universal Declaration of Human Rights," in *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty*, David Little, John Kelsay, and Abdulaziz Sachedina, eds. (Columbia: University of South Carolina Press, 1988), 35-35.

references, one can easily see that the Islamic Declaration of Human Rights has little to contrast with the Universal Declaration of Human Rights. Although Saudi Arabia had sponsored the drafting of this Declaration, fifty-seven states of the Organization of the Islamic Conference have not yet ratified it.

In this study, I will attempt to disqualify the common perception of Saudi Arabia as the worst human rights violator in forms the region due to governance under standard Islamic Law, while comparing it to Iran; the world's other most infamous advocates of Islamic jurisprudence.

Origins of the Sharia'a

Islam originated in Saudi Arabia as a religion, but the administration of Sharia'a was formally initiated c. 1927 with aims of unifying the kingdom's existing three judicial systems. As the country where Islam was founded and where its prophet Muhammad received his revelations that would later form the basics of Islamic jurisprudence, Saudi Arabia has the closest ties to it. However, a Middle Eastern, Muslim country ruled by religious clerics also has

claim to it, more so than perhaps the institution of Sharia'a in Canada (according to the Canadian Law Times, recent changes in the Canadian Arbitration Act provide for courts to enforce agreements conceded with the application of Sharia'a). While not in its present condition, a form of Islamic rule in Saudi Arabia dates back to the life of Muhammad, while in Iran, its strictest form was not initiated until the rule of Ayatollah Khomeini and his suspension of all un-Islamic laws. The Sharia'a is politically ingrained in both societies where the Saudi government claims its constitution is the Qur'an and Iran's 1979 constitution explicitly provides in Article 4 for political, military, cultural, administrative, economic, financial, penal, civil and any other laws to be based on Islamic criteria. Additionally, both governments declare the official state religion to be Islam.

The schools of the Sharia

The word Sharia'a has romantic meanings in Arabic such as "the right path" and "the path to water." It is the traditional law as derived and interpreted by scholars of the Qur'an (the word of God given to Muhammad) as well as Muhammad's sayings and traditions as recorded in the

Hadith. No detailed legal code exists. There is merely an existence of basic moral standards that humans should conduct themselves by.

What many fail to realize about the Sharia'a, is that it is a legal system applied mainly through four distinctly different schools of interpretation (*madhab*). Each one has evolved through hundreds of years of scholarly debate and analysis, dominating a particular region. These particular versions are named after the revolutionary scholars who led the foundations of Islamic legal interpretation (*ijtihad*). They were each other's contemporaries, yet their ideas did not intervene with each other. They enriched each others' studies and remained in peaceful coexistence serving a common purpose of justice. After all, one of the fundamental principles of the Sharia'a is the concept of consensus (*ijima*). The legal scholars include Abu Hanifa (d. 767) a Persian whose determinations and subsequent 'Hanifa school' were most prominent in the Levant and Iraq's Kufa region; Malik B. Anas (d. 796) of the 'Maliki school' centered in Medina and now dominant in North-West and Central Africa; Muhammad ibn Idris al Shafi (d. 820) of the 'Shafi school' dominant in East Africa and parts of

Saudi Arabia; and Ahmad B. Hanbal (d. 855) founder of the Hanbali school of Saudi Arabia.

It is important to note however, that although these schools of Sharia'a are considered the most legitimate and widely accepted ones within the dominant Sunni sect of Islam, various others remain popular within Shia dominated countries. In Iran, the predominant school of Sharia interpretation (*madhab*) is the Jafari (aka Twelvers, Ithna Asharia) sect of the Shia with a small minority belonging to the Hanafi school. The Shia Twelvers abide by two main schools of thought, the Usuli and the Akhbari with the first being dominant and more liberal in application and interpretation.

Vast differences occur within the Sunni and Jafari *madhabs* with the Jafari school being much more literal in its interpretation of the Qur'an. This is surprising since the Sunni Hanafi and Maliki schools of thought were students under Imam Jafar Sadiq. The differences result mainly from alternate interpretations of the Qur'an and Hadith (and the veracity of several Hadith) but also due to the Shia's non-acceptance of verdicts presented by the

first three Caliphs, Abu Bakr, Omar and Uthman. In Sharia, the resulting differences can be as dramatic as the legality of temporary marriage. The Jafari interpretation allows for this concept (known as *mu'ta*) but the Sunni strongly oppose it (due to the verdicts of Omar). *Muta* does not require a divorce to terminate it and can be for a limited amount of time as short as one evening. The offspring of such a marriage would be considered as legitimate heirs. Another difference is the acceptance of the dissimulation of faith, *taqqiya*, when faced with danger. While a Jafari may deny his faith and even assume a false one, such an act is inconceivable to a Sunni. An important difference in jurisprudence lies in the Shia division between divine justice and an individual's responsibility for his actions. The Sunni however, believe man's exercise of free will is limited by God. For these differences as well as several others (such as prayer form), the Jafari are sometimes referred to by the Sunni as *rafidi*, meaning rejecters. They reject important beliefs and therefore are heretics.

On most issues, the four Sunni schools of the Sharia agree with each other especially in modern times where they have disappeared most distinguishable boundaries. Yet

although the schools have mostly combined, it has been done in different ways throughout the region, with influences such as the 18th century Wahhabi interpretation and customary tribal law in Arabia. However, traditional Sharia *madhab* had certain differences in issues of marriage, divorce and bequethment that were fundamental. (Due to the influence of Hanbali thought in Saudi Arabian and Hanafi on Iran, I will focus solely on their disparities.)

In traditional Islam (as well as even in modern times of the Western world) the intent of crime and morality is of great concern with implications on sentencing. The schools of the Sharia diverge on the importance they place in criminal intent with priority given to civil injury and concern about repayment (blood money) to the injured party. One moralistic approach (by Hanbali law) believes that a criminal act of an individual is dependant upon his intended motives. The second formalist approach dominates Hanafi law and it claims that it is not the law's responsibility to intrude into the human mind and decipher what someone was thinking. It takes actions at face value.

In regards to marriage, all Sunni schools claim that the contract is a lifelong commitment and therefore statutes indicating it to be temporary, are a nullity. Hanbali law goes further and claims marriage to be annulled if there is no indication of a time limit but evidence attests to parties' intent of a temporary union. Whereas in Hanafi law, the irrelevance of intention leads such a contract (if stipulated in accordance with the law) to be perfectly valid.

Another important difference due to the debated relevance of intention arises in the law of bequests. Under traditional Sharia, a bequest made for an illegal purpose such as a distillery or brothel is considered null and void. Under specifically Hanbali law, a bequest inspired by an improper motive is also invalid. Payment for the construction of a brothel or the services of a liquor supplier would be void and punishable due to the payer's intentions and rewarding of illegal conduct.

Various loopholes (*hiyal*) had evolved in the strict confines of traditional Islamic jurisprudence, which defy the fundamental principle of Sharia, which is to serve toward the purpose of what God ultimate intention. This

can be illustrated in the following examples: According to Islamic law, the charging of interest on a capital loan is illegal. One could get around this by performing a double sale. If a loan was made for \$100 for one year with an interest rate of 20 percent, two transactions would be made in its place. The first would involve a sale of an object for \$120 to the borrower, payable within one year. The next immediate transaction would be the sale of the object back to the moneylender for \$100 cash, leaving the borrower with \$100 in cash and a legal obligation to repay \$120 within one year.

Another example of *hiyal* can be found in family law. After a husband divorces his wife by repudiation three times for whatever reason, he is unable to remarry her. The former wife can only become "available" once she remarries, consummates the marriage, and is divorced through due process. To avoid such wait and humiliation after an unthoughtful repudiation made in anger, the practice of *tahlil* arose. *Tahlil* is the process of making the wife legal again through a trick marriage involving a hired third party (often below the age of puberty), known as a *muhallil*. Such shams of *hiyal* are condemned by the

Hanbali and Maliki schools but widely accepted by the very literal Hanafi and Shafi.

Traditionally in Arabia, courts were provided for whichever school an individual belonged to. One could even change his allegiance to a school depending on his stance on a particular issue. Often this caused problems when done in convenience with leniency in applicable punishment.

Freedom to a Fair Trial

The Saudi Arabian Committee for the Promotion of Virtue and the Prevention of Vice (better known as the *mutawwa'in*) is infamous for incidents such as the one that occurred on March 11, 2002 in Mecca. Fourteen young girls died after being beaten and chased back to their burning school building due to displaying improper attire in public. These incidents increase during Ramadan, when they believe they possess special authority to enforce conservativeness. Their headquarters are located in a group of buildings called as-Sa'ah Square, an area that also houses in the infamous "Chop Chop Square." The square is known as such due to the beheadings that are carried out within it, for public display of revolutionary justice. As

extremist as their measures may be, traditional Islam had in fact provided for a special public office to ensure public observance of moral and religious standards. In accordance with the Qur'an the *Muhtasib*'s mission was, "Urging to the good and dissuading from the bad" (*al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*). Their authority on punishment was limited.

Iran has its own version of the Saudi mutawain, recently expanded with an additional morality police referred to as the "special police" (*yegan ha-ye vizhe*). Its goal is "Enjoining the Good and Prohibiting the Forbidden" (*Amr be Ma'ruf va Nahi as Monkar*). There have been several reports of the force beating individuals for listening to music and the wearing of makeup or immodest apparel. As with Saudi Arabia, the month of Ramadan allows for additional restriction. This is exemplified by the November 11, 2004 incident in Sanandaj, where a 14-year old Kurdish boy was caught breaking fast. He died after receiving 85 lashes, as ordered by a judge.

The role of today's Islamic enforcement police is as a semiautonomous agency aimed at ensuring public adherence to morality (conservative Islam) and apprehending those that

disobey. In Saudi Arabia they can detain their captive for up to twenty-four hours after executing an arrest only with the presence of a police officer. Once apprehended an individual is imprisoned within the hierarchical Saudi court system, which is comprised of the Expeditious courts, the Sharia'a courts and the Commission on Judicial Supervision. In certain regions of Arabia, the Shia are provided with their own courts for domestic disputes and inheritance. However, only two judges are available for the Shia-dominated Eastern province. The Expeditious Courts handle simple and civilian cases divided among Saudi nationals/non-nationals and nomads. The Sharia'a courts' jurisdiction includes everything else. Within them, the Supreme Judicial Council is responsible for reviewing cases involving stoning, amputation and death sentences. The Judicial Supervision ensures that justice within the court system is maintained and it reviews the judges. An important role is also played by the Council of Senior Religious Scholars (*Ulama*), an autonomous body of 20 religious jurists, including the Minister of Justice who influences society aspects such as the judicial system, all levels of religious education, notaries public, preaching of Islam abroad, supervision of girls' education and

implementation of the rules of the Sharia'a. They interpret the Sharia'a for the lower courts.

The Iranian court structure includes seventy branches of the Revolutionary Courts; Public Courts consisting of Civil (205), Special Civil (99), 1st Class Criminal (86) and 2nd Class Criminal (156); Courts of Peace, which include Ordinary (124), Independent Courts of Peace (125), and Supreme Courts of Cassation (22). The Guardian Council (GC) is the highest legislative body appointed by the Supreme Leader of the Islamic Revolution (similar in nature and responsibility to the Saudi Ulama.)

Iran's vast array of court categories allows for the activity of many human rights lawyers, several of them famed throughout the Western World, such as Shireen Ebadi who often calls for Iran to abandon its harsh prison practices. With much restriction, Iran allows certain NGOs to function such as the Iranian Jurists Association for the Defense of Human Rights and the Association for the Defense of Prisoners' Rights.

Saudi Arabia's first human rights NGO formally permitted to operate within the country has recently been

launched. The National Society for Human Rights (NSHR), includes three women on its board. Its affiliation with the government is questionable due to the chairman being a member of the government-appointed Shura council. The organization began by addressing prison conditions and extensive detentions. Their December 2004 report confirmed the existence of prolonged detention of expatriates often due to sponsor's refusal to issue travel tickets.

Human rights organizations often report on the use of torture in prisons as well as for extraction of confession. Although the Criminal Procedure section of Saudi Arabia's Basic Law formally prohibits torture and it is prohibited to accept a forced confession by the Sharia itself, these incidents still occur. They are most frequent in the very conservative central region especially in the city of Riyadh, while rare in the East and West regions. In both Iran and Saudi Arabia, Non-Arabic speakers often suffer most when presented with a document termed as their release papers. They later find out the document they signed was actually a confession.

Trial Process

A public trial is provided for by Islamic Law, however this is seldom observed. Both Saudi Arabia and Iran rarely provide for media presence or even lawyers inside of a courtroom. Although there are is no provision for juries within Sharia since it is up to the judge to survey the presented evidence and make a decision, the defendant does have a right of appeal to higher courts.

Although human rights lawyers practice in both countries, their presence does not necessarily provide for completely fair trials or treatment of prisoners. Saudi Basic Law prohibits arbitrary arrest or a detention period exceeding five days without charges being filed. There is an exception regarding persons openly criticizing the government or attempting to destabilize it. A usual detention lasts two months followed by a trial or deportation. The Kingdom follows a tradition of releasing prisoners during the holy months of Ramadan. Minor crimes allow for the practice of bail, which can even be omitted in certain cases for release on recognizance by patron or sponsor. International standards are generally met by the prisons, with inmates residing in air conditioned cells with good nutrition, required exercise regiment and guard patrols for safety. These conditions account for the

current overcrowding in jails due to inmates' refusal to leave after sentence completion. Human Rights Watch estimates eighty percent of inmates to be non-Saudi. The Shia also comprise a considerable portion of the population due to the Hanbali interpretation, in which judges can discount their testimony on account of them being "non-Muslim."

Iranian prison conditions are incomparable to the Saudi system. In addition to extensive solitary confinement, inmates suffer from poor nutrition and lack of medical care. The prison population is believed to be extremely overcrowded reaching an estimated 133,658 prisoners in spaces capable of holding a maximum of 65,000. The United Nations 7th Survey results published in the World Prison Population List (4th Edition) report Iran's inmate record to total 163,526 (229 per 100,000 people) in 2004 compared to Saudi Arabia's total of 23,720 (110 per 100,000) in 2000. However, these numbers are still shadowed under the country with the highest prison population in the world; the United States with a staggering 1.96 million inmates (686 per 100,000).

In Saudi Arabia and Iran, prisoners have been reported by Amnesty International and Human Rights Watch (among many others) to be held incommunicado for extensive amounts of time. Torture as a method of extracting confessions, information and as a form of recreation by prison guards, is frequently employed in both countries. Iran has adopted in May of 2004 the Law on Respect of Lawful Liberties and Protection of Citizenship Rights and Saudi Arabia ratified in 1997 the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). In Iran, "Unofficial" secret prisons outside the national prison system are common, such as "Prison 5" and "Amaken." Their captives report of being held in prolonged solitary confinement with complete sensory deprivation, threatened with execution, burned, and suffering death and blindness as a result of extreme beatings. Surprisingly, medical leave from prison is allowable in Iran, especially if the government is unable to treat a medical condition on premises.

Throughout the country there have been several Committees for Collection of Donations for Impoverished Prisoners that raise funds, since an inmate remains imprisoned until his fine is paid. This mainly applies to

civil cases and traffic accidents since more serious crimes require more serious punishment such as flogging where lashes usually are incurred in the amount of a few dozen to a few hundred, often to be administered at 50 lashes every two weeks. The highest amount of lashes recorded by Amnesty International was 4,000 imposed on Egyptian national, Muhammad 'Ali al-Sayyid convicted of robbery in 1990. Considerably, Saudi Arabia's courts provide a physician to ensure an individual's physical condition can withstand the designated amount.

Judgments in Saudi Arabia include punishments of fines, prison terms, flogging, amputation and/or execution. Amputations occur after repeated incidents of thievery, usually after the third time. Criminal punishments in Iran are executed in a similar manner. The country imposes the death penalty for murder, armed robbery, rape, blasphemy and smuggling drugs if the quantity held is in excess of 11 pounds of opium. In 2003 the country sentenced to death by stoning at least four prisoners (guilty of rape and adultery), at least 197 were to be flogged and 11 for amputation of fingers and limbs.

Under Islamic Law, judgments for crimes causing injury or death to another individual may be avoided by the injured party's (or their family's) acceptance of blood money (*diyeh*), an ancient tribal custom. However, amounts awarded change with the nationality, religion, sex and age of the victim. A Muslim male receives 100% of the requested compensation amount; a male Jew/Christian receives 50%; all others (even Hindus, which Sharia'a considers to be polytheists) receive 1/16th. Women are entitled to 50% of each category of religious affiliation. Iran's Expediency Council, with its power to finalize legislation, concluded provisions for equalizing *diyeh* compensation among non-Muslim victims.

When *diyeh* for a murder or rape is unacceptable, the perpetrator is executed by hanging, stoning, or beheading. There are only 120 countries in the world today that have formally abolished the death penalty in law or practice. And although neither Saudi Arabia nor Iran are part of this list, Saudi Arabia surprisingly is not the highest contender. According to Amnesty International, in 2004, first place was received by China with a minimum of 3,400 executions, Iran came second with over 159 (at least 108 in 2003), followed by Vietnam with over 64, USA with 59

(together accounting for 97% of the world's executions) and finally Saudi Arabia with an estimated 33, including one woman. Executions were for severe crimes such as murder, narcotics-related charges, rape and armed robbery. In Saudi Arabia, before the sentences can actually be carried out, permission in the form of a Royal Decree issued by the King is necessary.

Women are not exempt from execution and are even targeted if presumed indecent. In August of 2004, the Iranian media reported the public hanging of a mentally incompetent 16-year old Atequeh Rajabi after she was charged with "actions incompatible with chastity." Her male accomplice was released after receiving 100 lashes. Under the Sharia adultery or incompatibility with chastity must be proved by four witnesses of good character. As is often the case, it is questionable if these witnesses were produced for Rajabi's trial.

Rights of Women

In a perfect society all of human kind has equal rights indeterminate of sex, ethnicity or religious affiliation. Neither Saudi Arabia nor Iran can be deemed

as perfect societies since in both, half of an entire population is restricted from basic freedoms. In Arabia women have always suffered severely (by Western standards) due to ancient tribal customs still prevalent today and reflected in the country's predominant *madhab*. However, Iran has been closely catching up with its restrictions since the Islamic Revolution.

According to Sharia'a, women are prohibited from marrying non-Muslims, however men are allowed to due to religion being passed on from the patriarch.

Travel in both countries for women is restricted unless they provide authorization by a male relative, husband or sponsor. This is applicable also to foreign women married to Saudi nationals. Strides have been made towards women's citizenship rights with the allowance of their obtaining own identity cards from male relatives or guardians beginning in 2001. For Saudi women, travel within the country is also limited to the necessity of a male driver. A convoy of women demonstrated against this prohibition on November 6, 1990 when they drove on a highway in Riyadh. After their husbands signed to have them released from arrest by promising they would not

violate the ban, the customary rule became explicitly written.

A quiet yet serious problem for women in the Kingdom has been domestic abuse. This issue receives little attention due to the government's lack of keeping statistics on it. Hospitals report it is a frequent occurrence and suspicious injuries now require reporting to the authorities. This issue gained international attention when a prominent Saudi reporter, Rania al Baz, made headlines after allowing photos to be taken of her drastically bruised face.

Freedom of Press and Religion

Saudi Arabia's freedom of the press is limited due to the Ministry of Information's power to appoint and remove any and all editors-in-chief and the strict enforcement of censoring all "immoral" images and references. All media entering the Kingdom is channeled through a college of theology located in northern Riyadh known as the Imam Muhammad bin Saud Islamic University. It was formed in order to solve the youth unemployment problem. Journalism has gained freedom recently when in February of 2003, the

Saudi Government granted a charter to a professional journalists' association, which includes both men and women.

Criticism of the government is forbidden under Article 12 of the Saudi Basic Law under prevention of "anything that may lead to disunity, sedition, and separation." The Saudi government continuously censors all media references to politics, non-Islamic religions, pork or pigs, alcohol and sex. These precautions have little effect of a society facing the 'Al-Jazeera Effect' due to the numerous satellite dishes throughout the kingdom.

Satellite dishes are banned in Iran and the government also is on a continuous crusade to control public morality by enforcing strict media censorship. Punishment for the ownership of a satellite dish can consist of a four month prison sentence in addition to 80 lashes, as was the case of Mohsen Mofidi in 2004. Mofidi died in the hospital upon his release. In Saudi Arabia, Satellite dishes are forbidden in theory but this is seldom enforced. Due to the advent of the internet, both countries have had to take extra measures to contain the information and websites flowing in. Saudi Arabia's precautions include the

connection of all ISP's to the outside world through a bank of servers in the King Abdul Aziz City of Science and Technology. Satellite links for connectors are a strategy often employed to get around this system.

Religion

Article 12 of the Iranian constitution provides for schools of law and religion in addition to Sharia'a, to be granted complete respect and freedom of practice, including matters of personal status. Such statements contradict the reported abuses of religious minorities in Iran that include Zoroastrians, Christians, Jews and the Baha'is. However, it is the Baha'i minority that has suffered the most.

The persecution of the Baha'i minority in Iran was occurring even a century before the 1979 Revolution and the ascent to power by the Ayatollah Khomeini. The religion's origins date back to 1863 and so does its persecution. The Baha'i were seen as conspirators against the Islamic Republic, aiding what would later be termed, "The Great

Satan" - the United States. Often they were denied the use of any communication such as radio, television, newspapers, films, literature or newspapers through which they could voice concerns of their treatment to the outside world. With the onset of the Revolution and rule by the Sharia, religious minorities (Christians, Zoroastrians and Jews) were considered "protected" under the law, but not equal. The 1979 Constitution makes a reference to "equal rights" being enjoyed by all citizens, clauses specifically list the above referenced selected minorities only. The Baha'i did not enjoy this privilege and the Shia clergy of Iran stated, "Under even the old Constitution, the Baha'is should have had no civil rights; the limited freedom they had to exercise civil functions, therefore, was proof that they had enjoyed a privileged position." They began to be persecuted more than ever. They suffered expulsion from businesses, torched homes, physical abuse and mosque propaganda claiming them to be "enemies of Islam," "corrupt on earth," and persons "whose blood deserves to be shed."

The most serious of persecutions against the Baha'i occurred through the government's legislature. Their marriages were considered null and void with marital life being considered as prostitution (for which punishment is

execution). Children of a Baha'i marriage were considered illegitimate and had no rights to inheritance and were often expelled from school due to their religious affiliation. The Baha'i religion dictates complete submission to government and therefore did not rebel against their persecutors. The religion's founder established the belief among his followers that "it is better to be killed than to kill."

Continuing persecution was claimed to result from the Baha'i community's association with the "Westernization" of Iran. Such accusations arose from the Baha'i belief system that promotes the equality of women, democracy, and scientific investigation. Refusal to recant the Baha'i faith can result in death, as experienced by ten Baha'i women who were hung on June 18, 1983. Three days prior, six men related to the victims, were executed as well. The following August, the Baha'i religion was formally banned in Iran. In compliance with the government, the Baha'i National Spiritual Assembly and all locals were dissolved. A letter to the Iranian government stated the community's complete submission and expressed hope of allowance to worship in private. Prompt arrests of the members were carried out.

Several investigations of the Baha'i persecutions by the United Nations Commission on Human Rights have been undertaken since 1986. The Commission reported as recently as 1993 that executions for affiliation with the Baha'i religion were still occurring. On March 10, 1993 during the 49th Session of the Commission, a resolution was passed stating, "there was no appreciable progress in the Islamic Republic of Iran towards improving compliance with human rights standards in conformity with international instruments." Viewed as a "false religion" that poses a threat to pure Islamic life, the Baha'i are still persecuted throughout the Islamic Republic of Iran.

As a Sunni dominated country, Saudi Arabia has its own targeted minority; the Shia. However, unlike in Iran, this persecuted minority is allowed to travel freely outside of the country in order to worship and participate in religious celebrations, such as Ashura (which recently was even celebrated within the Kingdom). Restrictions such as banning of Shia books still do occur. The Ismaili (Seveners) sect of Shia Islam is particularly suffering human rights violations due to their interpretation of Islam, which includes practices that may be considered as

performing "sorcery." The Saudi interpretation of the Sharia considers religions of the occult such as black magic, witchcraft and voodoo to be considered "sorcery" and the worst form of polytheism, punishable with death. In extreme cases, the Saudi government has even not recognized the Shia as Muslims at all. Therefore, in a court of Sharia law, their testimony is inadmissible.

Freedom of religion for minorities (Christians and Jews[if allowed into the Kingdom]) is limited to private worship (with an undefined distinction between private and public) but the boundary is drawn with conversion. Converting from Islam to another religion is considered apostasy, a crime under Sharia, and punishable with death in both Iran and Saudi Arabia. While Saudi Arabia does not allow for public practice of religions outside of Islam, they have allowed for Shia mosques to be constructed. This offer was declined due to the exception of displaying motifs, a Shia practice forbidden by Sunni Islam. The Sunni of Iran have recently been able to voice criticism over the lack of a Sunni mosque in Tehran, where their population reaches one million.

Progress

Iran has adopted in May of 2004 the Law on Respect of Lawful Liberties and Protection of Citizenship Rights. A parliamentary bill for its accession to the UN Convention against Torture and the UN Women's Convention was rejected by the GC in August of 2003.

In January of 1996, Saudi Arabia had ratified the Convention on the Rights of the Child. It has also ratified the International Convention for the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture. There is further consideration of ratifying the International Covenants on Human Rights (ICCPR and ICESCR). There has been little indication that any of these conventions have had an influence on the Kingdom's human rights practices.

Beginning in February of 2005 municipal elections were held throughout the Saudi Kingdom with only half the 178 seats being appointed for the four-year terms. Although prisoners were allowed to vote, women and members of the armed forces were not. While focusing on the negative aspect of prohibiting women from voting this year due to

logistical issues of separation, many fail to notice that these are actually the second municipal elections in Saudi Arabia. Saudi municipal elections were held as early as 1954 and continued through the early 1960s under the reign of King Saud ibn Abdul Aziz. Little is known about the reasons for their introduction or conclusion, but they did exist.

Saudi Arabia has taken many other improvements in the field of human rights. In the city of Qatif the February 2004 celebrations of the Shia holy day of Ashura proceeded with no governmental harassment. This is particularly important since this holy day commemorates the martyrdom of Hussein ibn Ali at the 10th of Muharram (Ashura).

For the first time in 2003, the Jeddah Economic Forum devoted an entire day to the discussion of women in domestic and international business.

In October of 2004 the Saudi government amended a naturalization law allowing for citizenship of foreign long-term residents.

Many question the effects on a society of imposition and strict interpretation of Sharia. As in another region, this can be judged by deterrence from criminal activity. Simply, if the punishments are harsh enough to deter criminals from pursuing their illegal activities, then the justice system is working (of course as long as the system has no negative implications on the innocent). Both Saudi Arabia and Iran are closed societies that do not make their governmental records official. The Transparency International CPI Score in 2004 for Saudi Arabia was 3.4 (0- highly corrupt, 10-highly clean). The country was in company with China and Syria as number 71. As for Iran, its score was 2.9 and it was ranked number 87 along with the Dominican Republic and Romania.

Due to the corruption and lack of transparency within these governments, it is most difficult to obtain official and correct data pertaining to any negative aspect of their societies. However, it is claimed by visitors, citizens and residents of the Kingdom (interviewed by me) that the criminal activity is practically nonexistent. This may be explained by the necessity of depositing your passport with a pre-approved sponsor upon entering the Kingdom in addition to the necessity of an "exit visa". Since an

estimated seven million of the country's current estimated population of 27 million is foreigners, any crime on their behalf is a risk with unattractive consequences. The country claims that their justice system has had a deterrent effect. A year after instating the death penalty for drug-related crimes (usage and sale), the country's drug usage has decreased by a rate of 26% and subsequently lowering the addiction rate by almost 60%. Additionally, the Kingdom reports in 2000 to have had 616 murder cases. With the population at an estimated 22 million in that year, this would provide a murder rate of 2.8 per 100,000 (half the rate of the United States).

The Kingdom of Saudi Arabia may have a dramatically negative image in the area of human rights. Its legal system calls for just trials and punishments under the presumption of fair judges acting in accordance with the presets of the Qur'an. In comparison to Iran, the kingdom's violations are not exceptional and even less severe in certain cases. It's image perhaps arises from its violations occurring simply more outright than those of the Western World, which itself has participated in genocide, slavery, racism, religious persecution, torture, colonialism, and the ignoring of inhabitants' rights.

While prison torture in the West (i.e. the Abu Ghraib prison scandal) is a hidden concept from the public, beheadings in Saudi Arabia are a spectator event for the public held weekly on Friday's at "Chop Chop Square." Perhaps it is the shamelessness of these violations that gives it the negative image the Kingdom and not the acts themselves.

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