

June 3, 2009

The Honorable Barack H. Obama  
The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington D.C. 20500

*Re: Presidential Engagement With Saudi Arabia and Egypt*

Dear Mr. President:

The American Center for Law and Justice (“ACLJ”) and our European affiliate, the European Centre for Law and Justice (“ECLJ”), located in Strasbourg, France, would like to take the opportunity of your engagement with the Muslim world to urge you, Mr. President, to address gross human rights violations perpetrated against minority Christians in their countries of origin in the Middle East.

Through The White House Press Briefing of May 29, 2009, we understand your goals include bridging some of the differences between the United States and Muslim communities through your scheduled speech in Cairo, Egypt. We also understand that you met with Saudi Arabia’s King Abdullah today, June 3, and will be meeting with Egypt’s President Mubarak tomorrow, June 4. Although we are pleased that your plan to bridge the gap includes addressing the crisis of “violent extremism” and that the nature of your plan is sustained, the ACLJ and ECLJ are concerned with gross human rights violations and other forms of egregious discrimination that Christians suffer at the hands of Muslim extremists and the lack of governmental control over such extremism, as well as from various government regimes themselves.

#### **CHRISTIAN PERSECUTION IN SAUDI ARABIA AND EGYPT**

According to the Open Doors country “Watch List” for 2009, the Wahhabi kingdom of Saudi Arabia ranks **number two** on the list of countries suffering under the **worst religious**

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**persecution** in the world; Saudi Arabia is second only to North Korea.<sup>1</sup> In Saudi Arabia, there is no legal recognition of, or protection under the law for, freedom of religion, and it is severely restricted in practice.<sup>2</sup>

As you know, Sunni Islam is the official religion in Saudi Arabia, and the legal system is based on the government's official interpretation of Shari'a law. Sunni Muslims comprise 90 percent of the population while approximately ten percent are Shi'a Muslims. A small Christian population exists in Saudi Arabia, which includes Eastern Orthodox, Protestants, and over one million Roman Catholics. This minority Christian population faces danger from Saudi Arabia's Commission to Promote Virtue and Prevent Vice ("CPVPV"). The CPVPV is a semiautonomous agency with the authority to monitor social behavior and enforce morality consistent with the Government's interpretation of Islam. Volunteer field officers ("the religious police") of the Ministry of Interior are known as **mutawwa'in**. Their mission includes, "[g]uiding and advising people to observe the religious duties prescribed by Islamic Shari'a, and . . . to preclude committing [acts] proscribed and prohibited [by Shari'a], or adopting bad habits and traditions or taboo heresies."<sup>3</sup>

**The mutawwa'in are known for torturing and sometimes killing those they arrest and detain.** The mutawwa'in also confiscate the personal religious material of non-Muslims (such as Bibles and crucifixes). Christians are not allowed to publicly profess or practice their faith and are vulnerable to discrimination, harassment, detention, and if a noncitizen, deportation. **Blasphemy, apostasy and proselytizing by non-Muslims are punishable by death.**<sup>4</sup>

According to the most recent U.S. International Religious Freedom Report,<sup>5</sup> throughout 2008, non-Muslim groups in different parts of Saudi Arabia were detained and harassed for *private* worship. Moreover, senior Muslim clerics continued to use their pulpits to disseminate *extremist* ideology; Sunni imams, paid with government stipends, used anti-Christian language in their sermons. As a matter of particularly grave concern, **there were instances in which mosque speakers prayed for the death of Jews and Christians**, including from the Grand Mosque in Mecca and the Prophet's Mosque in Medina.<sup>6</sup>

Recent reports of violent persecution persist. In January 2009, the mutawwa'in threatened a prominent Eritrean pastor three times in one week.<sup>7</sup> The pastor told Compass Direct News that on Jan. 10 he found an unsigned note on his vehicle threatening to kill him if he did not leave the country. A mutawwa'in member and others also forced him from his van, telling him to leave the country. The mutawwa'in *and police* had accused him "of being a Christian and

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<sup>1</sup> *N. Korea Top Persecutor Again*, OPEN DOORS, available at <http://www.opendoorsusa.org/content/view/916/139/> (last visited June 3, 2009) [hereinafter *Open Doors Watchlist*].

<sup>2</sup> See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008, SAUDI ARABIA (2008), available at <http://www.state.gov/g/drl/rls/irf/2008/108492.htm>.

<sup>3</sup> *Id.* (alterations in original).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Saudi Arabia: Pastor Flees Death Threats*, COMPASS DIRECT NEWS, Jan. 30, 2009, <http://www.compassdirect.org/en/display.php?page=news&idelement=5781&lang=en&length=short&backpage=archives&critere=saudi%20arabia&countryname=&rowcur=0>.

trying to change the religion of others.” The pastor, a father of eight, escaped to an undisclosed city in Saudi Arabia after consulting with consular officials from four embassies.

With regard to conditions in Egypt, the ACLJ and ECLJ filed an *amici curiae* brief in *Khouzam v. Chertoff*, 549 F.3d 235 (3d Cir. 2008). In *Khouzam*, the United States Court of Appeals for the Third Circuit granted Sameh Sami S. Khouzam’s petition for review. Khouzam, an Egyptian citizen and Coptic Christian, feared being tortured if he were returned to Egypt. In 1998, while Khouzam was traveling from Egypt to New York, Egyptian authorities contacted the State Department and claimed that Khouzam had committed a murder before leaving Egypt. Khouzam’s visa was cancelled and he was taken into custody upon his arrival in the United States. Khouzam applied for asylum, withholding of removal, and relief under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (“CAT”).

Khouzam was granted relief under CAT after being in U.S. custody for several years because it was more likely than not that he would be tortured if returned to Egypt. The United States has ratified CAT which states that “[n]o State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” While the Secretary of State can forward diplomatic assurances from a foreign government to the Attorney General that an alien would not be tortured there, such assurances must be evaluated to determine if they are “sufficiently reliable” and consistent with CAT.

One year later, the Department of Homeland Security (“DHS”) once again detained Khouzam without notice or a hearing. DHS planned to send Khouzam back to Egypt based on its diplomatic assurances that he would not be tortured. DHS failed to give Khouzam an opportunity to review or challenge the validity of the assurances. Khouzam filed an emergency petition for review. The Third Circuit determined that Khouzam was entitled to due process before he could be removed on the basis of diplomatic assurances from the Egyptian government.

As mentioned above, the ACLJ and ECLJ filed an *amici curiae* brief in support of Khouzam’s petition that discussed in detail Egypt’s extensive record of torture and other human rights abuses. The brief noted that “[t]here is consensus among international monitoring agencies that the Egyptian government routinely uses torture, especially as a method of law enforcement.” In particular, “Coptic Christians, like Sameh Khouzam, struggle for basic human rights, including religious freedom, in Egypt. Despite international disapproval ‘the Egyptian government continues to deny Copts basic rights such as judicial and police protection from persecution, freedom of religious expression and worship, and equal opportunity employment.’” The brief also stated that Khouzam’s situation was not unique in that “[t]rump charges are often used after violent conflicts between Muslim radicals and Coptic Christians to restore order. Human rights groups have documented numerous accounts of authorities attempting to placate Muslims by manufacturing trump charges against Coptic Christians after a conflict.”

Additionally, the ACLJ and ECLJ currently represent several clients seeking asylum from their countries of origin, which are in the Middle East. For example, we are currently assisting a U.S. citizen who is desperately trying to bring his family out of Egypt for fear of persecution.

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Our client is a Christian minister whose criticism of Islam and the Egyptian government's failure to protect Christians from persecution has put his family in serious danger in Egypt. He fears that his family will lose their lives like so many other Egyptian Christians.

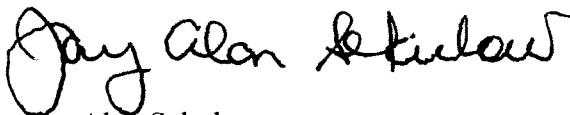
As a further example, the ACLJ represents a Yemeni citizen who is currently in the United States and is seeking asylum here. After his arrival in the U.S., he experienced a genuine conversion from Islam to Christianity. Knowing that Yemen permits imposition of the death penalty for apostates—those who change their religion from Islam to any other religion—he fears that he will be severely persecuted, if not killed, because of his faith. In fact, upon simply arriving in Yemen, he will be expected to swear his allegiance to Allah. Obviously, to do so would require him to deny his faith in Christ. Thus, he faces the option either of denying his true religious beliefs or risking serious harm, to the point of death, for remaining true to his faith.

The ACLJ also currently represents an Iranian citizen who, while still living in Iran, became a Christian. Because he was born to a Muslim father, Iranian law deems him a Muslim from birth. His conversion to Christianity is apostasy under Iranian law, which, like the law of Yemen, establishes death as the punishment for apostasy. In fact, Iran has recently strengthened the force of this law. In addition to the inclusion of this penalty in the Quranic law (to which the courts look when statutory law fails to address a specific issue), Iran has decided to codify the death penalty for apostasy in its statutory law. Under the current regime in Iran, the conversion of Muslims to other faiths has been increasingly scrutinized. In fact, our client previously suffered physical abuse by Iranian authorities solely because of his change of religion. Understandably, he fears that upon return to Iran he will face further persecution, possibly even death.

#### CONCLUSION

In sum, the consistent past persecution of the Christian minority in the Middle East warrants the serious attention of the United States. The ACLJ and ECLJ urge you, Mr. President, to take this unique opportunity to address the violent extremism that so many Christians have suffered, and to resolve to establish policy that would bring safety and security for the Christian minority who desire to practice their faith, but who continue to live in fear for their lives in the Middle East.

Sincerely,

A handwritten signature in black ink that reads "Jay Alan Sekulow". The signature is written in a cursive, flowing style.

Jay Alan Sekulow  
Chief Counsel