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Reports of convictions for apostasy in Iran within the last 5 years

A *Danish Immigration Service* fact-finding mission report, in a section titled “The inclusion of apostasy in the drafting of a new Penal Code” (paragraph 6.1.1), states:

“The delegation sought to gather information on the draft Penal Code, which imposes the death penalty for apostasy. The death penalty for apostasy already exists in Iran under Sharia Law. At the time of the mission, the draft was awaiting before Parliament. Approval of the draft Penal Code will codify the death penalty for any male Iranian who leaves his Islamic faith. Women will be sentenced to life imprisonment. The EU has expressed deep concern about the draft Penal Code in Iran. On 9 September 2008, the Iranian Parliament voted in favour of the draft Penal Code. Parliament voted in favour of the new law with 196 votes for and just seven against. The draft still has to go through Iran’s policy-making process before being implemented as law. At the time being, Parliament is reviewing it article by article, after which it will be sent to Iran’s most influential body, the Guardian Council, who will then rule on it.” (Danish Immigration Service (April 2009) *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.*, pp.29-30)

An article from *The Times* on the treatment of Iranians who convert to Christianity states:

“Mojtaba Mohamadi, a wellinformed member of Elam, says: ‘When people come to faith in Iran and go to a church, and the authorities find out, they frighten these new Christians by bringing them in for questioning. They are blindfolded on the way to the interrogation centre, and are threatened to make them recant and to sign documents saying they will not take part in any further Christian activity. The authorities then fill in the jigsaw by asking for the names of all the Christians they know. The authorities will normally then let them go. But if they refuse to recant or to co-operate, they are usually put in prison and as a result of pressure from the authorities they nearly always lose their job and nearly always are thrown out of rented homes; they may also lose a place at school or college or have their degree certificate rescinded.’ For church leaders, however, the position is far worse. Precise information is hard to obtain, but at least 14 leaders - including Youcef Nadarkhani - are believed to be languishing in prison in Iran having been arrested on charges ranging from engaging in Christian activity and membership of an illegal group (a house church) to apostasy. The real figures are almost certainly far higher, Elam believes.” (The Times (21 July 2012) *Recant your faith to get back your daughter: Iranian Christians are finding that state persecution is costing them families, jobs and even lives*)

A *Fars News Agency* report states:

“An Iranian man, Abdolreza Gharabat was hanged on 26 January for ‘apostasy’ in Ahvaz, the capital city of Khuzestan Province, Fars news agency reported on 31 January. According to Fars, he had attracted certain young disciples after ‘claiming to be God’ and in touch with the 12th Shi’i imam. Fars said he had deceived some people, particularly Khuzestani Arabic speaking citizens, into worshipping him.” (Fars News Agency (31 January 2011) *Iran hangs man “claiming to be God”*)

The 2012 *US Department of State* report on religious freedom in Iran, in a section titled “Government Practices”, states:

“Authorities executed at least one individual on charges of apostasy. The media reported that a man identified as ‘Ali Ghorabat’ was hanged on January 26 in Karoun Prison in Ahvaz for ‘apostasy.’ Ghorabat, who appears to have been Muslim, was charged with apostasy for ‘claiming to have contact with God and the 12th Shiite Imam.’ At least two death sentences for apostasy or evangelism were issued under judicial interpretations of Islamic law in 2010 and the case of at least one of these individuals was on appeal during the year.” (US Department of State (30 July 2012) *2011 Report on International Religious Freedom – Iran*)

This report also states:

“Following his October 2009 arrest, Youcef Nadarkhani, a pastor of a house church in Gilan, received a death sentence for apostasy. His case was appealed and later reports indicated that officials had offered to release him if he recanted his Christian faith and made a statement about the Prophet Muhammad. According to news sources, Nadarkhani had refused to make such a statement and a final decision on his case had not been made by the year’s end.” (ibid)

In a section titled “Arbitrary or Unlawful Deprivation of Life” the 2012 *US Department of State* country report for Iran states:

“While the law does not explicitly stipulate the death penalty for the offense of apostasy, courts have administered such punishment based on their interpretation of religious fatwas. In September 2010 a lower court convicted Christian pastor Youcef Nadarkhani of ‘apostasy’ and issued a death sentence. The case was under Supreme Court review at year’s end.” (US Department of State (24 May 2012) *2011 Country Reports on Human Rights Practices – Iran*)

A *Human Rights Watch* report refers to Pastor Nadarkhani as follows:

“Security forces initially arrested Nadarkhani in October 2009. In November 2010, a lower court sentenced Nadarkhani to death for ‘apostasy from Islam,’ despite the fact that no such crime exists under Iran’s penal code. On September 22, 2010, Branch 11 of the Gilan Court of Appeals affirmed Nadarkhani’s death sentence for apostasy, but in June 2011 the Supreme Court remanded the case to the lower court for further investigation, ruling that Nadarkhani could not be executed if he had not been a Muslim after the age of maturity – 15 years for boys according to Iranian law – and he repents.

He is currently waiting for the Gilan appeals court to issue its verdict and sentence, and plans to appeal again any death or imprisonment sentence to the Supreme Court. The Supreme Court rejected arguments that apostasy is not a crime under Iran's laws simply because it is not codified in the Islamic Penal Code, and held that the crime is recognized in Sharia (Islamic law) and by the founder of the Islamic Republic, Ayatollah Ruhollah Khomeini. Nadarkhani's lawyer told Human Rights Watch that his client adopted Christianity at the age of 19, and that prior to that he did not consider himself a Muslim or an adherent of any religion. The lawyer said the debate surrounding whether Nadarkhani was a Muslim before reaching puberty was also not based in law since apostasy does not exist as an offense in Iran's Islamic Penal Code." (Human Rights Watch (30 September 2011) *Iran: Christian Pastor Faces Execution for 'Apostasy'*)

See also *Human Rights Watch* report which, in a section titled "Apostasy", states:

"The applicability of article 220 of the new code and the use of non-codified religious law is also relevant with respect to the crime of *ertedad* (apostasy), which also carries the death penalty. The recent case of Yousef Nadarkhani illustrates the issues surrounding enforcement of the crime of apostasy in Iran. In September 2010 a lower court convicted Nadarkhani, a 33-year-old pastor of an evangelical church in Iran, of apostasy and sentenced him to death. The judge in the case ruled that Nadarkhani was an apostate because he was born to a Muslim family and adopted Christianity at age 19. In 2011, however, Iran's Supreme Court overturned the earlier death sentence and remanded the case to the lower court. It instructed the lower court to conduct additional investigations to determine if Nadarkhani was a Muslim after the 'age of maturity'—15 years for boys according to Iranian law—and if he repented. Mohammad Ali Dadkhah, Nadarkhani's lawyer, argued in part that his client's conviction was unlawful because the crime of apostasy did not exist in the old code. The Supreme Court rejected his argument that the crime did not exist simply because it was not codified in Iran's penal code, and noted that apostasy is recognized as a crime in shari'a law and by the founder of the Islamic Republic, Ayatollah Ruhollah Khomeini. Although this ruling was issued prior to the ratification of the new code (and article 220), it is likely that this new provision will lead to more courts relying on shari'a law to issue death sentences for crimes such as apostasy." (Human Rights Watch (28 August 2012) *Codifying Repression: An Assessment of Iran's New Penal Code*, p.34)

An article from *The Guardian* on the release of Pastor Nadarkhani states:

"An Iranian Christian pastor who refused to renounce his faith after being sentenced to death for apostasy has been released from prison. Youcef Nadarkhani, 35, was released from prison on Saturday and reunited with his family after a court in the northern city of Rasht, the capital of Iran's Gilan province, acquitted him of apostasy, which carried the death sentence under Iran's Sharia law." (The Guardian (8 September 2012) *Iranian Christian pastor released from jail*)

This article also states:

“Nadarkhani was arrested in October 2009 for converting at the age of 19 to Christianity from Islam, his parent's religion. Although he insisted he was never a practising Muslim, Iran considers the religion of a child to be that of his father. Those who convert to other religions risk arrest or even execution for apostasy. In 2010, Nadarkhani was sentenced to death after being found guilty of apostasy, a conviction upheld by a supreme court in 2011. Iran's penal code does not have a definitive ruling for apostasy and the judge often refers to the Sharia law for such cases.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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