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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information whether conversion from Islam to Christianity is a crime. Treatment of converts/apostates both socially and by authorities.

A report published by the *United States Department of State* in May 2012 reviewing events of 2011 notes that:

“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” (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011*, Section 1. Respect for the Integrity of the Person, Including Freedom from: a. Arbitrary or Unlawful Deprivation of Life).

A publication issued in July 2011 by *Landinfo* states:

“Apostasy is not regulated by the prevailing criminal code, but is assessed in relation to traditional Islamic law and legal interpretations by religious authorities...The criminal code of Iran has been under revision for many years. The draft proposition included a new provision that explicitly proscribes renouncement of Islam. The proposal was approved by the Parliament in 2008. However, it was not approved by the Guardian Council, which would be required for a new criminal code to enter into force. Instead, the proposal was returned to the Parliament with requests for amendments. The processing of the amendments is still underway, and in December 2010 the Parliament decided to extend the prevailing legislation until March 2012...” (Landinfo (July 2011) *Iran: Christians and Converts*, p.13).

This report also points out that:

“The standard of proof for conversion and thereby apostasy amounts to four confessions at four different occasions in front of a Muslim judge. The accused must also be an adult in the religious sense (which in Iran is 15 years for boys and 9 years for girls), be of sound mind and have acted with due intention, i.e. not under intoxication, duress or pressure. The court of law must have specific evidence of conversion in order to sentence the accused. If a person accused of apostasy testifies to being a Muslim in a court of law, it is unlikely that he or she will risk further prosecution. The precondition, however, is that he or she is not indicted for other offences. Often, the convert will be exposed to active pressure to repent and return to Islam during the proceedings. A confession is accepted as evidence. However, since the Iranian criminal justice system is based on Islamic principles, a confession is only legally valid if it is submitted in court in front of a Muslim judge. The procedural requirements include four confessions (or admissions/confirmations) on four separate occasions in front of the judge. The punishment for conversion for a Muslim man, if all criteria have been met, is a death sentence. If all criteria have been met there are no other

alternatives, meaning that the judge cannot substitute the death penalty with a prison sentence for a male convert” (ibid, p.14).

It is also noted in this publication that:

“Charging converts of apostasy appears to have become more common” (ibid, p.21).

A report released in December 2011 by the *International Federation for Human Rights/FIDH*

“Any Muslim who repudiates their belief in Islam is an apostate and could potentially be sentenced to death. Any person who is born to Muslim parents is automatically considered to be a Muslim, and if they choose to follow a different faith or no faith at all, they will be apostates...The overall result is the extensive persecution of the Baha'is, Sufis, Christians (in particular those who convert from Islam), as well as Sunni Muslims, dissenting Shiite groups and, certainly, the atheists” (International Federation for Human Rights/FIDH (9 December 2011) *Iran: Suppression of Freedom; Prison, Torture, Execution... A state policy of repression*).

This report also notes that:

“...former Muslims who have converted from Islam to Christianity are frequently persecuted, ill treated and prosecuted for their beliefs and regularly accused of apostasy. A number of Christian converts have lost their lives in extrajudicial killings over the years” (ibid).

Commenting on apostasy, a document released by *Amnesty International* in February 2012 points out that:

“Even ‘offences’ that were not codified in law, such as ‘apostasy from Islam’, could be prosecuted under constitutional and legal provisions requiring judges to use their knowledge of Islamic law to rule on cases where domestic law was silent” (Amnesty International (28 February 2012) “*We are ordered to crush you*”, *Expanding repression of dissent in Iran*, p. 8).

This report also states:

“‘Apostasy’ is not defined as a crime in the Iranian Penal Code. However, individuals are occasionally convicted of this ‘offence’ on the basis of religious works or edicts by senior Islamic clerics, in accordance with Article 167 of the Constitution which requires judges to use their knowledge of Islamic law to try cases where no codified law exists” (ibid, p.70, footnote 118).

This publication also notes:

“Christians – mainly from evangelical denominations and converts from Islam, who can face the death penalty for ‘apostasy’ even though this is not an offence in codified Iranian law –have faced increasing persecution in recent years, notably since the disputed presidential election of 2009” (ibid, p.48).

A report published in March 2012 by the *United States Commission on International Religious Freedom* commenting on events between April 2011 and February 2012 notes:

“During the reporting period, the Iranian government leveled unsubstantiated charges and used trial procedures for national security cases against members of religious minority communities and individuals for alleged crimes such as ‘confronting the regime’ and apostasy” (United States Commission on International Religious Freedom (20 March 2012) *United States Commission on International Religious Freedom Annual Report 2012: Iran*).

This report also states:

“Although the Iranian government has in the past applied the death penalty for apostasy under Islamic law, it had never explicitly codified it. Despite efforts in the parliament to advance this amendment, in January 2012, the Guardian Council approved a law which did not include a provision mandating the death penalty for apostasy” (ibid).

A report issued in September 2011 by *Christian Solidarity Worldwide* points out that:

“The death penalty has rarely been meted out specifically for apostasy in Iran, and has hardly ever been put into effect in the last two decades” (Christian Solidarity Worldwide (September 2011) *Iran: The death penalty*, p.7).

This document also notes:

“Despite the relative rarity of executions for the crime of apostasy, it should be noted that converts from Islam to another religion or to atheism are often persecuted in other ways as a result of their abandonment of Islam, charged with other crimes (often related to the vague concept of mofsed-e fel-arz- „disruption of the moral order“), in attempts by the regime to terrorise minority communities and disrupt their activities” (ibid, p.8).

Citing another source *Assist News* states in April 2012 that:

“The news agency stated that some 60 Christian citizens and members of house churches in Tehran and other cities were arrested during that highly coordinated and pre-organized attack by security authorities. The accusations announced to the families of these Christian detainees were as follows, “conversion (apostasy), evangelism, having contact with Christian organizations.” “ (Assist News (23 April 2012) *Iranian Christian Sentenced by Revolutionary Court*).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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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