

Query response a-6444 of 5 December 2008

Iran: Fate of Christian converts that do not try to proselytise and are not active pastors

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Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

In September 2008, Christian Solidarity Worldwide releases a press statement about the approval of a bill stipulating the death penalty for apostasy in Iran:

"The Iranian Parliament voted on Tuesday in favour of a bill stipulating the death penalty for apostasy. The bill was approved by 196 votes for, seven against, and two abstentions. [...] The progress of this bill through the Iranian Parliament is a cause of grave concern for increasing numbers of Iranians who have left Islam for another religion, and a significant backwards step for human rights in Iran. [...]"

Last week, two Christians from Muslim backgrounds, 53-year-old Mahmoud Mohammad Matin-Azad and 40-year-old Arash Ahmad-Ali Basirat, were charged with apostasy at the Public and Revolutionary Court in Shiraz, Iran and are awaiting the court's verdict. The men have been in detention since 15 May 2008.

CSW is deeply concerned that Mr Matin-Azad and Mr Basirat may face capital punishment if the proposed legislation on apostasy passes unchallenged through the final parliamentary processes and is enacted into law. [...]"

The approved bill will be sent back to the Legislative Commission to debate proposed amendments before it is brought before parliament for a further vote." (CSW, 11 September 2008)

In October 2008, the Telegraph refers to the same draft bill, which could come into force within weeks:

"A month ago, the Iranian parliament voted in favour of a draft bill, entitled "Islamic Penal Code", which would codify the death penalty for any male Iranian who leaves his Islamic faith. Women would get life imprisonment. The majority in favour of the new law was overwhelming: 196 votes for, with just seven against. [...]

Nevertheless, in the 18 years since Hossein Soodmand's execution, there have been no judicially sanctioned killings of apostates in Iran, although there have been many reports of disappearances and even murders. "As the number of converts from Islam grows," notes Ms Papadouris, "apostasy has again become a serious concern for the Iranian government." In addition to 10,000 Christian converts living in Iran, there are several hundred thousand Baha'is who are deemed apostates.

There is another factor: President Ahmadinejad. "The President didn't initiate the law mandating the death penalty for apostates," says Papadouris, "but he has been lobbying for it. It is an effective form of playing populist politics. The Iranian economy is doing very badly, and the country is in a mess: Ahmadinejad may be calculating that he can gain support, and deflect attention from Iran's problems, by persecuting apostates."

The new law is not yet in force in Iran: it requires another vote in parliament, and then the signature of the Ayatollah. But that could happen within a matter of weeks." (Telegraph, 11 October 2008)

The US Department of State (USDOS) International Religious Freedom Report 2008, published in September 2008, mentions a revision to the Iranian Penal Code drafted in February 2008. According to this report, Christians in Iran are subject to harassment and surveillance:

"In February 2008 a revision to the Penal Code was drafted for approval by the legislature whereby apostasy, specifically conversion from Islam, would be punishable by death under the revised Penal Code. Previously, death sentences for apostasy were issued under judicial interpretations of Shari'a law. However, there were no reported cases of the death penalty being applied for apostasy during the reporting period. Proselytizing of Muslims by non-Muslims is illegal. [...]

Christians, particularly evangelicals, continued to be subject to harassment and close surveillance. During the reporting period, the Government vigilantly enforced its prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing their churches, and arresting Christian converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers were subjected to identity checks by authorities posted outside congregation centers. The Government restricted meetings for evangelical services to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members." (USDOS, 19 September 2008, Sec. 2)

In May 2008, Amnesty International (AI) sends out an Urgent Action about the arrest of five converts to Christianity in Iran. At this time, there is no specific provision in the Iranian Penal

Code for apostasy, so converts from Islam risk to be sentenced to death according to Islamic law:

"Five converts to Christianity have been arrested, and are now held incommunicado. They are in danger of torture. They appear to have been detained solely on account of their religious beliefs, in which case they are prisoners of conscience. Mojtaba Hussein was arrested on 11 May at 7am, along with his father, one brother and one sister at his home in Shiraz, in the south-western province of Fars. All but Mojtaba Hussein were released later that day. All the family's books, CDs, computers and printers had been confiscated during the raid. The authorities have not told his family where Mojtaba Hussein is held, or why he was arrested. Their requests to visit him have been refused. Police apparently told them: "He is not cooperating with us, so he has to stay in our custody." In April, a man and a pregnant woman, also believed to be Christian converts, were arrested in the city of Amol, in the northern province of Mazandaran. Two men, Mahmoud Matin and Arash, were arrested in a park in Shiraz on 13 May. It is not known why they were arrested, or where they are held.

BACKGROUND INFORMATION Although Christianity is a recognized religion in Iran, evangelical Christians, some of whom have converted from Islam, often face harassment by the authorities. Converts from Islam risk arrest, attack or the death penalty. Conversion from Islam (apostasy) is forbidden under Islamic law, which requires apostates to be put to death if they refuse to go back to Islam. There is no specific provision in the Iranian Penal Code for apostasy, but judges are required to use their knowledge of Islamic law to rule on cases where no specific legislation exists in the Penal Code." (AI, 30 May 2008)

The German Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) states in a July 2008 report on religious freedom in Iran that since February 2008, there is a draft law in parliament according to which acts of apostasy, if committed by Iranian nationals, may be punished by death. The report also mentions that in spite of the Sharia providing the death penalty for conversion from Islam, considered an act of high treason, there were no known cases of the death penalty being imposed or extrajudicial killings carried out due to apostasy. According to this report, generally conversion itself does not entail (individual) persecution by the state, provided that the convert respects Muslims' absolute claim to power and does not engage in missionary activity:

"Seit Februar 2008 liegt dem iranischen Parlament ein Gesetzentwurf vor, in dem der Abfall eines iranischen Staatsbürgers vom Islam mit Strafe bis hin zum Tod bedroht wird. [...] Die Scharia sieht für den Glaubenswechsel (Konversion) weg vom Islam zwar die Todesstrafe vor, weil darin keine religiöse Gewissensentscheidung, sondern Hochverrat gesehen wird. Jedoch sind Fälle einer Verhängung der Todesstrafe wegen Apostasie oder extralegale Tötungen in Iran nicht bekannt geworden. Soweit der Glaubenswechsel ohne jegliche politische Betätigung erfolgt, gibt es im Strafrecht keine Vorschriften, die ihn unter Strafe stellen. Allein der Übertritt führt grundsätzlich zu keiner (individuellen) staatlichen Verfolgung, sofern der Konvertierte den absoluten Machtanspruch der Muslime respektiert sowie nicht missionierend tätig wird." (BAMF, July 2008, p. 5)

References: (all links accessed on 5 December 2008)

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