

URGENT ACTION

FACING DEATH FOR “INSULTING THE PROPHET”

Iranian engineer Rouhollah Tavana may be at risk of execution, as the Supreme Court upheld his death sentence earlier this month. He was sentenced to death in 2013 for charges including “insulting the Prophet”.

Rouhollah Tavana, from Iran’s north-eastern Khorasan province, was sentenced to death on 3 August 2013 by Branch Five of the Criminal Court in Khorasan, on a charge of “insulting the Prophet of Islam” (*Sabbo al-Nabbi*), arising from a video clip in which he allegedly insulted the Prophet Muhammad. The Court also sentenced him to imprisonment and flogging on charges of “alcohol consumption”, “making alcoholic beverages” and “illicit sexual relations”. A Revolutionary Court in Khorasan sentenced him to a further three years’ imprisonment after convicting him of “insulting the founder of the Revolution” and “insulting the Supreme Leader”.

Rouhollah Tavana, a 35-year-old quality control engineer, was arrested in October 2011 by men believed to be from the Ministry of Intelligence, at his house in Mashhad, Khorasan. The intelligence officers searched his house and workplace and seized some of his personal belongings including his computer, mobile phone, passport and a number of CDs and DVDs. He was detained in solitary confinement in a detention centre belonging to the Ministry of Intelligence in Khorasan for three-and-a-half months, during which he was not allowed access to a lawyer. Rouhollah Tavana has maintained that he made the statements allegedly insulting the Prophet when he was intoxicated which, under Iranian law, would exempt him from the death penalty. The court has acknowledged that he had consumed alcohol when making the statements but determined that the amount of alcohol consumed was not sufficient to negate his intent.

Please write immediately in Persian, English or your own language:

- Calling on the authorities not to execute Rouhollah Tavana, and to immediately establish an official moratorium on executions as a first step towards abolishing the death penalty;
- Calling on them to ensure all court proceedings comply with the most rigorous international standards for fair trial, which include defendants having regular access to lawyers of their choosing and their families;
- Reminding them that under international law, the death penalty may only be used for “the most serious crimes”, which international bodies have interpreted as being limited to crimes involving intentional killing.”

PLEASE SEND APPEALS BEFORE 7 APRIL 2014 TO:

Leader of the Islamic Republic

Ayatollah Sayed ‘Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of Shahid
KeshvarDoust Street,
Tehran, Islamic Republic of Iran
Twitter: @khamenei_ir
Email: info_leader@leader.ir
Salutation: Your Excellency

Head of the Judiciary

Ayatollah SadeghLarijani
c/o Public Relations Office
Number 4, 2 Azizi Street intersection
Tehran, Islamic Republic of Iran
(Subject line: FAO
Ayatollah Sadegh Larijani)
Salutation: Your Excellency

And copies to:

President of the Islamic Republic of Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Email: media@rouhani.ir
Twitter: @HassanRouhani (English) and
@Rouhani_ir (Persian)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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ADDITIONAL INFORMATION

Rouhollah Tavana has been in detention since his arrest in September 2010. Following his transfer from the Ministry of Intelligence detention centre in Khorasan, he has been held in Vakilabad Prison in Mashhad. His family did not know where he was until six weeks after he had been arrested.

The authorities apparently seized a number of poems, writings and videos from Rouhollah Tavana's personal belongings which they deemed to be insulting to officials and the Prophet of Islam, and charged him with a number of offences. In August 2013, Branch Five of the Criminal Court of Khorasan convicted him of “alcohol consumption”, “illicit sexual relations”, “making alcoholic beverages” and “insulting the Prophet”, acquitted him of the charges of “disturbing the public opinion”, “insulting the Shi’a Imams”, “adultery” and “insulting the President”, but determined that investigating the charges of “insulting the Supreme Leader” and “insulting Ayatollah Khomeini” fell outside its competency.

Amnesty International understands that officials at the Supreme Court in Tehran spoke to Rouhollah Tavana's lawyer and family members in February 2014 and told them that his death sentence had been upheld.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Iran must ensure that rights contained in this Covenant are enshrined in its domestic laws. However, the revised Islamic Penal Code, signed into law in May 2013, continues to maintain articles that unduly impose restrictions on the right to freedom of expression, association and assembly. Article 262 of the Revised Penal Code states that “anyone who curses the Prophet of Islam or other Prophets or accuses them of adultery is Sabbo al-Nabi and will be sentenced to death”. According to Article 263 of the Penal Code, “an accused who claims that their statements were made under duress, as a result of negligence, or in a state of intoxication” among other things, would not be sentenced to death. A punishment of flogging is prescribed in such cases.

The right to freedom of expression protects the right to express ideas that may shock, offend or disturb. This includes the right to criticize political leaders as well as religious systems. The UN Human Rights Committee, which oversees implementation of the ICCPR, in its General Comments No.34 criticizes laws prohibiting blasphemy or lack of respect for religious systems, stating that “it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”

Corporal punishment such as flogging violates international law which prohibits torture or other cruel, inhuman or degrading treatment or punishment.

Moreover, Article 6(2) of the ICCPR states the death penalty may be “imposed only for the most serious crimes”. In November 2011, the UN Human Rights Committee expressed concern about the number of death sentences imposed and carried out in Iran, in its Concluding Observations. The Committee stated that the Iranian authorities “should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the ‘most serious crimes’”.

Amnesty International opposes the death penalty unconditionally as the ultimate cruel, inhuman and degrading punishment and violation of the right to life and is calling for all death sentences in Iran to be commuted.

Name: Rouhollah Tavana

Gender m/f: m

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