



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Are there any reports of people formerly practising Muslims who have ceased to practice and have rejected their religion having any problems with employment, university, or the authorities?

Are there any reports of the consequences of a person openly rejected their religion?

An article from *The Guardian* states:

“Muslim converts to different faiths face intimidation, not only from their own families, but also from the Iranian authorities. They are regularly threatened, assaulted and detained without charges, or even executed.” (The Guardian (9 May 2009) *The cost of religious conversion in Iran*)

A report from the *International Federation for Human Rights*, in a section titled “Religious minorities” (sub-section headed “Christians”), states:

“Former Muslims who have converted from Islam are frequently persecuted, ill-treated and prosecuted for their beliefs. According to Islamic tenets, Prophet Mohammad was the last prophet of God and Islam the last and ultimate religion on earth. Any conversion from Islam to other religions is forbidden and considered as an act of apostasy. Even if a person was not a Muslim before conversion to Islam, but decided to give up Islam and convert back to his/her previous religion or another religion, s/he would be considered apostate.” (International Federation for Human Rights (21 October 2010) *The Hidden Side of Iran: Discrimination against ethnic and religious minorities*, p.21)

The *US Commission on International Religious Freedom* annual report for Iran, in a section titled “Non-Muslim Religious Minorities”, states:

“Beginning in August 2005, and particularly since the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities. A consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups has led to a renewal of the kind of oppression seen in the years immediately following the Iranian revolution in the early 1980s. In October 2010 in Qom in central Iran, Iranian Supreme Leader Ayatollah Ali Khamenei publicly stated that ‘enemies of Islam’ are using the spread of Sufism, the Baha’i faith, and Christian house churches to weaken the faith of young people in society. Ayatollah Ahmad Jannati, head of the Guardian Council, continued to publicly demonize non-Muslims and refer to them as ‘sinful animals’ and ‘corrupt.’ In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. In September 2008, a committee in the Majlis approved advancing

the amended language on apostasy, which could be passed by the full Majlis in the near future. Although the Iranian government has in the past applied the death penalty for apostasy under Islamic law, it has not been explicitly codified. If the proposed law is passed, it would further endanger the lives of all converts from Islam, particularly members of the Baha'i faith, who are already considered apostates, even if they are fourth- or fifth-generation Baha'i adherents." (US Commission on International Religious Freedom (28 April 2011) *USCIRF Annual Report 2011 - Countries of Particular Concern: Iran*)

The 2010 *United States Department of State* religious freedom report on Iran, in Section II. "Status of Government Respect for Religious Freedom", states:

"The government did not respect the right of Muslim citizens to change or renounce their religious faith. A child born to a Muslim father automatically is considered a Muslim by the government. Non-Muslims may not engage in public religious expression, persuasion, and conversion among Muslims, and there were restrictions on published religious material. 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. This revision passed in the majles in September 2008 and reportedly was implemented on a one-year trial basis. On June 23, 2009, the Legal and Judicial Committee of the majles recommended removing the revision from the penal code, but no further information was available at the end of the reporting period. Previously, death sentences for apostasy have been issued under judicial interpretations of Shari'a; however, there were no reported cases of the death penalty being applied for apostasy during the reporting period." (US Department of State (17 November 2010) *International Religious Freedom Report 2010*)

This report also states:

"Applicants for public sector employment were screened for their adherence to and knowledge of Islam, although members of religious minorities, with the exception of Baha'is, could serve in lower ranks of government employment. Government workers who did not observe Islam's principles and rules were subject to penalties." (ibid)

A *Danish Immigration Service* report on a fact-finding mission to Iran, in a section titled "Punishment for conversion in practice" (section 6.2), states:

"According to a western embassy (1) the Iranian Government has recently announced that it will put emphasis on the use of Islam and Islamic values in their governing of the country. The source added that the agenda of Iranian authorities is that "if you are not part of Islam then you will have difficulties with for example getting a job, practising your religion freely and marrying across religions". An international organisation in Turkey added that, on the surface, Iranian society may to some extent seem tolerant towards other religions. Christians, Jews and Zoroastrians are protected religious minorities under the Iranian Constitution and Christians and Jews are represented in parliament. In relation to Christians, they have churches around the country and within the area of the church they can practice their Christian faith. However, the tolerance is not equally visible all over Iran. Restrictions on practising are higher in, for instance, Mashad and Tabris than in Tehran. Local communities as well as the judicial system will regard religious matters differently and stricter in some parts of the country than in other parts."

(Danish Immigration Service (30 April 2009) *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.*, p.30)

This section of the report also states:

“In addition to the above, several western embassies and an international organisation in Turkey stated that a major difficulty in Iran in many matters and in relation to conversion specifically, is the arbitrariness with which Iranians are treated, whether it is by the court systems or by the Iranian authorities. Judges have different views on apostasy and the law concerning apostasy is applied arbitrarily. Due to Iranian law and the randomness in applying it and due to the attitude of society, it is difficult to give a clear picture of the situation in Iran for converts. However, it is obvious that the situation has worsened in recent years. According to a western embassy (3), punishment for conversion is not practiced and does not take place. However, other sources consulted did not agree with this statement and according to the Attorney at Law, the punishment for conversion is the death penalty. He explained that if a private person accuses someone of conversion the government must intervene and a prosecutor will then pursue the private complaint. At this stage of prosecution, the person who made the complaint cannot withdraw it. It is up to the judge how to rule in the case of conversion. Some judges may try to avoid these cases at their courts (especially in Tehran). However, there are rulings on conversion in Iran, for example in Baluchistan and other provinces. Whether a person will be prosecuted and convicted for conversion is up to the individual judge.” (ibid, pp.30-31)

This report refers to information provided by western embassies as follows:

“A western embassy explained that leaders of the Christian churches have stated that conversion only causes problems within the family and not with the authorities. Apparently, people who have abandoned the Islamic faith do not have any problems. However, two other western embassies (1) and (2) disagreed and emphasised that apostates and converts in Iran face problems and that it is not true that there is freedom of religion in Iran. The growing number of conversions (the number is growing, however, the group remains relatively small) is considered a serious problem by the authorities. Many people choose to convert in secrecy since they fear the consequences. If conversion comes to the knowledge of the authorities, then the person may face persecution. According to a western embassy people rarely convert openly. A western embassy stated that it is difficult to predict when and why a convert will be punished. However, it may be of influence how active and openly a person speaks about the conversion. According to the embassy, attending a church may not be as risky as speaking openly about the conversion.” (ibid, p.31)

A report published by *Christian Solidarity Worldwide*, in section 5.2.2 “Implied laws” (sub-section headed “Iran”), states:

“There are no direct laws addressing apostasy in Iran. However two important provisions in the Iranian constitution create a de facto legal stance on the punishment of apostates. Firstly, Article 12 declares Islam as the country’s official religion with Ja’fari Shi’ism as the chosen doctrine. Other mainstream Islamic schools of thought, such as Hanafi, Shafi, Maliki and Hanbali, are granted ‘full respect’ and given freedom to exercise their

traditions. All of these schools of Shari'a agree on capital punishment for the male apostate. Secondly, according to Article 168 of the constitution, the judiciary functions 'in accordance with the criteria of Islam'. Article 167 allows for judges to deliver verdicts 'on the basis of authoritative Islamic sources and authentic fatwa' in the absence of any relevant legislation in the codified law. Since there is no relevant legislation on apostasy, and the constitution refers the judge to shari'a for guidance, the death penalty is automatically implied. Although there have been no apostasy convictions in Iran for over ten years, the threat of apostasy charges and capital punishment has been used in order to pressure converts who have been detained. Apostasy charges were brought against Mehdi Dibaj in 1994, a Muslim-background Christian. The charges were dropped following international pressure, but Mehdi Dibaj and four other clergymen, some of whom were apostates, were murdered following his release from custody." (Christian Solidarity Worldwide (29 April 2008) *No place to call home: Experiences of Apostates from Islam – Failures of the International Community*, pp.45-46)

See also section of this report titled "5.2.3 Other laws" (sub-section headed "Iran"), which states:

"In Iran, converts face trial before the Revolutionary Courts on similar accusations of harming national unity. In April 2006, an Iranian church leader was arrested and interrogated about his Christian faith and activities. In June, after a period of solitary confinement and having appeared in court several times, he was told he had been charged with 'working against the Islamic government of Iran and conspiracy to overthrow it.' If convicted, he could have faced the death penalty. He was later released on bail. In addition to treason, converts can also be arrested on criminal charges. The US State Department reported that 'on 24 July, 2006, the authorities arrested Issa Motamedi Mojdehi in Iran, a Muslim convert to Christianity, following his attempt to register the birth of his son. Charges of drug trafficking were brought against him, which Christian groups said was an attempt to punish him for his conversion'". (ibid, p.47)

In a section titled "Employment and equal opportunities" (section 6.1.1) this report states:

"Iran's policy of limiting non-Muslims in the state sectors extends to the rejection of appointment of non-Muslims as judges, security officials and school principals. Therefore, when a Muslim in the civil, military or judicial service converts to another religion, he risks losing his job. In an interview in a Middle Eastern country, a Muslim-background Christian, Adel, explained what happened when his conversion became known by his colleagues and supervisor at the government office where he had been working for more than ten years. His supervisor gave him a lengthy lecture about Islam's superiority over Christianity and the sin of apostasy. When he refused to return to Islam and enter into such discussions at work, his colleagues began to shun him and he was asked to do many humiliating tasks that were not in his job description. His supervisor threatened him with the loss of his job and with informing the police and state-sponsored militia groups of his conversion. Adel was eventually accused of poor performance and disobedience to his superiors; he lost his job and retirement rights and he had no income to support his wife and children. His dishonourable discharge and conversion severely limit what little employment opportunities he may now have. Adel believes that he has been 'lucky' in just losing his job. His wife stated in the interview that she fears he may be arrested at any time and accused of apostasy, treason or espionage. Her fears are

not unfounded. Converts who work for the government or the armed forces have faced serious allegations in the past.” (ibid, p.50)

See also section 6.3 “State Security Apparatus” (sub-section headed “Intimidation and arrests”) which states:

“In most cases, security officials are the prime agents of social pressure. Noyan, who converted to the Christian faith from Islam in Iran two years ago, stated in an interview with CSW that he was detained by the police after they learnt of his conversion. He was not mistreated in detention and was released within two days, but the police continued to follow and intimidate him. They informed his landlord and employer about his conversion. As a result, his rent was increased and he was fired from his job. Since he was living in a small town, news of his apostasy spread fast, compelling his family to move to a bigger city. He is afraid that, sooner or later, the police will locate him and will cause him further trouble.” (ibid, p.57)

A report published by the *Norwegian Country of Origin Information Centre (Landinfo)*, in a section titled “Experience and Practice”, states:

“Iranian religious tradition differentiates between offences committed in the public domain and that which takes place within the confines of privacy. Offences that are in violation of Islam and that are committed in the public domain must be punished, while what takes place in the private sphere, and is thereby concealed, is tolerated to a greater extent. This can include, for example, drinking of alcohol, prohibited sexual relations, use of illegal films, books, music and religious practice. Irrespective of their ethnic and religious background, very many Iranians in practice live two lives, one in the public domain and another in private. As long as the private sphere remains private and Islamic rules and values are not visibly challenged or violated, the Iranian authorities will not normally intervene in citizens’ private sphere. All non-Muslim minorities generally maintain a low profile in public as regards religious affiliation. As long as they follow the rules, minorities can practise their religion without being in the authorities’ spotlight because this constitutes lawful and socially acceptable behaviour.” (Norwegian Country of Origin Information Centre (Landinfo) (10 June 2009) *Christians and converts in Iran*, pp.10-11)

This section of the report also states:

“Problems with the authorities primarily arise in relation to outgoing and evangelical activity aimed at Muslims. All Christians (whether born Christians or converts) who evangelise in relation to Muslims and, for example, hand out Christian literature risk problems in the workplace and in the local community. If the matter is reported, the person in question risks being tried on serious charges. In practice, Iranian Muslims who convert to Christianity largely live in the same way as those who are born to Christian parents. However, it is a precondition for avoiding problems that converts behave discreetly, allow religious practice to take place within the confines of the religious community and otherwise treat their faith as a private matter, which most of them do. According to church leaders, it is only rarely that ordinary members have experienced problems obtaining a job, gaining admission to university or obtaining a passport.” (ibid, p.11)

A recent Amnesty International report, in a section titled “Christian pastor reportedly ordered to ‘repent’”, states:

“Amnesty International is concerned about a recent Supreme Court judgement passed in the case of Yousef Naderkhani (or Nadarkhani), 32, a man who converted to Christianity over a decade ago. That judgement reportedly overturned his death sentence imposed after conviction for ‘apostasy from Islam’, apparently citing procedural flaws, including that the no examination of his faith had been carried out which would provide him with the opportunity to recant and ‘return’ to Islam. The case was returned to Branch 11 of the Provincial Criminal Court in Rasht for re-examination. The Supreme Court verdict reportedly provides for the death sentence to be re-imposed should Yousef Naderkhani refuse to recant. Yousef Naderkhani was a pastor in an evangelical church in Iran prior to his arrest on 12 October 2009, which took place after he had complained about his child being forced to read the Qur’an at school, which he claimed was a breach of the right to freedom of belief. ‘Apostasy’ is not defined as a crime in the Iranian Penal Code, but 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.” (Amnesty International (28 July 2011) *Iran: New arrests and convictions highlight ongoing repression of basic freedoms* AI Index: MDE 13/069/2011)

A Radio Free Europe/Radio Liberty report refers to this individual as follows:

“Yousef Nadarkhani could become the first Iranian put to death for apostasy since 1990 if he refuses to recant his Christian faith. In a statement, State Department spokeswoman Victoria Nuland said, ‘while Iran’s leaders hypocritically claim to promote tolerance, they continue to detain, imprison, harass and abuse those who simply wish to worship the faith of their choosing.’ The fate of the 32-year-old Nadarkhani remains unclear. His lawyer told AFP on July 3 that Iran’s Supreme Court had overturned the death sentence against Nadarkhani. However, the lawyer, Mohammad Ali Dadkhah, told the French news agency that the Supreme Court had sent the case back to a lower court in Rasht, Nadarkhani’s hometown. Dadkhah also added that his client is still required to recant his faith.” (Radio Free Europe/Radio Liberty (7 July 2011) *U.S. Concerned Over Religious Persecution In Iran*)

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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