

**PUBLIC**

**AI Index: MDE 13/138/08  
17 September 2008**

**Further Information on UA 151/08 and follow-up (MDE 13/079/2008, 11 June 2008) - Prisoners of conscience/ Death Penalty**

<b>IRAN</b>	<b>Mahmoud Matin (m), aged 52, civil engineer</b>	<b>]</b>	<b>Christian converts</b>
	<b>Arash Basirat (m), aged 44</b>	<b>]</b>	

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Mahmoud Matin and Arash Basirat have been formally charged with apostasy, which on conviction can carry the death sentence. Their lawyer was initially informed of their charge in early August. They are prisoners of conscience, held solely for their religious beliefs.

Mahmoud Matin and Arash Basirat were arrested on 15 May 2008 by Ministry of Intelligence officials in Shiraz, south-west Iran, where they were having a meeting with 13 other people, who were also interrogated but released. They are both being held in a detention centre in Shiraz that is controlled by the Ministry of Intelligence. They were in solitary confinement for two months before being placed in a cell together around 15 July.

Both Mahmoud Matin's and Arash Basirat's families have tried to secure their release on bail before their trial takes place but this was refused by the authorities. Mahmoud Matin has been able to see his wife on short visits. Arash Basirat is diabetic and has become very weak and his medical condition has deteriorated.

Mahmoud Matin and Arash Basirat were charged with apostasy under Article 214 of the Code of Criminal Procedures. This states that where there is no existing law on a matter, courts are obliged to resort to *fiqh* resources (religious jurisprudence/interpretative works of Islamic jurists) or credible *fatwas* (religious edicts) to issue verdicts and sentences. The late Ayatollah Ruhollah Khomeini's treatise on legal affairs, the *Tahrir ol Vassileh*, provides a *fatwa* on apostasy and states that male apostates who were born as Muslims should be put to death; it is feared that this may be used when they come before the court to convict them and sentence them to death. Other charges which were initially brought against them, including "propaganda against the state", "disturbing public opinion" and "distributing false information" have since been dropped.

### **BACKGROUND INFORMATION**

Christianity is a recognized religion in Iran, but evangelical Christians, some of whom have converted from Islam, often face harassment by the authorities. In recent months, since May, there has been an increase in the number of Christians arrested. Most of the arrests have taken place in Bandar Abbas, in Hormozgan province, Esfahan in central Iran, Sanandaj in north-west Iran and Kermanshah in western Iran.

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 currently 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.

A new version of the Iranian Penal Code has recently been passed by the *majles* (parliament). In the original draft it prescribed the death penalty for those considered to be apostates and it is believed that this provision remains in the version approved. The law must be vetted by the Council of Guardians for conformity to Islamic Law and the Constitution before it can be signed and come into effect.

Article 23 of the Iranian Constitution states: "The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." Under Article 18 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." An individual's right to adopt a religion (including by converting from his/her original religion to another faith) is absolute and cannot be subject to limitations.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English or your own language:**

- calling on the authorities to release them immediately and unconditionally as Mahmoud Matin and Arash Basirat are prisoners of conscience, as they are being detained solely on account of their religious beliefs,
- calling on the authorities to drop the charges of apostasy, and reminding them that the right to change his or her religion is an internationally recognized right,
- urging the authorities to ensure that, pending their release, both prisoners are given immediate and regular access to their lawyer, their families and any medical treatment they may require;
- reminding the authorities that freedom of religious belief is guaranteed by the Iranian Constitution, and by Article 18 of the International Covenant on Civil and Political Rights;
- urging the authorities to ensure that the new Penal Code conforms with Iran's obligation under international law to guarantee "freedom of thought, conscience and religion."

**APPEALS TO:**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

**Email:** [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In subject line write: **FAO Ayatollah Shahroudi**)

**Salutation:** **Your Excellency**

Chair of the Guardian Council

Ayatollah Ahmad Jannati

Shoraye Neghaban-e Ghanoon-e Assassi, Imam Khomeini Ave., after (west of) junction with Vali-Asr Ave.

Felestin Jonubi St., Tehran 1317735111, Islamic Republic of Iran

**Salutation:** **Your Excellency**

**COPIES TO:**

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani

Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)

Pasteur St, Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

**Fax:** **+98 21 3390 4986 (please keep trying)**

**Email:** [int\\_aff@judiciary.ir](mailto:int_aff@judiciary.ir) (In the subject line: **FAO Mohammad Javad Larijani**)

President

His Excellency Mahmoud Ahmadinejad

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Fax:** **+ 98 21 6 649 5880**

**Email:** [dr-ahmadinejad@president.ir](mailto:dr-ahmadinejad@president.ir) (via website: <http://www.president.ir/email/> )

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 29 October 2008