

UA 33/97

Prisoners of conscience / Death penalty 30 January 1997**IRANDhabihullah Mahrami****Musa Talibi**

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Amnesty International is extremely concerned that Dhabihullah Mahrami and Musa Talibi may be at risk of imminent execution following reports of the confirmation of their death sentences by the Supreme Court.

Dhabihullah Mahrami and Musa Talibi are both Baha'is, a religious minority which is not recognised in Iran, and have been sentenced to death for apostasy.

Both are accused of having converted to Islam in the past and then having reverted to the Baha'i religion.

Dhabihullah Mahrami was sentenced to death in January 1996 by a Revolutionary Court in Yazd, central Iran. The death sentence was later overturned by the Supreme Court for reasons which were said to include the lack of competency of the Revolutionary Court to try this case, which was referred back to a lower court for reconsideration. Although Amnesty International has not received details of when his retrial took place, recent reports indicate that Dhabihullah Mahrami has been informed orally that his death sentence has been confirmed by the Supreme Court.

Musa Talibi was arrested in June 1994 in Esfahan. In October 1994 he was sentenced to 10 years' imprisonment on unknown charges, which may have related to his religious beliefs or activities. This sentence was later confirmed, but following an appeal, he was retried in February 1995 and was sentenced to 18 months' imprisonment from the date of his arrest. However, according to reports, the prosecution objected to his lighter sentence, apparently on the grounds that Musa Talibi was an apostate and that this had not been taken into consideration. At a further trial in July 1996, Musa Talibi was sentenced to death. His lawyer appealed against this sentence, but recent reports indicate that he too was informed orally that his death sentence has been confirmed.

Amnesty International believes both men are prisoners of conscience, currently held solely on account of their religious beliefs. It is calling for the death sentences against them to be lifted and for them to be released immediately and unconditionally.

**BACKGROUND INFORMATION**

Although apostasy is not a crime under the Iranian Penal Code, people who convert to Islam from other religions, and then reconvert (classed as "national apostates" by the late leader of the Islamic Republic of Iran, Ayatollah Khomeini), can face trial and execution. Ayatollah Khomeini in his writings defined the punishment for "national apostasy" as execution, if the person refuses to repent. The judicial system in Iran considers religious edicts, particularly those of eminent religious jurists such as Ayatollah Khomeini, to be a parallel source of law to acts of Parliament.

Freedom to hold or adopt the religion of one's choice is provided for by Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State Party. The UN Human Rights Committee (the expert body charged with interpreting the ICCPR), in July 1993 expressly recognized that this article entails the right to replace one's current religion with another,

and that it bars coercion which would impair this right, including the threat of physical force or penal sanctions.

Baha'is in Iran suffer systematic harassment and persecution. At least 201 have been executed, most during the 1980s and apparently in connection with their religious beliefs or activities. Two other Baha'is, Kayvan Khalajabadi and Bihnam Mithaqi, are currently on death row in Iran.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, French or your own language:**

- urging the Iranian authorities to lift the death sentences against Dhabihullah Mahrami and Musa Talibi;
- urging that the two men be released immediately and unconditionally as prisoners of conscience;
- calling on the authorities to ensure that no one in the future is sentenced to a prison term or to the death penalty solely for the peaceful expression of his or her religious beliefs, including by reviewing relevant legislation.

**APPEALS TO:**

1) Leader of the Islamic Republic  
His Excellency Ayatollah Sayed 'Ali Khamenei  
The Presidency, Palestine Avenue  
Azerbaijan Intersection, Tehran, Islamic Republic of Iran  
**Telegrams: Ayatollah Khamenei, Tehran, Iran**  
**Salutation: Your Excellency**

2) His Excellency Hojjatoleslam  
Ali Akbar Hashemi Rafsanjani  
The Presidency, Palestine Avenue  
Azerbaijan Intersection  
Tehran, The Islamic Republic of Iran  
**Telegrams: President Rafsanjani, Tehran, Iran**  
**Salutation: Your Excellency**

3) Head of the Judiciary  
His Excellency Ayatollah Mohammad Yazdi  
Ministry of Justice  
Park-e Shahr, Tehran, Islamic Republic of Iran  
**Telegrams: Head of the Judiciary, Tehran, Iran**  
**Fax: +98-21-6465242**  
**Salutation: Your Excellency**

4) Minister of the Interior  
His Excellency Mohammad Ali Besharati Jahromi  
Ministry of the Interior  
Dr Fatemi Avenue  
Tehran, Islamic Republic of Iran  
**Telegrams: Minister of the Interior, Tehran, Iran**  
**Faxes: +98 21 655 426/899 547/650203**  
**Salutation: Your Excellency**

**COPIES TO:**

Minister of Foreign Affairs  
His Excellency Dr Ali Akbar Velayati

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue  
Tehran, Islamic Republic of Iran

**Fax: +98-21-674790**

Chairman of the Islamic Consultative Assembly's Human Rights Committee  
Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Mr Hussain Farahi, Secretary, Islamic Human Rights Committee,  
PO Box 13165-137, Tehran, Islamic Republic of Iran

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 20 March 1997.