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## IRAN Doubts cast on reports that Nadarkhani death sentence has been annulled

Christians in Iran have challenged news reports that the death penalty for Pastor Yousef Nadarkhani has been annulled, pointing out that in reality the Supreme Court appears to have added a precondition requiring him to renounce his faith, or face execution.

There has still been no written confirmation of the court's decision on Pastor Nadarkhani's appeal against a death sentence for apostasy, despite efforts to source this. Pastor Nadarkhani's lawyer, the prominent human rights defender Mohammad Ali Dadkhah, is meant to receive written notification of the verdict next week. However Mr. Dadkhah, who along with Nobel Prize winner Shirin Ebadi is a founding member of the Defenders of Human Rights Center, an Iranian organization, is also now facing legal difficulties.

On Sunday, July 3, a court in Tehran sentenced Mr. Dadkhah to nine years in jail and a 10-year ban on practicing law or teaching at university for "actions and propaganda against the Islamic regime". He has 20 days to appeal; however, sources indicated that he may be imprisoned within a week.

When deciding on an appeal, the Supreme Court has three legal options; it can either decide on a retrial, on the withdrawal of initial charges and filing of fresh ones, or on the release of the accused. In this instance, since apostasy is not codified in civil law, the judges may have made use of Article 167 of the Iranian Constitution, which states that while they have a duty to find a basis for their rulings within the legal code, "if such a basis doesn't exist, they must cite reliable Islamic sources or a valid fatwa from which they have drawn a judgment in order to issue a verdict. Judges may not refuse to hear cases or issue rulings only because the case before them is not covered in the legal code, or there may be shortcomings or conflicts in the law."

The Supreme Court decision in the Nadarkhani case, which has been variously described as "flawed", "contradictory" and "extra-judicial", may indicate that the judges were under political pressure not to release Pastor Nadarkhani. There are also unconfirmed reports of a split decision, with one of the judges allegedly stating that the ruling made little sense. A church source informed CSW, "This is not good news. It merely gives more time to re-examine the case, but in the end the judges will be told what to do".

CSW's Advocacy Director Andrew Johnston said, "Our thoughts and prayers are with Pastor Nadarkhani, Mr. Dadkhah and their families at this uncertain time. CSW is gravely concerned about the judicial process in Pastor Nadarkhani's case and the precondition to recant his faith. We once again urge the Iranian regime to respect the stipulations of international treaties to which it is party, including the International Covenant for Civil and Political Rights (ICPPR), which guarantees freedom of religion and freedom to change one's religion or belief. In addition, the alleged conduct of both cases may amount to a violation of Article 14:1 of the ICCPR, which stipulates the right to a fair hearing by a competent, independent and impartial tribunal. Pastor Nadarkhani's life and Mr. Dadkhah's future both hang in the balance. The international community must act urgently to press Iran to ensure due process in both cases, and that Pastor Nadarkhani in particular is acquitted of a charge that is not in fact recognized under Iranian civil law."

**Notes to Editors:**

1. Pastor Yousef Nadarkhani of the Church of Iran denomination was arrested in his home city of Rasht on October 13, 2009 while attempting to register his church. His arrest is believed to have been due to his questioning of the Muslim monopoly on the religious instruction of children in Iran. He was initially charged with protesting, however the charges against him were later changed to apostasy and evangelizing Muslims.
2. A similar delay occurred when Pastor Nadarkhani was tried and found guilty of apostasy on September 21 & 22, 2010. The verdict was delivered verbally in court before written confirmation of the death sentence was delivered on November 13, 2010 by the 1st Court of the Revolutionary Tribunal.
3. The last known judicial execution of a Christian for apostasy was that of Reverend Hossein Soodmand, an Assemblies of God pastor, who was hanged on December 3, 1990 after refusing to renounce his faith. His family only learned of his death two weeks after he had been arrested, and were not allowed to see his body.