



7.13.2011

IRAN Written verdict confirms Nadarkhani death sentence

Christian Solidarity Worldwide (CSW) has received a copy of the verdict of the Supreme Court of Iran, which upholds the death sentence for Pastor Yousef Nadarkhani. The written ruling confirms a verbal notification earlier this month indicating that his appeal had been unsuccessful.

The written verdict is dated June 12, 2011; however, the document was only made available to Mr. Nadarkhani's lawyer within the last week. A similar delay occurred when Pastor Nadarkhani was initially tried and found guilty of apostasy on September 21 & 22, 2010. The verdict was delivered verbally in court, while written confirmation of the death sentence was received over one month later, on November 13, 2010.

Since the original verdict was based on fatwas by Ayatollahs Khomeini, the "father" of Iran's revolution in 1979, Khamenei, the Supreme Leader of Iran, and Makarem Shirazi, currently the most influential religious leader in Iran, the Supreme Court may have been reluctant to overturn the verdict for fear of inviting controversy, despite the fact that there is no death sentence for apostasy in the Iranian penal code. The Supreme Court also asked the court in Rasht, which issued the original death sentence, to re-examine some procedural flaws in the case, but has ultimately given local judges a free hand to decide whether to release, execute or retry Mr. Nadarkhani in October. The recent written verdict includes provision for annulment should Mr. Nadarkhani recant his faith.

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. His lawyer, Mr. Mohammed Ali Dadkhah, a prominent Iranian human rights defender, is also 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 is currently appealing the sentence.

CSW's Advocacy Director Andrew Johnston said, "We are deeply disappointed with the Supreme Court ruling, which has simply handed Pastor Nadarkhani's case back to the court that found him guilty in the first place. The original decision in the Nadarkhani case is in violation of the international covenants to which Iran is a signatory, including the International Covenant for Civil and Political Rights (ICCPR), which guarantees freedom of religion and freedom to change one's religion. It also appears to violate article 23 of the Iranian Constitution, which states that no-one should be molested or taken to task simply for holding a certain belief. We have grave concerns about due process in his case, and that of Mr. Dadkhah, that 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. It is now imperative that international governments apply pressure to Iran, to ensure the full acquittal of both these men."

Notes to Editors:

1. The use of fatwas as a basis for the verdict on Nadarkhani is provided for under Article 167 of the Iranian Constitution, which states that while judges 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.”

2. Mohammed Ali Dadkhah is a founding member of the Defenders of Human Rights Center, an Iranian organization, along with Nobel Prize winner Shirin Ebadi.