

The following are excerpts from the draft penal code currently under discussion by the Iranian Parliament, concerning “apostasy” and related crimes.

Islamic Republic of Iran

Proposed Bill for Islamic Penal Law (Penal Code)

(...)

Section Five: Apostasy, Heresy, and Witchcraft

Article 225-1: Any Muslim who clearly announces that he/she has left Islam and declares blasphemy is an Apostate.

Article 225-2: Serious and earnest intention is the condition for certainty in apostasy. Therefore, if the accused claims that his/her statement had been made with reluctance or ignorance, or in error, or while drunk, or through a slip of the tongue or without understanding the meaning of the words, or repeating words of others; or his/her real intentions had been something else, he/she is not considered an apostate and his/her claim could be heard and justified.

Article 225-3: There are two kinds of apostates: innate (*Fetri*) and parental¹ (*Melli*).

Article 225-4: Innate Apostate is someone whose parent (at least one) was a Muslim at the time of conception, and who declares him/herself a Muslim after the age of maturity, and leaves Islam afterwards.

Article 225-5: Parental Apostate is one whose parents (both) had been non-Muslims at the time of conception, and who has become a Muslim after the age of maturity, and later leaves Islam and returns to blasphemy.

Article 225-6: If someone has at least one Muslim parent at the time of conception but after the age of maturity, without pretending to be a Muslim, chooses blasphemy is considered a Parental Apostate.

Article 225-7: Punishment² for an Innate Apostate is death.

¹ The word (*Melli*) in this case means ‘of parents’.

² The word used here (*Hadd*) means limits but according to the definition given at the beginning of the document, Hadd in Islamic penal law applies to fixed penalties – their nature, limit, and condition, set in the religious laws, could not be changed, reduced or annulled. Crimes punishable by Hadd are adultery, pimping, false sexual accusations, defamation of the Prophet, apostasy and heresy and witchcraft, drinking, burglary, and spread of corruption and aggression on earth. It should be noted that in all these cases one of the conditions for accountability of the accused is his/her knowledge of the gravity of the crime in the Islamic law.

Article 225-8: Punishment for a Parental Apostate is death, but after the final sentencing for three days he/she would be guided to the right path and encouraged to recant his/her belief and if he/she refused, the death penalty would be carried out.

Article 225-9: In the case of a Parental Apostate, whenever there appears to be a possibility of recanting, sufficient time would be provided.

Article 225-10: Punishment for women, whether Innate or Parental, is life imprisonment and during the sentence, under the guidance of the court, hardship will be exercised on her, and she will be guided to the right path and encouraged to recant, and if she recants she will be freed immediately.

Note: The condition of hardship will be determined according to the religious laws.

Article 225-11: Whoever claims to be a Prophet is sentenced to death, and any Muslim who invents a heresy in the religion and creates a sect based on that which is contrary to the obligations and necessities of Islam, is considered an apostate.

Article 225-12: Any Muslim who deals with witchcraft and promotes it as a profession or sect in the community is sentenced to death.

Article 225-13: Assistance to the crimes in this chapter, in case there is no other punishment assigned to it by law, is punishable by up to 74 lashes in proportion with the crime and the criminal.