

Genuineness and Reputation in relation to Iranian Apostates

Notes by Graeme Swincer, November 2016

1. The importance of reputation

Many Iranians making asylum claims that include the issue of apostasy are confronted with a process to prove their genuineness or sincerity. However, whatever the guidelines that may allow this kind of testing, it is a deeply flawed practice.

Ultimately genuineness is not of the essence in relation to the danger of persecution. The key factor is reputation. For likely persecutors in Iran, the question of genuineness is simply not relevant; it is the reputation that is critical. The Basij and the Sepah do not care how sincere a person's alternative belief may be. The same applies to relatives and other members of any local community. Once there is some kind of identification or disclosure, the danger is established and the reputation is bound to spread. It may be possible to control the information and avoid detection, but only for a while; there is ever-present danger. With the best will in the world the decision cannot be kept hidden, even if that might perhaps be desired. For Christians, declaring one's faith is very important. International guidelines¹ on freedom of religion and apostasy make it clear that hypocrisy and secrecy should not be expected of anyone, let alone the related issues of the consequences of potential exposure, and likely subjection to intimidation and forced compliance. World authority on apostasy Frances Webber² expands this point (with obvious relevance to Iran):

“Forced compliance with religious practices ... could rise to the level of persecution if it becomes an intolerable interference with the individual's own religious belief, identity or way of life and/or if non-compliance would result in disproportionate punishment...”

Whatever an Iranian's real motives in declaring himself or herself to be a committed Christian (or any other kind of rejecter of fundamentalist Shia Islam) – whether in Iran or elsewhere, the fact remains that the person usually cannot prevent this becoming known in Iran and interpreted as evidence of apostasy. All Iranians know that any indication of conversion in Australia will inevitably get back, at least among family and community, and that there is no way of controlling how far and how fast this information will spread.

2. Dangers facing Christians in Iran

In relation to apostasy claims, it is important to note that it is not just Christian converts with a high profile who face significant danger in Iran. A readily available summary of the current situation is “*Severe Persecution in Iran Against former Muslims that Voluntarily Convert to Christianity*”.³ This article notes that at a global gathering in Rome, a Texas professor explained the harsh persecution faced by Muslim-born converts to Christianity:

*... while Christians generally face tremendous persecution from Iranian officials, law enforcement, and other civilians; **the penalties and trying circumstances are much worse for Muslim-born Iranians who convert to Christianity**. ICC has reported and followed the more than 92 cases of jailed Christians undergoing severe trauma in Iran. [emphasis added]*

“To live as a Christian in . . . Iran is to face countless, daily micro-aggressions in a controlled environment that inculcates within Christians the constant perception of threat and vulnerability,” Chris van Gorder told the International Conference on Christian Response to Persecution.

¹ See for example the seminal paper “*Apostasy or Conversion*” Fahamu Refugee Programme, <http://www.refugeelegalaidinformation.org/node/266>.

² Ibid.

³ <http://www.persecution.org/2016/02/21/severe-persecution-in-iran-against-former-muslims-that-voluntarily-convert-to-christianity/>

The estimated number of Christians in Iran varies widely, from official reports of 240,000 to more than 370,000. Probably 10% of Iranian Christians suffer consistent, serious persecution, he noted.

But even the majority of Iranian Christians—Orthodox Armenians and Assyrian or Chaldean Christians—endure second-class status that takes a variety of forms, he said.

“Iranian Christians undergo constant scrutiny from the nation’s religious or morality police, the Basij”, van Gorder said. [emphasis added]

Christians may face discrimination in the workplace, in housing or in terms of admission to a university, he said.

“Another group of Christians that has reported instances of persecution are individuals who were raised Christians but have names that identify them with a previous Muslim heritage,” van Gorder said. “Sometimes, such people are treated as apostates.”

Muslim-background Christians have been denied marriage licenses, lost their jobs and even faced the death penalty, he said.

The role of the Basij, the morality police (among other roles) who are distributed throughout the nation, is very significant. They are all too ready to act on any reports or even rumours of Muslims converting to Christianity, either passing the victims on to their masters, the Sepah, or carrying out their own unaccountable “treatment”. As quoted above: ***“Iranian Christians undergo constant scrutiny from the nation’s religious or morality police, the Basij”***.

The role of relatives, acquaintances and neighbours is similarly important. No-one can count on remaining “low-profile”.

Two other reports emphasise the vulnerability of ordinary Christian converts. First, a report from British legislators, is especially powerful. An official inquiry on persecution of Christians in Iran was initiated in 2011, chaired by parliamentarian David Burrowes. It resulted in a preliminary 35-page statement⁴ which was presented to Alistair Burt, Britain's minister of State for the Middle East, at a London gathering attended by the UN Special Rapporteur for Human Rights in Iran, Ahmed Shaheed, and other politicians, and also Christian leaders. The report expressed concern about the *“serious and growing persecution and discrimination”* of Iranian Christians. In summary:

“During the course of this inquiry we have catalogued evidence of widespread persecution of the most severe kind. .. We heard extremely harrowing stories of people who have lost their jobs, their freedom, their children and even their lives, through the Iranian Government’s campaign of repression against Christians. . . .

In recent years hundreds of Christians have been arrested, and many are held without charge in appalling conditions, all because of their faith.”

An updated report from the inquiry⁵, published in March 2015, affirms these conclusions. It catalogues the abuse of Christians during Rouhani’s presidency up to that point and summarises:

“Christians continue to be arbitrarily arrested and interrogated because of their faith-related activities. They continue to be treated harshly with some facing severe physical and psychological torture during periods of detention. The judiciary continues to construe legitimate Christian activities (such as meeting in private homes for prayer meeting and bible studies, or being in contact with Christians outside of Iran) as political activities that threaten the national security of Iran. Therefore Christians continue to be issued long prison sentences and/or corporal punishment. Churches continue to be

⁴ British Legislators: 'Iranian Christians Face Growing Persecution' (19th November, 2012)
<http://www.bosnewslife.com/24792-british-legislators-iranian-chhstians>

⁵ <http://www.christiansinparliament.org.uk/uploads/APPGs-report-on-Persecution-of-Christians-in-Iran.pdf>

pressured into ceasing all services or activities in the national language of Persian (Farsi), or are closed down. Property belonging to Christians has continued to be seized, and Christians continue to face discrimination in the workplace and in educational institutions. . . . During 2014, over 110 individual Christians spent time behind bars. These figures could be far lower than the real number of detainees, because many cases are kept confidential due to security concerns.

The second report⁶, from the American Center for Law and Justice, emphasises that, in practice, persecution of apostates in Iran is not an issue of law. For example “*The Iranian government’s treatment of the Christian minority consistently violates these obligations*” – meaning both its own laws and international commitments. The question is posed: “*How does Iran circumvent its own constitution and treaty obligations?*” The answer given is:

First, it claims that converts to Christianity aren’t really Christians deserving of any protections under the law. Second, even though “apostasy” is not a codified crime, Iran makes judicial determinations according to radical Shariah law. . . . Iranian judges, . . . use the opinions and proclamations of radical clerics in determining that someone is an apostate and must be punished under Islamic law, and in an alarming number of cases even executed. In short, Christian conversion is anathema to the Islamic regime.

As a result, “prosecutors often bring charges against Christians, asserting that their Christian activities amount to crimes such as ‘propaganda against the Regime’ and ‘acting against national security.’ The reality is, although Iran acknowledges constitutional protections, it fails to uphold them for its Christian community.”

The report quotes a special report issued by U.N. Special Rapporteur on Human Rights in Iran, Ahmed Shaheed, and a U.S. State Department report detailing the intensity of the persecution faced by Iran’s Christians, listing:

“disappearances; cruel, inhuman, or degrading treatment or punishment, including judicially sanctioned amputation and flogging; politically motivated violence and repression, such as beatings and rape; harsh and life-threatening conditions in detention and prison facilities, with instances of deaths in custody; arbitrary arrest and lengthy pre-trial detention.”

The stated conclusion is:

“It is unquestionable that persecution of Christians is on the rise.” [emphasis added]

Further background references are cited and summarised in my 2014 article on Apostasy as a Basis for Protection Claims by Iranians.⁷

In summary, the evidence shows that “traditional” Christians (mainly Assyrians, Armenians, and Catholics) who are an historically tolerated group (as long as they do not use Parsi language in their services) are now living precariously, and many are choosing to flee from Iran. But even more exposed to oppression and danger are “apostates”, both those who have abandoned Islamic allegiance and practice without embracing an alternative major religion, and those who have taken the next step, aligning themselves as Christians. Identified apostates do not have to be established leaders or “proselytisers” to attract attention, but many are prepared to take the risk. An important aspect is the escalation of persecution since the disputed Presidential election of June 2009.

⁶ *Iran Attempting to Root Out Christianity Pastor by Pastor: Staggering Truth about Persecution*, Matthew Clark, July 2013, <http://aclj.org/iran/iran-attempting-christianity-pastor-staggering-truth-persecution>

⁷ <http://www.bmrsg.org.au/compassion/wp-content/uploads/2014/08/Apostasy-Iranians-updated1.pdf>

3. The testing of “genuineness”

Even though, at least on relevance grounds, testing of genuineness should not be used as a tool for rejecting apostasy claimants, the practice continues. Therefore it may be worth challenging some of the underlying assumptions.

It is a widely held view among experts in the field that the profound realities surrounding conversion to the Christian faith do not lend themselves to easy assessment of genuineness. In professing to be able to assess the sincerity of recent expressions of Christian commitment, decision makers are in very complex and uncertain territory. Effective and accurate testing is notably very difficult to achieve, especially without prolonged interaction in real life situations.

There is also case precedence at the RRT⁸ that would support application of a deliberately restrained approach to presuming to be able to assess the genuineness of a person's professed faith.

“The RRT accepted how difficult it was to ascertain the genuineness of any individual's faith”

Religious tests are probably not allowed by the Australian constitution (section 116). This principle is currently under consideration in the Australian courts, as foreshadowed in a report⁹ published in May 2015. UNSW constitutional expert Professor George Williams is quoted as saying that:

“It means those federal laws can't impose a religious test, can't impose religious observance and can't prohibit the free exercise of any religion,”

Given that testing for genuineness is still being applied, it can be noted that two main tests are used: knowledge and church attendance. Sometimes attention is also paid to morality and behaviour.

Knowledge. It seems self-evident that knowledge is not a reliable measure of commitment.

Church attendance. Church attendance records are often invoked to question a claimant's genuineness. In Australia it is not easy for a newly arrived Iranian Christian to identify with an Australian church and play an active part in it. It can take a long time to find a suitable church and become more than a fringe participant. Iranian churches do exist in most major cities, but they are not always a comfortable fit nor easy to discover within reasonable travelling distance. In detention it is even more difficult. Two of the problems faced by Christians in the abnormal and artificial detention environment are lack of opportunity (a) to participate in helpful Christian activities and (b) to establish any kind of track record of authentic Christian living. There are many limitations. Some detainees attend services regularly, often weekly, but that is all. Some participate in study courses as well.

4. “Prediction” of the likelihood (or otherwise) of the person practising Christianity (or any other way of life) upon return to Iran.

Some decision makers ultimately reject apostasy claims by making a kind of prediction about how the person is likely to behave if returned to Iran. This seems to be based on the notion that people will be sure to do whatever is necessary to avoid danger. Besides being pure conjecture it is almost always a hypothetical point anyway. Whether the claimant would “practise” or not, the reputation is established and therefore there is no avoiding the danger.

⁸ “Case Justice” Asylum Seekers Resource Centre (page 24, case #18), <http://www.asrc.org.au/pdf/case-justice.pdf>

⁹ “Iranian refugee case could test religious freedom laws, experts say”, Stephanie Dalzell, 28 May 2015, <http://www.abc.net.au/news/2015-05-28/iranian-refugee-case-could-test-religious-freedom-laws/6504950>

The idea would seem to contain two possibilities, although these are rarely spelt out. Either the person is not a genuine apostate and therefore would have no trouble resuming life as a Muslim. Or the person may possibly be a true convert, but that would not matter because it should not be hard to make sure no-one knows about it. Either way the proposition is both untenable and inconsistent with international freedom of religion and apostasy guidelines and Australian case law, as discussed, for example, by Frances Webber¹⁰.

There is no doubt that hundreds of thousands of Iranians, disillusioned with extremist Islam, live in a kind of secular hypocrisy in order to find a measure of safety. The common practice of Iranians segregating their lives into public and private spheres is well documented¹¹. However, this is not an entirely secure situation; it makes them vulnerable to exposure and mistreatment which can easily escalate to the level of persecution. As a result, thousands of “secular” Iranians are trying to leave the country precisely because of a sense of insecurity. Apostates of all kinds face at least the same level of likely danger.

The issue is much more profound than simply making necessary adjustments in order to pursue safety. It is almost impossible for an Iranian to contemplate claiming conversion to another set of beliefs unless this is genuine or sincere. The potential personal cost and potential danger of rejecting Islam is very high, whether this occurs inside or outside the country. There are many considerations with deep cultural, economic and family aspects. Very significantly, family honour is always part of the culture. This has critical practical implications when it comes to such issues as marriage, which is usually a family contract, and inheritance. Other factors are also likely to create serious difficulties, usually rising to the level of “suffering”, including family interference in relation to education and employment prospects, and reputation in relation to the security forces,.

Fundamentally, not only should the claimant not be expected to go through life living a lie, even if that might just possibly be an effective strategy for avoiding danger, but he or she should not be expected to bear the extreme risks associated with the complex of problems that would inevitably follow from even a tiny slip of the cover.

¹⁰ Webber, Frances, “*Apostasy or Conversion*”, Fahamu Refugee Programme, <http://www.refugeelegalaidinformation.org/node/266>

¹¹ See for example a footnote in the UK Home Office IRAN COUNTRY OF ORIGIN INFORMATION (COI) REPORT , COI Service, 16th January 2013, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/iran/report-0611.pdf?view=Binary>, quoting the Landinfo Report 2011(Denmark):

- According to Iranian religious tradition, there is a difference between offences that are committed in a public space and things that take place in the shelter of privacy. Issues that are at odds with Islam and take place in public must be punished, while things that take place in the private sphere, and thereby are concealed, will to a larger extent be tolerated. This could include drinking alcohol, illicit sexual affairs, illegal films, books and music as well as religious practices. A large number of Iranians, irrespective of their ethnic background and religious affiliation, in practice lead two lives: one in the public space and another in the private. As long as the private matters remain private and Islamic rules and values are not challenged or violated in a visible manner, Iranian authorities will normally not interfere in the private sphere of the citizens.
- In general, all Iranian non-Muslim minorities keep a low profile in the public space with regard to their religious affiliations. Simply put, one could say that they know their place as dhimmi (a legal term in the sharia, denoting non-Muslims living in a society governed according to Islamic law). As long as the Islamic framework is obeyed, minorities can practise their religion and operate within their organizations free from any scrutiny and interference by the authorities. However, this does not apply to the Baha’i, who are declared illegal and whose members are treated in violation of international law and human rights. Nor does it apply to the house churches, since the Iranian authorities have not endorsed their activities.