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**CIVIL AND POLITICAL RIGHTS:
DISAPPEARANCES AND SUMMARY EXECUTIONS
FREEDOM OF EXPRESSION
RELIGIOUS INTOLERANCE**

SPECIFIC GROUPS AND INDIVIDUALS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

**Written statement* submitted by the Association for World Education,
a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The 'Rushdie Affair'/Rushdie syndrome: the right to life and the human rights mechanisms

1. On 14 February 2004 the 15 Khordad Foundation declared in a press release that the *fatwa* / *hukm* death sentence on Salman Rushdie remained valid. On 15 February 2004, the Teheran daily, Jomhuri Islami, announced that 'the committee for the glorification of the martyrs of the Muslim world' had offered a \$100,000 bounty to anyone who killed Rushdie. (1)
2. Last year, on 14 February 2003, Iran's Revolutionary Guards renewed the death sentence on Salman Rushdie with a clarification: "The historical decree on Salman Rushdie is irrevocable and nothing can change it." (2)
3. On the 15th anniversary of Ayatollah Ruhollah Khomeini's *fatwa* against the British writer, the Association for World Education is submitting a substantive documentation on the 'Rushdie Affair' – the greatest freedom-of-opinion-and-expression issue of our time; and also on the silence, and the efforts of United Nations human rights bodies to address that issue.
4. Although the Association for World Education sent an 'Urgent Appeal on the Rushdie Affair Syndrome' on 17 February 2004 to Iranian President Mohammad Khatami, we maintain that a clear condemnation of the *fatwa* by the Organization of the Islamic Conference (OIC), and by its member States, at the sixtieth session of the Commission on Human Rights, would be a real contribution to the protection of article 19 of the Universal Declaration of Human Rights – and for the struggle against terrorism and any arbitrary execution of dissident writers. The OIC is the appropriate body to make this condemnation as representatives of the Government of the Islamic Republic of Iran constantly stress that the *fatwa* is binding on all Muslims, not just on Iranians.
5. The Iranian Government has repeatedly cited the declaration adopted at the 18th meeting of foreign ministers of the OIC held in Riyadh (Saudi Arabia) on 13-16 March 1989, which "*had proclaimed, in unambiguous terms, the apostasy of Salman Rushdie*". Indeed, the 44 foreign ministers present at that meeting did promulgate a ban on The Satanic Verses, but they did not comment on the *fatwa* that sentenced its author and publishers to death. However, they did pronounce Salman Rushdie to be an apostate. As the traditional interpretation of *shari'a* law requires that the punishment (*hadd*) for an apostate (*ridda*) should be death – one of the three cases where a Muslim's blood may be legally shed – we maintain that it is the OIC that should declare the *fatwa* contrary to all the human rights norms which UN Member States have ratified.
6. The *fatwa* has remained for fifteen years a constant threat against the life of Salman Rushdie, and of others – as well as being an impediment to the normal functioning of the Islamic Republic of Iran within the world community, and an example and encouragement to others and to States.
7. Meeting with British Foreign Secretary Robin Cook on 24 September 1998 – ten years after the publication of The Satanic Verses – the Foreign Minister of the Islamic Republic of Iran, Dr. Kamal Kharazi, declared that the Iranian Government "*has no intention, nor is it going to take any action whatsoever to threaten the life of the author of The Satanic Verses or anybody associated with his work, nor will it encourage or assist anybody to do so. Accordingly, the Government dissociates itself from any reward that has been offered in this regard and does not support it.*"

8. Although this statement allowed the British Government to resume full diplomatic relations with Tehran, broken off in 1989, it soon became evident that these assurances were similar to those expressed by Iranian diplomats in June 1989, soon after the death of Ayatollah Khomeini, and since then. Foreign Minister Kharazi readily acknowledged that he was saying nothing new: *"We did not adopt a new position with regard to the apostate Salman Rushdie, and our position remains the same as that which has been repeatedly stated by the Islamic Republic of Iran's officials."* Since Iran considers that Islam does not allow a division between religion and Government, the separation of this *fatwa* from Government policy would violate that principle.
9. It is important to distinguish between two types of religious rulings in Iran: a *fatwa* and a *hukm* – the former remains valid only during the lifetime of the religious authority who issues it; the latter continues in effect beyond his death. Despite the Western habit of referring to the edict against Rushdie as a *fatwa*, Iranian spokesmen have universally regarded it as a *hukm*. (3)
10. Ayatollah Khomeini's *fatwa* / *hukm* of 14 February 1989 states, in the English translation: *"I inform all zealous Muslims of the world that the author of the book entitled The Satanic Verses – which has been compiled, printed, and published in opposition to Islam, the Prophet, and the Qur'an – and all those involved in its publication, who were aware of its content, are sentenced to death. I call on all zealous Muslims to execute them quickly, wherever they may be found, so that no one else will dare to insult the Muslim sanctities... whoever is killed on this path is a martyr."*
11. On 17 February 1989, President, Seyyed Ali Hoseyni Khamanei declared that if Rushdie were to repent, *"it is possible that the people may pardon him"*. But two days later, following Rushdie's inadequate apology, Ayatollah Khomeini confirmed his "execution order": *"Even if Salman Rushdie repents and becomes the most pious man of [our] time, it is incumbent on every Muslim to employ everything he has, his life and his wealth, to send him to hell. If a non-Muslim becomes aware of his whereabouts and has the ability to execute him quicker than Muslims, it is incumbent on Muslims to pay a reward or a fee in return for this action."* (4)
12. On 1 March 1989 the UN Special Rapporteur on summary or arbitrary executions, Amos Wako, referred to this unusual call for an arbitrary execution when introducing his annual report to the Commission: *"The Human Rights Committee has observed that arbitrary killings are forbidden and the law must strictly control and limit the circumstances in which a person may be deprived of his life The right to life is a right from which all other rights flow."*
13. In a subsequent reply to the Special Rapporteur's 3 March 1989 cable from the Centre for Human Rights, the Iranian Government made its position clear: *"The Special Rapporteur's intervention in the case of Salman Rushdie's criminal offence against Islam and the world Muslim community was outside his mandate and thus unwarranted."* (5)
14. In an interview four years later, Iranian President Ali Akbar Hashemi Rafsanjani referred to the *fatwa* / *hukm* against Salman Rushdie: *"This is prescribed by an Islamic law that has been in existence for a thousand years. Even if the Imam [Ayatollah Khomeini] had not pronounced a fatwa, it could have been traced in the books of great Islamic scholars. It is written that anyone cursing the Prophet is condemned to death."* (6)

15. Soon after the *fatwa*'s proclamation, the Iranian Ambassador to the Holy See even declared that he would kill Salman Rushdie with his own hands, and Iranian Interior Minister Ali Akbar Mohtashemi called on *hizbollah* agents worldwide to execute him. Also, on 15 February 1989, Ayatollah Hassan Sana'i, head of the 15 Khordad Relief Agency Foundation – created on 15 June 1979 by the Iranian Government – appeared on Iranian TV and offered \$3 million [on the inflated official rate of 200 million rials], to any Iranian, and \$1 million to a foreigner, who killed Rushdie; this was raised to \$2 million in March 1991 – and then "*with additional expenses*" on 17 June 1992 (7); on 2 November 1992, he called on "*all Muslims of the world to unite and make an effort to end the life of the apostate Rushdie.*" Three days after Ayatollah Sana'i announced that the 15 Khordad Foundation would "*send volunteers abroad to execute the death sentence,*" Iranian Supreme Guide Ali Khamanei re-appointed him – and nine others – as a member of the official Council on Expediency and Discernment. (8) Yet, in December 1997, when Ayatollah Sana'i once more raised the bounty for a non-Muslim assassin to \$2.5 million, President Ali Akbar Hashemi Rafsanjani casually announced that "*this foundation is a non-governmental foundation and its decisions are not related to government policies.*"

16. On 3 July 1991 Ettore Caprioli, the Italian translator of The Satanic Verses, was grievously injured, and on 12 July Hitoshi Igarishi – professor of literature and an admirer of Islamic civilization, who had translated the book into Japanese – was assassinated in Tokyo. William Nygaard, the Norwegian translator, was later knifed.

17. On 30 June 1992, 147 out of 270 deputies of the newly elected Majles (Iranian National Assembly) signed a letter condemning the British Parliament for receiving Salman Rushdie. It stated: "*We deputies of the Majles, in obedience to the decisive views of the eminent leader, His Eminence Ayatollah Ali Khamane'i, declare that the Imam's historic fatwa on the apostasy of Salman Rushdie remains in force as before and that all Muslims and all the world's hezbollah forces are duty-bound to carry it out.*"

18. In November 1992, Iran's Chief Justice, Ayatollah Morteza Moqtadi, also confirmed that Ayatollah Khomeini's *fatwa / hukm* was irrevocable.

19. On 14 February 1993 Ayatollah Ali Khamanei, who had succeeded the Ayatollah Khomeini in June 1989 as Iran's Supreme Guide, confirmed that the death sentence must be carried out whatever the circumstances: "*Imam Khomeini has shot an arrow at this impudent apostate. The arrow is moving to its target and will sooner or later hit it. The verdict must undoubtedly be carried out and will be carried out Solving the Rushdie issue is possible only with the handing of this apostate and infidel person to Muslims.*"

Reactions by United Nations bodies to Ayatollah Khomeini's death edict against Rushdie

20. The Committee on Economic, Social and Cultural Rights dealt explicitly with the 'Rushdie Affair' in its concluding observations on Iran's initial report. (9)

21. On 30 October 1992, during the examination of Iran's second periodic report at its 46th session, three experts of the Human Rights Committee raised the case of Salman Rushdie (Mr. Rhein A. Myullerson, Mrs. Christine Chanet, and Mrs. Rosalyn Higgins), *inter alia*, concerning

the incompatibility between the International Covenant on Civil and Political Rights and the Ayatollah Khomeini's 1989 *fatwa*. (10)

22. On 7 April 1993 at the 47th session, the representative of Iran's Judicature, Mr. Hussain Mehrpour, replied: *"Several members had referred to the death sentence passed on the writer Salman Rushdie and had requested an explanation of its relationship to the Covenant. The Western world must understand that Mr. Rushdie's book was a severe insult not to Iran but to Islam and to the Prophet, a person considered by all the Islamic world as the messenger of God's Word. That insult had caused a reaction in many countries besides Iran Moreover, it was important to point out that the Iranian Parliament had not passed any law calling for Mr. Rushdie's execution, nor had any court condemned him. Any action taken in response to that decree would be based on an individual's religious belief, not on a formal judicial decision."* (11)

23. It is most regrettable that for four years, until 1993, neither the Commission nor the Sub-Commission passed a resolution, nor did anything to condemn the *fatwa* or the subsequent public incitements to murder British writer Salman Rushdie. Finally, in its resolution 1993/62, on the Situation of human rights in the Islamic Republic of Iran, the Commission made a brief reference to it: *"Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appears to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Rapporteur."* (§5)

24. A year later, resolution 1994/73 added *"... to the life of Mr. Salman Rushdie, as well as to individuals associated with his work"* (§ 5). This wording remained in resolutions 1995/68 and 1996/84; in 1997/54, after lobbying, two additions were added: *"and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation"* (§ 2 (d)); and *"Calls upon the Government of the Islamic Republic of Iran ... to provide satisfactory written assurance that it does not support or incite threats to the life of Mr. Rushdie"* (§ 3 (f)). Resolution 1998/80 went further, stating: *"and deeply regrets the failure of the Government to condemn the bounty for the assassination of Mr. Rushdie by the 15 Khordad Foundation"* (§ 3 (e)); and: *"Calls upon to provide satisfactory written assurances ..."* (§ 4 (i)).

25. Resolution 1999/13 echoed the words of Foreign Minister Kharazi on 24 September 1998 (§ 7 above): 1. Welcomes: *The Assurances given by the Government of the Islamic Republic of Iran that it had no intention of taking any action whatsoever to threaten the life of Mr. Salman Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it dissociates itself from any reward offered in this regard and does not support it."* (f) No reference was made to this matter in the resolutions for 2000 and 2001 concerning Iran – and nothing since, even though on 14 February of each year the death threat is restated, as in 2004.

26. Today, there is near-unanimous agreement in Iran, and elsewhere, that the religious edict against Rushdie is a permanent decree, one which both constitutes Government policy and at the same time is beyond the competence of the Government to change. Therefore, neither the Iranian president, nor the foreign minister can speak for the Government of Iran on this subject. Theoretically, only the Ayatollah Ali Hoseyni Khamanei, successor to the Ayatollah Khomeini, could act and he has steadfastly supported the death edict.

27. The Rushdie affair began as a somewhat exotic matter, which many – especially in the United Nations – tried to ignore. But the infection festered, eating away at international norms,

attacking the very heart of the International Bill of Human Rights, particularly the right to freedom of opinion and expression. Waves of Islamist-inspired assassinations have struck several Muslim countries, killing and maiming writers – beginning with Egyptian Nobel Literary Laureate Naguib Mahfouz – journalists, artists, intellectuals, anyone considered by religious extremists as a "heretic" or an "apostate" and therefore a legitimate target for arbitrary execution.

28. Regarding "*insults against Islam*", there has been an escalation of death edicts emanating from Iran, and elsewhere, against individuals and entire groups – even incitements to genocide by Ayatollah Muhammad Yazdi, the head of the Iranian judiciary, in a sermon on 4 July 1997, broadcast by Tehran's Voice of the Islamic Republic of Iran. (12) Since 1989, a new form of religious-inspired terrorism has developed, leading to the 9 September 2001 climacteric, all of which has been characterised by some as a 'clash of civilizations' and differently by others. (13)

29. The Association for World Education maintains that an authoritative revocation of the Ayatollah Khomeini's *fatwa / hukm* of 14 February 1989, which arbitrarily sentenced British writer Salman Rushdie to death – to be executed by any Muslim or non-Muslim assassin – can no longer be postponed at United Nations bodies. We, therefore, call upon the Organization of the Islamic Conference (OIC) to make a clear and firm declaration indicating that the 15-year-old *fatwa / hukm* is not compatible with international human rights norms that are binding.

30. The Association for World Education also calls upon the Commission on Human Rights at its 60th session to condemn the 14 February 2004 reconfirmation of the arbitrary death edict of the Ayatollah Khomeini by the 15 Khordad Foundation which annually declares it to be valid; as well as the announcement by a new 'committee for the glorification of the martyrs of the Muslim world,' which has offered a further bounty of \$100,000 to any assassin of Salman Rushdie.

31. An appropriate declaration by the Ambassador of the Islamic Republic of Iran – on behalf of Iran's President or Spiritual Leader – would give hope to many millions worldwide, who will never accept that any authority, whether religious or secular, can arbitrarily condemn a person from any country to death by decree – for either heresy or apostasy, for an opinion or a book.

32. We wish to conclude by endorsing the words of Libyan Ambassador Najat Al-Hajjaji, the Chairperson of the 59th session of the Commission on Human Rights, pronounced at last year's 10th meeting of Special Rapporteurs / Representatives, Independent Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme (23-27 June 2003). This opinion is particularly applicable to the 'Rushdie Affair,' especially with regard to human rights mechanisms and the special procedures:

"I would like to exhort all of you to continue your work. Speak freely as you have done in the past. Continue to do so in the interests of truth, of justice, irrespective of the pressure that is brought to bear upon you by Governments. Even if what you say is contrary to the interests of the Government, there are thousands, millions, of victims who look upon the Commission, the special procedures, as the conscience of humanity, of mankind. So I would just like to exhort you once again, urge you, to continue...Stand firm, let nothing stand in the way of truth." (14)

Notes

1. AFP, 15 February 2004.
2. Official IRNA news agency, as reported by Reuters on 14 February 2003.
3. "*This is not a fatwa which died with the death of the religious leader who issued it...It is a hukm which is permanent and it will stay in place until it is carried out.*" – Ayatollah Javardi-Amoli, February 1997.
4. Daniel Pipes, The Rushdie Affair. The Novel, the Ayatollah, and the West (New York: Birch Lane Press Book, 1990, p. 27 (for the *fatwa*), p. 30 (confirmation of the "execution order")
5. E/CN.4/1990/22, § 254.
6. Time International, 24 May 1993.
7. Iran Times, 26 June 1992.
8. Iran Times, 13 and 20 November 1992.
9. E/1994/23-E/C.12/1993/19, § 128.
10. 1196th meeting, § 23-32; CCPR/12, vol. I, pp. 104-105.
11. 1230th meeting, § 9; CCPR/12, Vol. I, p. 246.
12. BBC World Service, 1030GMT, see in E/CN.4/Sub.2/1997/NGO/15.
13. German Foreign Minister Joschka Fischer prefers the "*definition of the world's central problem... as 'the new totalitarianism' of 'destructive jihadist terrorism.'*" See the recent article by John Vinocur, 'Europe's old axis has lost its luster,' International Herald Tribune, 19 Feb. 2004, p. 8. And the book by Samuel P. Huntington, The Clash of Civilizations and the Remaking of World Order (New York: Simon & Schuster, 1996), and by Bat Ye'or, Islam and Dhimmitude. Where Civilizations Collide (Cranbury, NJ: Associated University Presses, 2002)
14. E/CN.4/2004/4, IV. Consultations with the expanded bureau of the Commission on Human Rights, §44, p. 14.