

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Independent Expert on human rights and international solidarity; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on freedom of religion or belief

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(Please use this reference in your reply)

31 August 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Independent Expert on human rights and international solidarity; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 44/5, 46/9, 43/4, 44/11, 49/24 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the fatwa issued by the former Head of State of the Islamic Republic of Iran against the author Salman Rushdie and the publishers of his book "The Satanic Verses", calling for their killing on the basis of blasphemy.**

Mr. Salman Rushdie is a British-American novelist. "The Satanic Verses" published in 1988, is his fourth novel.

According to the information received:

In 1988, the author Salman Rushdie published the novel "The Satanic Verses". On 14 February 1989, the Supreme Leader of the Islamic Republic of Iran, Ayatollah Khomeini issued a fatwa (a religious decree), ordering "Muslims of the world rapidly to execute the author and the publishers of the book" so that "no one will any longer dare to offend the sacred values of Islam". The full order reads:

"We are from Allah and to Allah we shall return. I am informing all brave Muslims of the world that the author of The Satanic Verses, a text written, edited, and published against Islam, the Prophet of Islam, and the Qur'an, along with all the editors and publishers aware of its contents, are condemned to death. I call on all valiant Muslims wherever they may be in the world to kill them without delay, so that no one will dare insult the sacred beliefs of Muslims henceforth. And whoever is killed in this cause will be a martyr, Allah willing. Meanwhile, if someone has access to the author of the book but is incapable of carrying out the execution, he should inform the people so that [Rushdie] is punished for his actions."

In Islamic law, a fatwa is a legal opinion on a matter that is raised by a constituent, with the aim of providing an answer to a legal question in Islam.

Following the issuance of the fatwa, the 15 Khordad Foundation, an Iranian religious foundation, offered a reward of USD 1 million for the murder of Mr. Rushdie, or USD 3 million if done by an Iranian. The initial bounty was subsequently raised to USD 2.5 million in 1997 and to over USD 3 million in 2012.

Following the fatwa in 1989 the Governments of Indonesia, Kenya, Singapore, Tanzania, Thailand and Venezuela had also banned the book. In March 1989, the Organization of Islamic Conference (Now “Organization of Islamic Cooperation”) called on its Member States to prohibit the novel. In Malaysia, possession of the book carried three years imprisonment and a fine of USD 7400; and in Indonesia possession of the book carried a month imprisonment or a fine. Other States introducing penalties for possessing the book included: Kenya, Liberia, Papua New Guinea, Sierra Leone, Sri Lanka, Tanzania, and Thailand. Prior to the fatwa and by 1988, the Governments of Bangladesh, India, Malaysia, Sri Lanka, South Africa, and Sudan had banned the book.

In 1989, the Islamic Revolutionary Guards Corps in Iran and Hezbollah of Lebanon, expressed their willingness to carry out the order.

In February 1989, large-scale protests against the book and Mr. Rushdie took place in Islamabad, Pakistan. Six protesters were killed in an attack on the American Cultural Center.

On 17 February 1989, the then President of the Islamic Republic of Iran, Ali Khamenei said that Mr. Rushdie could be pardoned if he apologized. On 18 February 1989, Mr. Rushdie apologized for the distress the book caused to Muslims, following which the official state media stated that Mr. Rushdie’s statement “is generally seen as sufficient enough to warrant his pardon”. On 19 February 1989, the Supreme Leader Ayatollah Khomeini issued an edict saying no apology or contrition by Rushdie could lift his death sentence.

On 24 February 1989, twelve people died and over 40 were injured in a demonstration against Salman Rushdie in India.

On 28 February 1989, several bookstores in the United States of America were firebombed for selling the novel. Prior to this, several major bookstore chains had removed the novel from many of their bookstores due to threats.

In August 1989, a man blew himself up in a London hotel while preparing a bomb intended to kill Mr. Rushdie.

In 1990, Mr. Salman Rushdie published the essay – “In Good Faith”-in which he discussed his life after the publication of the book. Later the same year, Mr. Rushdie signed a declaration affirming his Islamic faith and called for the publisher of the book neither to issue the book in paperback nor to allow it to be further translated.

The same year, five bombings targeted bookstores in the United Kingdom of Great Britain and Northern Ireland.

On 11 July 1991, the book's Japanese translator was stabbed to death, and its Italian translator was seriously wounded after an attack.

On 2 July 1993, 37 Turkish intellectuals and participants in a literary festival died when the conference hotel was burnt down by a mob of extremists, after one of the participants in the conference had announced that he was going to get the book translated and published.

In October 1993, the book's Norwegian publisher was shot and injured. Later the same year, the 15 Khordad Foundation in Iran raised the reward for Rushdie's murder.

In 1998, the then President, Mohammad Khatami, said that the Islamic Republic of Iran would "neither support nor hinder assassination operations on Rushdie".

On 14 February 1999, more than half of the members of the Iranian Parliament signed a statement declaring that "The verdict on Rushdie, the blasphemer, is death, both today and tomorrow, and to burn in hell for all eternity".

On 14 February 2000, Ayatollah Saneii, the head of the 15 Khordad Foundation, reiterated that the death sentence remained valid and the reward would be paid with interest to Rushdie's assassins.

In January 2002, South Africa lifted its ban on the book.

On 16 February 2003, the Islamic Revolutionary Guards Corps reiterated the call for the assassination of Mr. Rushdie.

In 2005, the Supreme Leader Ayatollah Ali Khamenei reaffirmed the fatwa against Mr. Rushdie in a message to Muslim pilgrims. The Islamic Republic of Iran has rejected requests to withdraw the fatwa on the basis that only the person who issued it may withdraw it and that is the late Supreme Leader Ayatollah Khomeini. Ruhollah Khomeini passed away in 1989.

On 14 February 2006, Iran's official state news agency reported that the government-run Martyrs' Foundation had announced that "the fatwa by Imam Khomeini in regard to the apostate Salman Rushdie will be in effect forever".

In February 2016, a group of forty state-run media organizations in the Islamic Republic of Iran raised USD 600,000 to add to the bounty against Mr. Rushdie.

On 12 August 2022, Mr. Salman Rushdie was stabbed in the neck and abdomen when he was about to give a lecture in Chautauqua, New York, United States of America.

Subsequent to the attack, the spokesperson of the Islamic Republic of Iran's Foreign Ministry stated that the Government categorically denied any link to the attack, declaring that "*No one has the right to accuse the Islamic Republic of Iran. In this attack, we do not consider anyone other than Salman Rushdie and his supporters worthy of blame and even condemnation. By insulting the*

sacred matters of Islam and crossing the red lines of more than 1.5 billion Muslims and all followers of the divine religions, Salman Rushdie has exposed himself to the anger and rage of the people.”

One of the state-media outlets, Kayhan, announced: *“Bravo to this courageous and duty-conscious man who attacked the apostate and depraved Salman Rushdie in New York. Let us kiss the hands of the one who tore the neck of the enemy of God with a knife.”*

The fatwa issued by the Islamic Republic of Iran calling for the assassination of Mr. Salman Rushdie and the editors and publishers of his novel, has seriously endangered the life and health of Mr Salman Rushdie and all others involved in the publication of the book “The Satanic Verses”. The support to the fatwa by various State institutions over the last three decades, either directly or indirectly through state-run media or other organizations, as well as the failure of the Islamic Republic of Iran to condemn incitements to murder Mr. Salman Rushdie constitute a blatant violation of a range of fundamental rights, including the right to life, the right to health, and the right to freedom of opinion and expression. We express grave concern that such calls to extrajudicial killing and state-sanctioned violence dramatically incite religious intolerance and lead to increased attacks against individuals who express independent views, including on issues pertaining to religion or belief. In this regard, we recall that the right to life is a customary international law and a *jus cogens* norm that is binding at all times, and that your Excellency's Government has a duty to protect against all infringements of this right. We express concern at the broader chilling effect this has on the exercise of the right to freedom of expression, including artistic expression, in the Islamic Republic of Iran as well as in the rest of the world, discouraging the free exchange of ideas, hampering the work of artists and civil society, and infringing upon the freedom indispensable for creative activity and respect for cultural diversity.

We are further concerned by some statements of your Excellency's Government, undermining freedom of expression including in the form of art by condemning what it deems to be “anti-Islamic” speech, and blasphemy, and which is contrary to international human rights law. We are also concerned that the advocacy of violence against those who speak freely on matters of conscience has not been publicly condemned, investigated nor punished by the authorities as per their international obligations.

In light of the above-mentioned concerns, we call on your Excellency's Government to immediately retract the fatwa , or publicly distance itself from it and take all necessary steps to secure the rights to life and security; freedom of thought, conscience, religion or belief and freedom of opinion and expression in accordance with fundamental principles as set forth in articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), and the right to take part in cultural life in accordance to article 15 of the International Covenant on Economic, Social and Cultural Rights, both ratified by Iran on 24 June 1975.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

A copy of this communication is shared with the following States: Bangladesh, India, Indonesia, Japan, Kenya, Lebanon, Liberia, Malaysia, Norway, Pakistan, Papua New Guinea, Sierra Leone, Singapore, Sri Lanka, South Africa, Sudan, Tanzania, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, as well as with the Organization of Islamic Cooperation.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what actions your Excellency's Government will take in relation to the fatwa to prevent further threats and incitement to violence.
3. Please provide any information on action taken by the Islamic Republic of Iran against governmental (and non-governmental) agencies/individuals that have publicly supported the fatwa and announced financial rewards for those causing harm to Mr. Rushdie and others editing and publishing the book 'Satanic Verses'.
4. Please provide information about the basis for your Excellency's Government's reaction to the attack against Mr. Rushdie, including statements made by the Foreign Ministry.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
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Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to appeal to your Excellency's Government to ensure rights to life, freedom of thought, conscience, religion or belief and freedom of opinion and expression in accordance with fundamental principles as set forth in articles 6, 18,19 and 20 of the International Covenant on Civil and Political Rights (ICCPR), and the right to take part in cultural life in accordance with article 15 of the International Covenant on Economic, Social and Cultural Rights, both ratified by Iran on 24 June 1975.

We recall that Article 6 of the ICCPR provides that the right to life and security shall be protected by law and that no one shall be arbitrarily deprived of his life, including for expressions contrary to the religious and political views of the Government. In this regard, we refer to General Comment 36, which states that the right to life as an inherent right of every human being is most precious for its own sake (CCPR/C/GC/36, para. 2) and that States Parties to the ICCPR must respect the right to life and have the duty to refrain from acts that lead to arbitrary deprivation of life (para. 7).

We would further like to refer your Excellency's Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats". The duty to protect the right to life requires State parties to take special protective measures for persons in situations of vulnerability who have been placed at particular risk because of specific threats, States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (General Comment No. 36, *Human Rights Committee*, para 7).

Article 19 of the ICCPR, provides that "everyone shall have the right to hold opinions without interference" as well as that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This right includes not only the exchange of information that is favorable, but also that which may shock or offend. Furthermore, this obligation also requires the State "to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities" (see Human Rights Committee General Comment No. 34, para. 7).

We would like to stress that, as stated by the Human Rights Committee, laws limiting the right to freedom of expression must themselves be compatible with the ICCPR (CCPR/C/GC/34). We stress that the protection of religion itself does not and therefore cannot be used to limit the right to freedom of expression, including through art. International human rights law protects individuals from intolerance and violence based on their religion or belief, but it does not protect the religion or belief itself. Criminalization of blasphemy is incompatible with the ICCPR. Furthermore, it is incompatible with article 19 to prevent or punish commentary on religious doctrine or

tenets of faith. Any such limitation must be understood in the light of universality of human rights and the principle of non-discrimination.

In connection to the threats and attacks against Mr. Rushdie, publishers and translators of his book, we make reference to resolution 12/16 of the Human Rights Council, which calls upon States to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity.

We also refer to the report of the Special Rapporteur in the field of cultural rights (A/HRC/34/56) warning about the negative impact of fundamentalism and extremism on the exercise of a range of human rights, including the rights to freedom of peaceful assembly and association, to freedom of opinion and expression and the right to take part in cultural life. The report calls upon states to publicly challenge fundamentalist discourses in order to protect internationally guaranteed human rights. States should, in particular, respect, protect and fulfil cultural rights, including the right to freedom of artistic expression without discrimination; prevent violations of cultural rights by non-State actors; act in accordance with due diligence standards to ensure that non-State actors engaging in fundamentalist and extremist abuses of cultural rights are prosecuted and punished according to international norms; condemn all acts of extremist or fundamentalist violence; and express solidarity with victims

The Human Rights Committee in its General Comment No. 28 explained that States “should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of equal enjoyment” of all rights outlined in the ICCPR.

Moreover, as in accordance with article 20 of the ICCPR, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

We would also like to recall that the General Assembly and the Human Rights Council adopted resolutions 76/157 and 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, urging States to foster a domestic environment of religious tolerance, peace and respect. The Special Rapporteur on freedom of religion or belief stressed that “manifestations of religious intolerance, not least those that lead to discrimination and violence, prevent the full realization of the right to freedom of religion or belief” (see A/72/365 paragraph 72).

We would like to recall the “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (A/HRC/22/17/Add.4). It clarifies State obligations and other stakeholders’ responsibilities under articles 19 and 20 of the ICCPR and sets out a framework of measures via the implementation of legislation, jurisprudence and policies to combat activities that constitute incitement to violence and discrimination on multiple grounds, including religion.

Article 18 of the ICCPR stresses that “Everyone shall have the right to freedom of thought, conscience and religion. This rights shall include freedom [...] either individually or in community with others and in public or private, to manifest

his religion or belief in worship, observance, practice and teaching.” The Human Rights Committee stressed in General Comment No. 22 paragraph 3 that “Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. In paragraph 5, the Human Rights Committee observes that the “freedom to have or to adopt a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views”. Moreover, in paragraph 3 of General Comment No. 22, the Human Rights Committee stressed that article 18 of ICCPR “does not permit any limitations whatsoever on the freedom of thought and conscience [...]” Peaceful expression of one’s thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity.

Furthermore, the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its Article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” According to Article 4(2) “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter”.