



Permanent Mission of the Republic of Cyprus
Geneva

OHCHR REGISTRY

01 JUN 2012

Recipients: SPD
P. Dicya (act.)

Ref. No.: 24.11.006.013 (1000/2)

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and has the honour to request the latter to convey the attached letter to the United Nations Special Rapporteur on Freedom of Religion or Belief Mr. Heiner Bielefeldt.

The said letter, signed by Ambassador Leonidas Pantelides, the Permanent Representative of the Republic of Cyprus to the United Nations Office at Geneva, is in response to Mr. Bielefeldt's correspondence with ref. no. UA G / SO 214 (56-23) CYP 1/2012, dated 11 May 2012.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 30 May 2011



Office of the United Nations
High Commissioner for Human Rights
(att.: Ms. Jane Connors, Chief
Special Procedures Branch)
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*Permanent Mission of the Republic of Cyprus
Geneva*

*Ambassador
Permanent Representative*

Ref: 24.11.006.013 (1000/1)

28 May 2012

Dear Mr Bielefeld,

I refer to your letter under ref. UA G/SO 214 (56-23), CYP 1/2012, dated 11 May 2012 in connection with Mrs. [REDACTED] and wish to inform you that upon receiving your letter I have communicated with the Competent Authorities in Cyprus and have received the information below:

Mrs. [REDACTED] together with her daughter, arrived in Cyprus, for the first time, on November 24, 2009 and left on November 30, 2009. She returned to Cyprus on February 27, 2010 holding an entry permit. She left Cyprus again on August 28, 2010 and came back on September 7, 2010.

Mrs. [REDACTED] applied for asylum on October 10, 2010. She claimed that she and her family left their country of origin due to family and religious problems they were facing in Iran. Because of her husband's violence, Mrs. [REDACTED] abandoned the family home in Pafos and requested protection claiming that she was feeling unsafe both in her family home and in Iran.

In order to substantiate her application for international protection, Mrs. [REDACTED] was invited to an interview by the competent first-instance authority (Asylum Service) on September 7, 2011. According to her statement she had applied for asylum in Norway in 2004, invoking an adultery offence she was accused of in Iran. Before her application had been examined, Mrs. [REDACTED] left Norway together with her husband and returned to Iran where they did not face any problems. For the last 15 years, she is a Baha'i believer. However she has not converted officially to that religion, because of the discriminatory way this group is treated in Iran. So far, she has not faced any problems in Iran related to her religion. Together with her husband, they first came to Cyprus in 2009. They bought a house in Pafos

Mr. Heiner Bielefeldt
Special Rapporteur on Torture and other cruel,
inhuman or degrading treatment or punishment
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and they were given temporary residence permit (pink slip). In August 2010 she returned to Iran in order to file for divorce. She did not succeed, however, as she was threatened by her husband's family. She had left Iran because her father-in-law accused her of having abducted her daughter from her father and that she was a Bahai believer who proselytized other persons.

During her interview, Mrs. [REDACTED] said she was not certain whether the Iranian authorities would allow her to enter the country and that she might also be arrested, after her father-in-law's accusation that she is a Bahai believer.

After an in-depth examination of the case (facts and law), the Head of the Asylum Service rejected her application, for failing to substantiate her real fears for being persecuted in Iran.

Mrs. [REDACTED] filed on time for a review of her case on 14/10/2011 before the second instance authority (Reviewing Authority for Refugees). After a thorough review of the case, the Reviewing Authority upheld the decision of the first-instance authority.

From the examination of the application by both instances of the procedure, it appeared that Mrs. [REDACTED] failed to substantiate her request for international protection. At several points, her statements were contradictory or inconsistent and she had not succeeded to prove she had a real fear of being persecuted in Iran. It is worth mentioning that Mrs. [REDACTED] had been in contact with the authorities of her country of origin on several occasions (e.g. for issuing her passport). Even after the lodging of her application for international protection, she addressed herself to the Iranian Embassy in Cyprus for the issuing of her divorce. This fact establishes that she is not afraid to communicate with the authorities of her country. Moreover, concerning her family problems, it is noted that her husband has agreed that she keeps the custody of their daughter.

It should further be added Mrs. [REDACTED]'s lawyer was kept informed of the situation at all times.

The decision of the Reviewing Authority of Refugees is subject to adjudication before the Supreme Court within 75 days from the date the applicant for international protection has been informed of it.

Freedom of religion is a fundamental right which is guaranteed in our Constitution (article 18) and is safeguarded throughout our secondary legislation. Cyprus' legislation and practice for granting international protection respect the 1951 Geneva Convention for Refugees and they are fully harmonised with the relevant EU law on the subject.

I hope that this gives you a clear picture of the case and it addresses the issues, raised in your letter.

I remain at your disposal for any further clarifications/information you may require.

Please accept, dear Mr Bielefeld, the assurances of my highest consideration.


Leonidas Pantelides