



*Mission Permanente  
de la République Islamique d'Iran  
auprès des Nations Unies  
et des autres Organisations Internationales à Genève*

*In the name of God, the Compassionate, the Merciful*

Ref: 2050/12245

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the joint communication by some of the Special Rapporteurs and the working group on arbitrary detentions (WGAD), dated 29 May 2017, has the honor to submit herewith the reply of the I.R. Iran with regard to the Baha'is's case.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



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**In the name of God**

**Response to the joint correspondence by rapporteurs and the working group on arbitrary detentions on 29<sup>th</sup> May 2017 about the Baha'is**

**Introduction:**

It must first be regretted that the rapporteurs and the working group who have signed the urgent appeal on 29<sup>th</sup> May 2017 have considered the claims mentioned by the source as correct and have issued this urgent appeal without inquiring the relevant government about the allegations.

The other issue that is to be regretted is that some biased and prejudiced recommendations (which are against the mandate of Special Procedures) have been presented in the final paragraphs which are pointless and, considering the information presented and the nature of the claimed files, need to be corrected and the correspondence needs to be removed.

Prosecuting crimes committed by Baha'is is not specific to the offences claimed in this urgent appeal. Investigations show that since January 2016 to August 2017 more than tens of Baha'i citizens have been arrested on charges of issuing bad checks, malversation, capture, smuggling, acts contrary to public chastity, and so on. These citizens have been put to trial upon issuance of indictments. Also in several cases Baha'i citizens have filed complaints about one another for various offences. Also during this period two cases of child kidnapping and one case of murder of Baha'is have been reported. In these cases, like the cases of other citizens, transparent judicial proceedings were conducted, the kidnappers were arrested and the huge sums of money were restored. The court is issuing sentences for the accused. Therefore, ordering a number of offences relating to Baha'is and drawing the false conclusion that Baha'is are under systematic persecution, is an unacceptable measure.

Unfortunately, the unfailing and extremist supports for Baha'is in Iran, by some western countries, which are provided because of political motives, and are sometimes repeated by certain corners, have resulted in shocking abuses by some Baha'is. For instance, Ms. [REDACTED] has asked her Baha'i relatives in Iran to forge a judicial indictment stating that she has been sentenced to capital

sentenced to capital punishment for charge of apostasy, so that she could use it to apply for an asylum in the United Nations office in Turkey (find the forged indictment attached).

Here we shall present sufficient information regarding the Baha'is and respond to all the claims that have been brought up in the correspondence, which will prove that the allegations are baseless:

#### **A) The general condition of Baha'is in Iran**

The citizenship rights of followers of different sects including Baha'is, as well as followers of religious minorities, are observed in Iran. Given that in Islamic teachings, inspection and inquisition of beliefs are severely prohibited and as it is stipulated in the article 23 of the Islamic Republic of Iran's constitution that "inquisition of beliefs is forbidden, and no one is liable to molest and prosecution merely because of holding a certain belief"; despite numerous political and media propagandas, particularly by some Baha'i representatives, no one is jailed nor prosecuted purely on the basis of holding a certain belief.

It must be noticed that repeating unfounded claims cannot result in their acceptability. Based on the information which shall be presented below, in Iran Baha'is enjoy citizenship rights and numerous training, health, educational, and economic facilities; such that they have big economic corporations despite their small population and carry out importation and exportation activities. They have no poor populations.

#### **B: the economic, social and cultural condition of Baha'is:**

Based on the current laws and policies of the Islamic Republic of Iran, all Baha'is enjoy citizenship rights and for this reason they enjoy a relatively favorable condition in cultural, economic and social issues. Baha'is in Iran owe their success in economic activities to the loans that they have received from government departments, especially from banks and the ministries of Industry, Mines and Business; Agriculture Jihad; and Cooperatives, Labor, and Social

Welfare. The Islamic Republic of Iran abides by the responsibility to observe justice in judicial rights and protect the citizenship standards for members of this sect in judicial courts.

Despite their small population, Baha'is have performed many economical activities and are active in areas of production, trade and services. They are also performing activities as members of different guilds such as the glasses guild; heating and cooling installations; elevator; technical engineering, civil engineering, agricultural and animal husbandry companies; cosmetics and so on. Very frequently they have signed contracts with governmental organs. Governmental companies and institutions are even the main customers of some of the products of Baha'i companies and factories. Additional to this, the initial capital for establishing the aforesaid companies and factories and keeping them active has been supplied via receiving big bank facilities.

In this line we can refer to the TavanRaheSanat company, ShahinMafsal, Paksaz Plastic, Bisan Pars, Pars Paya, FanarGhateh, ZibaRakhsh Arak companies and the Mansour Asia trade company as instances. Advertisements for the products of these companies are broadcast in numerous Iranian media. Baha'is use the business card to perform commercial activities and their overall wealth is such that they send financial aids for Baha'is in other countries, such as African countries, on an annual basis.

Moreover, the general economical situation of Baha'is in Iran is such that taking into account the cash subsidy that they receive (like all other eligible Iranian nationals), there is almost no underprivileged and poor person among them and they all enjoy a relative welfare. Regarding the employment of Baha'is in governmental departments, it is worthy to mention that those Baha'is who are members of the Baha'i illegal formation are prohibited from being employed in such departments. Therefore, if a person is not a member of the dissolved and illegal Baha'i formation, there is nothing to stop him/her from being employed in the government; as some Baha'is are already employed in governmental bodies.

### **C: cultural and religious facilities for the Baha'is**

In Iran, Baha'is use cultural and religious facilities and hold sectarian educations for their children since the age of 4 in their kindergartens. They attend all educational levels in different educational institutions of Iran. All Baha'is can freely perform their personal rituals. They also perform their rituals congregationally once in every 19 days in local circles known as ziyafat, which are held in all the cities that have a small number of Baha'is.

Additionally, multiple Baha'i websites are presenting cultural products of this sect. They also have many cemeteries in different areas of Iran and use them exclusively (while in many European countries, religious minorities who have a population of several million, have to bury the bodies of their dead members in an area of Christian cemeteries, and that has to be in a coffin, according to the Christian religion).

#### **D: the social condition of Baha'is:**

Although Baha'is form a very small population in Iran, they have no limitations regarding becoming employed in important jobs such as becoming doctors, establishing pharmacies, becoming employed in medical centers and teaching in universities and the like. Also it is observed that a number of Baha'is are employed in health and medical centers and Baha'i doctors have opened up clinics, laboratories and pharmacies in different cities without any limitation, with license from the ministry of Health.

#### **E: educational facilities for Baha'is**

Based on paragraph 3 of the article 3 of the Constitution, training and education as well as physical education are free for all in all levels and are of the duties of the government which are provided for Baha'is as well. As it was said, their special sectarian educations are provided by themselves and start from kindergarten and continue. According to educational rules and regulations, the Islamic Republic of Iran's higher education centers are obliged to cover all Iranian nationals regardless of their religion, sect and inclinations. Based on Iran's laws, no one has the right of inspection of and inquisition about individual's personal affairs.

Baha'i university students and graduates: given that there is no inquisition of beliefs in the Islamic Republic of Iran, there is no exact statistics about the number of Baha'is who are graduates of and students in Iran's universities. In some occasions, the presence of some Baha'is has been found out by chance. For example: Ms. [REDACTED] Ms. [REDACTED], Mr. [REDACTED] Ms. [REDACTED] Ms. [REDACTED] and Ms. [REDACTED]. The presence of tens of Baha'is in all levels of higher education (BA, MA, and Ph. D.) in Iran's universities is a confirmation for the fact that individuals are not treated based on holding a certain belief. It should also be noted that the presence of even one Baha'i in Iran's higher education centers rejects all the false claims.

About the scientific information provided in the historical programs of the media, it must be noted that historical and documented realities cannot be altered based on the desires of sects and individuals. The mentioned claim is similar to omitting the name of Hitler and his party as the beginners of the World War from historical books in order to prevent insulting the Nazi party. What is prepared in the programs of Iran's media is based on the theories of historians and researches; they contain no insulting words and include purely historical and scientific information.

Investigating incidents and historical documents is of the requirements of freedom of expression. Criticizing views cannot be against the international criteria of freedom of expression, particularly when the criticism contains no insulting words. Considering the records of the one hundred years long cooperation of Baha'ism with the tyrant Shah and the SAVAK<sup>1</sup>, no restriction can be set for the statement of history. Moreover, official centers have always tried to direct criticisms toward the past history or deviant ideas of sects and to exclude individuals. On the other hand, the responsibility of the ideas expressed by individuals lies with themselves; particularly members of the parliament have extensive rights to express opinions about the issues of the state.

#### **F: the sectarian structure of Baha'is in Iran**

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<sup>1</sup>Organization of Intelligence and National Security; the secret police, domestic security and intelligence service established by Iran's dictator Shah.

Based on Principle 19 of the Islamic Republic of Iran's Constitution, Iranian people, regardless of their clan and tribe, enjoy equal rights. Additional to this, based on the twentieth Principle of the Constitution, all people of the nation, whether man or woman, are equally protected by law and enjoy all human, political, social and cultural rights according to the Islamic criteria.

On the strength of articles 12 and 13 of IRI's Constitution, the official religion of the State is Islam. Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their rituals within the limits of law and act according to their religion in their personal affairs and religious teachings.

Beside the mentioned religious minorities, the citizenship rights of followers of different sects, including Baha'is, are observed. It is evident that the citizenship rights of individuals can be observed if they perform their legal duties; since the validity of any right is conditioned by performance of the mutual duty and this legal principle, i.e. the existence of a duty in return for a right, is a known principle in most legal systems.

Given that inquisition of beliefs has been strongly prohibited in Islamic religious teachings and as principle twenty three of the Islamic Republic of Iran's Constitution stipulates, "it is forbidden to enquire about beliefs and no one can be prosecuted merely because of holding a certain belief"; despite numerous political and media propaganda, particularly by Baha'i representatives, no individual is jailed or expelled from university only because he/she holds certain beliefs.

The illegal and political Baha'i formation is administered by a hierarchical sectarian system. The center of this organization is located in the Occupied Palestine and at the lower levels there are the two main pillars, i.e. "continental counsels" and the "international community". These two pillars have very close relations with even lower levels such as the "friends of Iran". Eight boards and the national-provincial mediators are supervised by the friends of Iran. All eight boards have direct influence over the students who are members of this organization. These students receive directions from Baha'i city officials, and city officials receive directions from provincial officials who are in turn supervised by

national-provincial mediators. Some of the hierarchical orders relating to educational issues contradict their citizenship rights.

Unfortunately, it is quite normal to enquire and enforce beliefs in the organization of the Baha'i sect; such that if a Baha'i chooses Islamic teachings for the religion test, he/she will be put under organizational pressure to choose between continuing his/her education or being deprived of the Baha'i sectarian advantages. Once again, it is brought to attention that the Islamic Republic of Iran's educational centers, as in other countries, are obliged to implement rules and regulations. If individuals, regardless of their religion, sect and belief, respect those laws and observe them, no one will have the right to exercise the slightest persecution against them. Otherwise, however, in order to ensure the observation of and respect for the rights of others, punishments have been determined for the violators and offenders.

On the other hand, it is noteworthy that paragraph 3 of article 18 of the International Convention on Civil Political Rights stipulates that: "freedom to express one's religion or beliefs cannot be limited unless what are exclusively predicted by law which are necessary in order to maintain public security, order, health or morality or the basic freedoms and rights of others". Also based on article 19 of the mentioned convention, freedom of belief and expression are conditioned by respecting the rights and dignity of others as well as protecting public order and security or public morality or health.

Despite the official announcement by competent judicial authorities regarding the dissolution of the illegal Baha'i organization, some Baha'is are still performing activities, influenced by the dissolved organization. These people carry out provocative and illegal organizational activities and propagations in Iran's universities which are against the regulations of Iran's higher education system. Those Baha'i students who observe educational regulations are put under pressure by the illegal Baha'i organization. They are administratively and spiritually expelled and deprived of family relations, as it has been done about "BehnooshSabeti" and tens of other Baha'is. Also a considerable number of these students are forced to give up attending the university, which was the case with Ms. "████████████████████". It is evident that these are small instances of the



clear violation of citizenship rights and imposing sectarian policies by the Baha'i organization.

**G: International documents confirming the good economical situation of Baha'is in Iran:**

As was mentioned, the economical situation of Baha'is is completely the opposite of what has been stated in the claims. Additional to official reports, some international institutions have approved their appropriate conditions; including a report which was presented to the committee on implementation of the standards of the ninety seventh international conference on labor (page 90 of the recorded report of the committee's negotiations (19 Part II/90) contains the following):

The ILO technical assistance mission in 2007 had had an opportunity to meet a member of the Baha'i community who was a successful businessperson in the high-tech sector. Many of the circulars regarding the Baha'I that had been mentioned were fabrications; others had been repealed.

Considering the firm resolution of Iran's government regarding the realization of human and legal rights of all Iranians, particularly in implementation of provisions of the obligations relating to convention number 111, it has decided to take a step toward recognizing the legal obstacles to the aforesaid arrangements in order to modify them and guarantee their implementation, with the help of experts of the three powers. The government has prepared the bill of the law on comprehensive prohibition of discrimination in employment and education, so that it would go through the process of ratification after receiving expert advices. This issue was reported to the International Labor Organization by the representative of the government and it was noticed in page 91 of the report (19 Part II/91) in the summary, conclusions and enactments of the committee.

**Response to the allegations brought up in the communication:**

**1- Regarding the detention of seven Baha'is in Yazd in January 2017**  
(Messrs. [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] and Ms. [REDACTED])

**Documents for arrest:**

Following some complaints received from the people of Yazd about the unfamiliar and uncommon activities, such as sending non-Islamic handouts to Muslims of the district, inviting under 18 individuals to attend mixed underground meetings and enticing them via paying money in cash or giving the promise of providing the possibility of studying abroad, by a suspicious group in the Basij boulevard district, due to the sensitivity that had been created in the mentioned district, the received complaints were examined. Investigations showed that these seven people had set up a provincial organization upon receiving orders from the center of the Baha'i organization in Israel. Therefore the case was reported to the prosecutor's office.

It is noteworthy that the Israeli regime is hostile to Iran and, so far, has planned extensive programs against Iran's security (in different areas such as the assassination of nuclear scientists, eavesdropping on military information, arming extremist nationalist and terrorist groups and the like). This regime has created a new illegal organization and, with the use of considerable sums of money (which were later discovered upon the arrest of Mr. [REDACTED]), has persuaded some Baha'is who are not members of the Baha'i organization to cooperate with it. They have performed organizational and sectarian activities in the form of a plan led from Haifa.

Also noteworthy is that in the Islamic Republic of Iran, freedom of belief is supported based on law. However, as it was stated in the introduction, the Baha'i organization has been declared to be illegal because of its records of severely destructive historical performance, cooperation with the tyrant Shah's regime and the dreadful SAVAK, establishing its center in Haifa, receiving support and cooperation from the Zionist regime as well as its practical plans. Active members of this organization are the only Baha'is who are prosecuted based on law.

**Indictment, warrant of arrest and notifying the accused:**

After receiving the report, the issue was examined and, on January 17<sup>th</sup> 2017, the judicial authority ordered that the site be inspected and the aforesaid be summoned for investigations. Upon further investigations, based on paragraph C of article 237 of the Code of Criminal Procedure, the judicial authority issued the warrant of temporary arrest for them, which took between twenty days to one month depending on the different requirements of each file.

After issuing the warrant of temporary arrest for the accused, they were arraigned on charge of creation of and membership in the illegal organization with the aim of disrupting state security and they were reminded of the possibility of appealing against the mentioned order and they used this right of appeal. Moreover, their families were informed of the issue and the place of detention.

During their period of arrest in the Yazd central prison, the aforesaid enjoyed the possibility of calling and meeting their families and attorney (named [REDACTED]).

The aforesaid had the opportunity to use legal consultation twice during their detention period and have been released after issuing the bail bond. It is evident that they can use the advices of the attorney and his presence in court in later stages as well. It must be mentioned that an order of nonsuit has been issued for Mr. [REDACTED].

It is after the end of the stage of investigations that the definition of every accusation becomes the basis for issuing the culpability order and it is in the trial stage that the court determines the verdict which guarantees a punishment appropriate for the committed offence; taking into account the issued indictment and the criminal acts as well as the type of offence and comparing it with the legal article or articles. In the stage of appeal, the higher court might consider that the punishment can be commuted or the offender might even be acquitted of the crime. Given that the initial trial has not been held so far, it is pointless to express opinions about this file and it is required that the honored working group consider the presented information and announce that the arbitrariness claimed in the communication is wrong.

**2- Regarding the arrest of two persons, named Mr. [REDACTED] and Ms. [REDACTED] in Borazjan on the second January 2017**

**Documents for arrest:**

Iran's cyber-police, in line with carrying out its legal duties, periodically observes the cyberspace in order to discover instances of crime or distribution of information which disrupt public morality in the cyberspace. After receiving the first reports regarding Mr. [REDACTED] and Ms. [REDACTED] stating that they were distributing immoral pictures in the cyberspace, the case was further examined and the continuance of crime (production and distribution of immoral pictures in the cyberspace) by the aforesaid was confirmed.

Given that further investigations were necessary, these two people were arrested and, upon orders from the judicial authority, were kept in detention for about two days. During investigations, they mentioned that they were obeying the orders of the center of Baha'i regarding propagating amorality and sexual promiscuity in Iran's Islamic society. It needs to be mentioned that after arraignment of charges and issuance of the bail bond and depositing it, they were immediately released and proceedings to the file are being carried out.

**3- Arresting two persons in Kerman, on 3<sup>rd</sup> January, named Mr. [REDACTED] and his wife, Mrs. [REDACTED]**

It must first be noted that in the statistical system, no one was found under the title, Mr. [REDACTED], in Kerman. Further investigations and other circumstantial evidence showed that the case is similar to the file of a person named [REDACTED] in Kerman, which is in the stage of proceedings, and [REDACTED] is his organizational nickname.

**Evidence and documents for arrest:**

People's report about holding underground meetings in the Khajawi district of Kerman drew the attention of the relevant officials and after examining the issue it was found that Mr. [REDACTED] and his wife had the duty of attracting and educating those Baha'is who did not tend to cooperate with the organization that is

based in Haifa; such that the aforesaid held free and secret meetings and gathered those Baha'is who were not interested in the formation and persuaded them to become members of the formation or create a similar organization for propagation for the illegal formation based in Haifa. Therefore, Mr. [REDACTED] was arrested on 30<sup>th</sup> December 2016 and his wife was summoned by the judicial authority.

Mrs. [REDACTED] was summoned twice; in both sessions she used legal counseling and, at the time of summon, she also benefited from her brother's consultation and was advised to terminate organizational activities. Due to humanitarian reasons, she has been recommended to promise to stop organizational activities as long as her husband is in detention, but she does not accept.

Before the detention, they were informed of being accused of membership in as well as propaganda for the illegal formation, and subsequently, by issuing the indictment, judicial proceedings were conducted in a fair trial with the presence of a defending attorney.

After reviewing the contents of the dossier and hearing the defendants and defending attorneys, the preliminary court convicted them with varying degrees and each of them were sentenced to appropriate penalties according to law.

With the objection of the dossier's defending attorneys, the matter was proceeded at the court of appeal and according to the court's judgment, due to humanitarian reasons such as having an infant, a lighter verdict was issued. Therefore, by virtue of paragraph A of Article 37, and paragraph E of article 38 of the Islamic Penal Code, Mrs. [REDACTED]'s conviction faced with a two degree reduction. Counting the previous days of detention, she was sentenced to 33 days in prison and Mr. [REDACTED] was sentenced to 5 months of prison. So by counting the previous days of detention both of them are now free.

It is evident that in accordance with the state prisons organization's executive regulation, the aforesaid enjoyed medical services in the short period of imprisonment and also had meetings and contact with their family.

**4- Mr. [REDACTED] who had been arrested on June 1, 2016, was trialed on January 22, 2017 and was sentenced to 5 years of imprisonment.**

Given that Mr. [REDACTED]'s field of work was to attract Muslim youths under the age of 18 to engage in illegal sectarian activities and these actions were conducted in the form of secret underground meetings and without permission of the parents of the young individuals, it raised severe reactions by them. Especially with due attention to the fact that the aforesaid was 30 years old and single and offering financial proposals and held coeducational and free mixed group camps to discuss issues regarding neglecting the laws of the country and moral promiscuity; such that it had caused unfavorable effects on the educational situation of these teenagers, so the parents were made vigilant about the subject and the nature of [REDACTED]'s activities and the harms inflicted upon their children.

Mr. [REDACTED] was a resident of Golestan province and has moved to Tehran (Dehkadeh Olympic) according to the orders of the organization. He was single and lived alone. According to the obtained information, his brother has been tried and convicted by the relevant court for repeated moral misconducts in the Golestan province. Documents also show that he has received 19 million from the illegal organization to carry out the mission.

Considering the fact that his organizational and illegal activities were carried out against persons under the age of 18, without their parents' permission, the trial court had imposed a more serious punishment for him; but due to the passage of time and diminished sensitivity, the court of first instance sentenced him to 5 years of imprisonment and restitution of properties to the state for the charge of membership in an illegal organization and obtaining illegitimate property. The court of appeal has not yet been held.

**5- Detention of 2 persons named Mr. [REDACTED] and Mr. [REDACTED] in Isfahan on January 25, 2017**

Following the tracing of the activities of a terrorist network in the Sistan and Baluchestan province in the south-east of the country, clues to the activities of money laundering in the province of Isfahan, in central Iran, were also discovered. By conducting necessary investigations, it was found that Mr. [REDACTED] a Baha'i citizen, received a significant amount of undeclared money in each season of the year and according to the Bahia's formation order, he had transferred these funds in cash outside the banking network and spent them on illegal activities intended by the organization. The case was pursued by the relevant departments

and, eventually, the aforesaid were arrested on 1/25/2017 by the verdict dated 1/17/2017, and according to the circumstances of the dossier, the judiciary issued an interim detention order.

Given that the accused had accomplices and there was the risk of conspiracy and destruction of information, the judicial authority extended the length of their detention to ensure the authenticity of the prosecution and subsequently Mr. [REDACTED] was released on 4/5/2017 and Mr. [REDACTED] was released on 25/5/2017 by depositing securities and after issuing the indictment (for charge of membership in the illegal organization) their case was forwarded to the court. The date of the hearing will be determined and announced.

**Dossier status:**

It has been realized that their arrest is in accordance with the law and during the period of detention, they enjoyed medical examinations and health facilities (including diabetes drugs) and they met their family and were in contact with them.

**6 and 8- [REDACTED]'s detention on Jan-27 and [REDACTED] on Jan-29 in Tehran**

Following a meeting for charity fundraising, which was only a coverage, in the city of Tehran in Sattar Khan Neighborhood, the participants of which were mostly Muslim, they collected funds (without mentioning the use of it in the course of illegal Baha'i formation programs). One of the participants tracked the issue in the form of a complaint and as responsibility of the meeting was with Mr. [REDACTED] and Ms. [REDACTED], the aforesaid were summoned and based on the verdict of the judicial authority were subsequently detained for the charge of activity in an illegal organization. The interesting information in this dossier is the existence of a jammer (mobile phone blocker) device at the venue to disconnect participants from the outside to be able to mislead them and obtain illegitimate properties.

**Detention period:**

According to the issued detention order by the judicial authority and the necessity to carry out more investigations, Mr. [REDACTED] and Ms. [REDACTED] remained in temporary detention for 30 and 20 days, respectively. By completion

of the investigations, each one was released by depositing securities on 18<sup>th</sup> and 10<sup>th</sup> March, respectively. It is evident that by issuing an indictment, their dossier will be forwarded to the court for proceedings. It is further evident that in accordance with the state prisons organization's executive regulation, in the short period of imprisonment, the aforesaid enjoyed medical services and also met their family and were in contact with them. It has been realized that according to the provided documents regarding these two persons, a clear legal hearing has been carried out. Therefore, until holding the court and affirming their crimes, it is inadmissible to comment about their dossier.

**7- Trialing three Baha'is named [REDACTED], [REDACTED] and [REDACTED] in Mashhad on Jan-28 and Feb-13 on the charge of propagating against the system**

According to the received information, these three persons had a more serious role in organizational activities of this sect and had the duty to recruit and educate Baha'is who did not wish to cooperate with the Haifa-based formation; such that the named individuals gathered the Baha'is who were unwilling to cooperate with the Haifa organization in the form of free and secret meetings and encouraged them to join or create a similar organizations to propagate for the illegal formation based in Haifa.

After completing legal formalities and hearing the defenses by them and their defending attorney (named [REDACTED]), each one of the aforesaid was sentenced to one year of discretionary imprisonment by the 8th branch of Mashhad court. The verdict was primitive and has not yet led to a definite verdict.

**9- Arresting two individuals, named Mr. [REDACTED] and his wife Mrs. [REDACTED] on Feb 1, 2017 at Zahedan**

It should be mentioned that contrary to the text of the correspondence, the real name of Mrs. [REDACTED] is [REDACTED] and [REDACTED] is her organizational nickname, also her husband's name is [REDACTED] (not [REDACTED]).

It is expected that the sources who declare a claim, have direct access to the raised issues and at least provide appropriate identity information (such as name, family name, father's name and place and time of the claimed action) in order that it will be possible to receive information from the relevant authorities as soon as possible.



**Detention documents:**

Getting complaints from the Sunni neighborhood of Baloch park in Zahedan City about the suspicious meetings, distribution of non-Islamic booklets, free food and medicine facilities among the participants and inviting people to establish suspicious organizations, because of the sensitivity of the Sunni neighborhood about the actions, the issue was followed up via relevant authorities and then investigations started. According to the importance of the raised complaints and collected information, the judicial authority ordered the follow-up, and the principal holders of the meetings were arrested and in order to discover further documentation, a local inspection order was issued. Subsequently, documents were discovered containing the text of the orders of the Baha'i center in Haifa and the order to encourage local residents to cooperate with the Baha'i formation. According to the documents, the judicial authority issued a warrant of temporary detention for [REDACTED] and [REDACTED] in order to enable further investigations.

It should be mentioned that the aforesaid were temporarily detained for 12 days from Feb 1, 2017 to Feb 13, 2017 for completion of investigations.

**Dossier status:**

The aforesaid had an attorney (named [REDACTED]) and in order to investigate the issue, the court of first instance considered the dossier documents and after hearing their defenses, convicted each one on charges of launching an illegal Baha'i organization in the city of Zahedan and advertising for the Baha'i Central Organization, and sentenced them to five years in prison. This verdict was subsequently reviewed at the court of appeal of the province and because of the lack of proof for guilt, the accusations were dismissed on July 31, 2017.

**10- Arresting three individuals named Mr. [REDACTED] [REDACTED] and [REDACTED] on Feb-8 2017 in Kerman**

Getting complaints from the Kooye- Dadgostari neighborhood of Kerman about the suspicious meetings and distribution of non-Islamic booklets, free food and drug facilities among the participants and inviting people to establish illegal communities, the issue was followed up by relevant authorities and then

investigations started. According to the importance of the raised complaints and collected information, the judicial authority ordered the follow-up and the principal officials of the meetings were arrested and in order to discover further documentation, a local inspection order was issued.

Following that, documents were discovered which contained the text of the orders of the Baha'i center in Haifa and the necessity to rebuild the Formation in this city and, in line with it, the order to encouraged local residents to cooperate with the Baha'i organization.

According to the documents, the judicial authority issued the order of temporary detention on Jan 28, 2017 for Messrs [REDACTED] and [REDACTED] in order to enable further investigations. After carrying out the investigations, all of them were released on May 25, 2017 via depositing securities. It should be mentioned that the preliminary court started the investigation in accordance with the law with presence of the defending attorneys ([REDACTED] and [REDACTED]).

Also, the information received shows that sealing Mr. [REDACTED]'s shop has nothing to do with his charges and it is a separate matter and has been done in accordance with the plan for organizing guilds.

#### **11- Detaining an individual named Mr. [REDACTED] in Tehran on Feb 12, 2017**

As mentioned, Baha'is who take action to establish formation or to become a member of them in line with the objectives of the Baha'i center in Haifa have committed an illegal act and there is the possibility of legal action against them. Given that Mr. [REDACTED] (60 years old) has recently changed his field of activities from a free Baha'i to carrying out organizational activities and in addition to translating the orders of the sect's center into English, he has done promotional activities for the Baha'i community, he was arrested on Feb 2017 with the order of the judicial authority and, subsequently, received two weeks of temporary detention and investigations were conducted about his charges.

During the investigations, he had access to his private attorney (Mr. [REDACTED]) and after completing the process of investigations, release via depositing a bail was

issued and currently the next judicial phase is in progress. Hence, it has been realized that his illegal activities were investigated in a clear judicial attitude.

## **12. Examples of closing down shops or seizing and confiscating Baha'is' properties**

**B) Considering the serious policies of the government in its campaign against smuggling of commodities and legal action against the offenses in this domain, a reference to the released formal statistics and information will demonstrate the large volume of discovered smuggle cases (a few thousands. Those endeavours have resulted in a 5 billion dollars reduction in volume of smuggle commodities. Disregarding religion or belief of offenders, the law is applied on an equal pace. On this basis no differences could be made between Bahia's, referred to in the communication of the working group, and other offenders before the court of law; hence, any allegation raised in the communication is unfounded and baseless.**

**C)**

**13. In February 2017, Fourteen Baha'is have been summoned in the village of Roshankouh of the city of Sari due to unauthorized construction on the lands of the Natural Resources Department. Even though these houses in the village of Roshankouh were built 70 years ago, the Natural Resources Department claimed that these houses were built in the forest and should be destroyed and their construction has been illegal. The department refuses to accept aerial photographs from the area in the 1960s and 1970s.**

According to the information received from Roshankouh of Sari, the issue of dealing with unauthorized construction, which is in conflict with the preservation of nature and forest in terms of regulations of the Natural Resources Department, has been running for many years and all offenders are prosecuted regardless of their social or religious status. What is certain is that ascertaining the occurrence of violation or crime is the responsibility of the judiciary in accordance with the law, even the incorrect decisions of the administrative departments can be addressed by

the judiciary. Specifically in response to the mentioned claim, it should be noted that the allegations were incorrect and by issuing an order of non-suit, the dossier has been closed. Therefore, basically because of the lack of direct knowledge of the source of the subject matter, this correspondence should not be accepted by the Secretariat of the Special Mechanisms of the Human Rights Council and the dossier that has been terminated in favor of the claimant should not be abused through the context of human rights. Because, firstly, the subject of the claim of the Natural Resources Organization is not specific to the aforementioned Baha'is; secondly, the relevant aerial photos have been accepted by the court hearing the dossier. Based on the information, the court has considered the complaint of the Natural Resource Organization to be unwarranted and by issuing the verdict; the dossier has been closed in favor of the claimants.

**14. In February 2017, three Baha'i businesses have been sealed in Karaj; including the eyeglasses store of [REDACTED] and [REDACTED] in Hashtgerd in Karaj**

As it was said, the issue of dealing with smuggling goods has been seriously on the agenda of various governments, especially the eleventh government and by adopting new regulations and serious follow-ups, it has managed to control the dilemma that has caused numerous economic damages, such as declining employment and government revenues. In this regard, numerous offending commercial units have been prosecuted in all cities of the country, especially in metropolitan areas. The claim referred to in this paragraph is a very small sample of these large-scale actions that resulted in fines and closure of hundreds of businesses in the mentioned city. In accordance with the regulations, the Office of Public Orders shall require from the owners of goods the formal authorizations confirming the admission of goods to the country as well as compliance with the relevant codes; in the absence of such documentation, the product is known as smuggled and the business unit is sentenced to a legal fine, including cash payment or interim closure. Objections to this decision are also open to the relevant authorities. Specifically, regarding the claim about Mr. [REDACTED] his business unit

was sealed on January 24, 2017 because of containing smuggled goods. His dossier was investigated by the competent judicial authorities and after ascertaining the commitment of offence, he was sentenced to pay a fine. After the fine was paid, the unit was reopened.

**15. In March 2017, three business units belonging to Bahai's (Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED]) were sealed on charge of smuggling in Karaj, despite presenting receipts indicating they were non-smuggled**

First of all, it should be noted that another untrue claim has been raised in this clause. According to the information received, the issue of temporary closure of Mr. [REDACTED]'s shop was not related to the issue of smuggling; but, the shop was temporarily closed due to the trade union complaint for unlicensed activities. However, after providing the business license for selling tools, the shop was reopened. It can be seen that other claims contained in this clause are also incorrect. Regarding Mr. [REDACTED], the subject was supplying smuggled goods. In October 2016, his trade union permit was sealed by the order of the Office of Public Orders and was reopened after the payment of the fine on March 9, 2017. Obviously, all units will face more punishment if they repeat the offense. In case of objection, as indicated in preceding paragraphs, the reviewing authority is obliged to investigate guilds complaints if necessary documents are provided.

**16. In addition to closing the shops, some of the owners have been sentenced to one year of imprisonment or paying a fine to replace imprisonment in addition to confiscation of property (smuggled properties) on charge of smuggling. For example, in one case, the eyewear shop warehouse valued at 110 million Tomans was confiscated and the shopkeeper has been sentenced to one-year of discretionary imprisonment.**

The claim on the arrest and closure of shops cannot be investigated and responded due to its vagueness and, the source provides no names, which is considered to be an instance of prejudice. So, this paragraph should be removed.

17. Baha'i shopkeepers in Mazandaran follow up the issue of closing their shops from various institutions, including the Citizenship Law, Governor's Office, *Office of Supervising Public Places*, Mr. [REDACTED] and others. Ninety Baha'i shops in Amol, Behnamir, Noshahr, Sari, Tonekabon, Ghaemshahr and Fereydunkenar have been sealed between the first and second of November 2016 due to closure of shops for the Baha'i festival. Five shopkeepers in Ghaemshahr provided the complaint to the Court of Justice. The relatives of shopkeepers have met several times with the Office of the President and the Interior Ministry and the 90th Commission and parliamentarians. None of these efforts has come to the end, and shops are still closed.

At first, it seems necessary to state that since 2011, a plan is being implemented under the heading of guilds management in all provinces and for all businesses. Executive measures are taken in this plan to prevent the proliferation of similar businesses and to regulate the supply and demand market with the aim of organizing legal and economic activities and preventing illegal activities. Typically, such activities may raise dissatisfaction with some offending business persons. In this regard, the litigation authorities are also seriously concerned with providing and guaranteeing the rights of citizens. Given that no complaints have been referred to in this clause and a general and obscure claim has been made, it cannot be investigated and responded.

The information received indicates that, firstly, in the design of the guilds management in the cities mentioned, a large number of shops from different classes of guilds were investigated and even sealed and all the guilds that have cooperated with this project, including Muslims and non-Muslims, have been immune from any punishment. Those Baha'is who have committed to comply with the mentioned plan had their shops immediately opened. Also, a number of Baha'is of Tonekabon believed that their activities were not against the guilds' principles and even complained to the Administrative Justice Court. The primitive branch of this court investigated the issue and ordered in favor of them to reopen their businesses. Obviously, every Iranian can use legal mechanisms to realize his/her rights by providing necessary documents.

## **18. Expulsion of students**

As mentioned in the introduction, the Baha'is, like all other citizens, have access to all levels of education from elementary to the senior level and the names of some of them are mentioned in the introduction. There are disciplinary rules for all students in the country, and in case of serious violations, they can be expelled while observing the legal terms. The names mentioned in the correspondence were enquired from the university authorities, but the claim for their expulsion was not confirmed. Therefore, it seems that the alleged individuals are required to follow up the subject of their complaint via internal mechanism and refer to the Ministry of Science, Research and Technology to investigate their complaint. Considering that this claim has not yet completed any of its internal stages and its authenticity is not determined, addressing it in the correspondence by the Special Procedure holders would be unwarranted.

## **19. The claim on threat and hatred against Baha'is**

Unfortunately, in this paragraph of the correspondence, baseless claims are assumed as facts and any irrelevant incident regarding Baha'is is attributed to the government and is exaggerated. Given that no documents are listed in this clause, its accuracy is doubtful and it cannot be attributed to Muslims. Considering the importance of answerability, the subject was enquired from the relevant sections and its inaccuracy was found out. Unfortunately, as mentioned in the previous paragraphs, some of the claims have been raised with the purpose of achieving the residency of foreign countries or to gain high-paying jobs.

## **Conclusion:**

As mentioned in the introduction, the issue of dealing with Baha'i crimes is not specific to the crimes mentioned in this response. Because of the claims in this

correspondence, investigation was carried out and it was confirmed that from January 2016 to August 2017, dozens of Baha'i citizens were arrested on charges of issuing bounced checks with insufficient funds, betrayal in trust, unauthorized trespassing, smuggling, acts contrary to public morality and etc. and they were prosecuted in case of issuing indictments. In several cases, Baha'i citizens have complained about each other for committing various crimes. Also, during this period, two cases of child kidnapping and one case of murder were reported regarding the Baha'is. Like for other citizens, transparent judicial proceedings were conducted, kidnappers were arrested and the money received was returned. And in the case of murderers, the court is issuing a verdict.

Based on the information provided, it is expected that the baselessness of allegations in the correspondence has been proved. It is hoped that by distributing the information and explanations of the present response among the special procedure holders, repeating similar claims would be avoided.