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SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 22/20, 22/23, and 17/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the murder of Mr. **Ataollah Rezvani**, a Bahá'í resident of the city of Bandar Abbas in the Islamic Republic of Iran.

According to the information received:

On 24 August 2013, Mr. Ataollah Rezvani was allegedly shot by an unknown person in the back of the head. His body was reportedly found in his car, near the railway station on the outskirts of the city of Bandar Abbas, where he resided. It is alleged that his aggressors had forced him to drive to that location.

It is further alleged that Mr. Rezvani may have been killed because of his Baha'i religion. Reportedly, he also received threats and had been intimidated previously on the basis of his religion. In the past, he was expelled from university, presumably because of his religious beliefs. In addition, Mr. Rezvani allegedly received threats from the Intelligence Ministry agents, which allegedly led to his dismissal from his post. It is also reported that the Intelligence Ministry agents put pressure on him to leave the city. Moreover, Mr. Rezvani received threats by telephone calls from unknown individuals.

It is further alleged that local clerics delivered provocative sermons encouraging the population to be intolerant towards the Bahá'is of Bandar Abbas.

Grave concern is expressed about the killing of Mr. Rezvani, as well as about the fact that his murder may have been linked to his religious faith. In addition, concern is expressed on the provocation of acts of intolerance against persons of the Bahà'i community.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the international principles and norms applicable to the present case. We would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), which Iran has acceded to on 24 June 1975, which provides that every individual has the right to life, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. We would like to further draw the attention of your Excellency's Government to the duty to investigate, prosecute and punish all violations of the right to life by any State or non-State actor, in line with the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council resolution 1989/65). In particular, principle 9 provides that "[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances". Principle 18 further requires Governments to "ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice." We wish to recall also that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time pursuant to principle 20.

With regard to allegations that Mr. Rezvani had received intimidating threats from the Intelligence Ministry's agents, which allegedly led to his dismissal from the University, as well as threats by unknown individuals on the basis of his religion, we would like to bring to the attention of your Excellency's Government that in its jurisprudence the United Nations Committee on Human Rights concluded that article 9(1) "of the Covenant protects the right to security of person also outside the context of formal deprivation of liberty. An interpretation of article 9 which would allow a State party to ignore threats to the personal security of non-detained persons subject to its jurisdiction would render ineffective the guarantees of the Covenant. Moreover, States parties are under an obligation to take reasonable and appropriate measures to protect these persons." (see communications No. 195/1985, Delgado Páez v. Colombia, paragraph 5.5; No. 711/1996, Dias v. Angola, paragraph 8.3; No. 821/1998, Chongwe v. Zambia, paragraph 5.3; No. 1560/2007, Orly Marcellana and Daniel v. The Philippines, paragraphs 7.5, 7.6 and 7.7).

In this context, we would like to remind your Excellency's Government that article 18(1) of ICCPR stipulates that "everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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." Furthermore, we would like to bring to the attention of your Excellency's

Government paragraph 2 of the Human Rights Committee's General Comment no. 22 (1993), which emphasized 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. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

Furthermore, we would like to remind your Excellency's Government paragraph 4(f) of the Resolution 2005/40 in which the former Commission on Human Rights urges States, "To ensure that no one within their jurisdiction is deprived of the right to life, liberty, or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights."

With regard to the allegation that the local clerics delivered provocative sermons encouraging the population to be intolerant against the Bahà'is of Bandar Abbas, we would like to draw your Government's attention to paragraph 11 (k) of the General Assembly's Resolution 64/164 (A/RES/64/164) on religious intolerance and discrimination in which the General Assembly urges states "To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based in religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all part of the world."

In this context, we would like to bring to the attention of your Excellency's Government that States have the responsibility to protect persons from human rights violations committed by non-State actors. In this regard, the Human Rights Committee has pointed out in paragraph 8 of its General Comment No. 31 that the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities. There are circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights. This applies when a State Party permits or fails to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide details whether any complaints were received from Mr. Rezvani or his family regarding the alleged aforementioned intimidating threats. Please provide information on measures taken to ensure Mr. Rezvani's right to security of person, as well as the details, and when available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the threats he had received and his killing. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide information on measures taken to ensure the freedom of religion or belief of religious minorities, in particular implementation of paragraph 4(f) of the former Commission on Human Rights' Resolution 2005/40 and paragraph 11 (k) of the General Assembly's Resolution 64/164 (A/RES/64/164) by your Excellency's Government.
5. Please clarify whether compensation has been made available to the victim's family.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that, in the event that your investigations support or suggest the aforementioned allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic
Republic of Iran

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