

Mandates of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 22/20 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrests of **24 Baha'is in 2012-13 in the northern province of Golestan**, and their recent sentencing to long term imprisonment ranging from 6 to 11 years.

According to the information received:

On 5 January 2016, Branch 2 of the Revolutionary Court in the city of Gorgan, Golestan Province, sentenced 24 Iranian Baha'is (identified below) to long term imprisonment ranging from 6 to 11 years. The Revolutionary Court reportedly convicted the 24 defendants of violating the country's national security laws pursuant to article 498 (establishing an unlawful group disrupting the national security), article 499 (membership in an unlawful group disrupting the national security), article 500 ("propaganda against the state") and article 508 (collaborating with hostile foreign governments) of the Islamic Penal Code.

The following two individuals have been sentenced to 11 years in prison each: 1) **Shahnam Jazbani**, 48 years old; 2) **Sheida Ghoddousi**, 47 years old.

The following 13 individuals have been sentenced to nine years imprisonment each: 1) **Farahnaz Tebyanian**, 48 years old; 2) **Pouneh Sanaie**, 43 years old; 3) **Parisa Shahidi**, 46 years old; 4) **Mona Amri**, 32 years old; 5) **Mojdeh Zohouri Golkenari**, 43 years old; 6) **Behnam Hasani**, 42 years old; 7) **Hona Aghighian**, 53 years old; 8) **Hona Koushk-Baghi**, 37 years old; 9) **Bitá Hedayati**, 45 years

old; 10) **Vesagh Sanaie**, 39 years old; 11) **Shohreh Samimi**, 41 years old; 12) **Tina Mowhebati**, 21 years old; 13) **Parivash Shojaie**, 37 years old.

The following nine individuals have been sentenced to six years imprisonment each: 1) **Roufia Pakzadan**, 27 years old; 2) **Nazi Tahghighi Hesari**, 50 years old; 3) **Soudabeh Mehdinejad Behnamiri**, 42 years old; 4) **Mitra Nouri**, 55 years old; 5) **Shiva Rowhani**, 45 years old; 6) **Navid Moallem**, 47 years old; 7) **Houshmand Dehghan**, 46 years old; 8) **Karmilia Bidelian**, 42 years old; 9) **Maryam Dehghan**, 60 years old.

According to the verdict, the defendants were sentenced for a) teaching in favour of Baha'ism and against the Islamic Republic of Iran by active involvement and implementation of the *Ruhi Program/Project* in Golestan province; b) collaborating with hostile governments and promoting their sectarian, anti-Islamic and anti-Shia goals; c) managing unlawful groups promoting the disruption of national security and growth of Baha'ism through the *Ruhi Program/Project* in 7 regions of Gorgan and 3 regions of Gonbad and Minoudasht; d) membership in unlawful groups promoting the disruption of national security and growth of Baha'ism through the *Ruhi Program/Project* by way of teaching children's courses; e) forming and administering unlawful groups promoting the disruption of national security and the growth of Baha'ism through the *Ruhi Program/Project*. One section of the verdict reportedly states that belief of Baha'is in their prophet - the Bab - is in itself considered propaganda against the Islamic Republic of Iran.

The *Ruhi Institute*, which is referred to in the verdict, is allegedly an educational institution which dedicates its efforts to the development of human resources who can contribute to the betterment of communities in every country. Although the institute is an initiative of the Baha'i community, participation in its activities are reportedly open to Baha'is and non-Baha'is alike and are available worldwide. Its format consists of individuals - of any background, group or religion - getting together and studying such topics as the importance of the education of children and youth, improving communities and each human being's role in the process.

The 24 defendants in the case were arrested previously between 2012 and 2013 and were released on bail. All of the defendants are reportedly married, self-employed and do not have criminal backgrounds.

Concern is expressed that the arrest, detention and sentencing of the 24 aforementioned Baha'is because of their alleged violation of the country's "national security" laws may be solely related to the peaceful exercise of their right to freedom of religion, expression and association.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of these persons not to be deprived arbitrarily of their liberty and to fair

proceedings before an independent and impartial tribunal, in accordance with articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of religion, opinion and expression, and association in accordance with fundamental principles as set forth in articles article 18, 19 and 22 of the ICCPR. Article 18 provides 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." Article 19 provides 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." Article 22 provides that "No restrictions may be placed on the exercise of [the freedom of association] other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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 any comment you may have on the above mentioned allegations.
2. Please provide the details of the proceedings against the 24 Baha'is identified above, and the legal basis and evidence used in court to convict and sentence them. In addition, please provide specific information regarding the following:
 - a. The legal basis and evidence used against the detainees in court to establish that they violated article 498 (establishing an unlawful group disrupting the national security) of the Islamic Penal Code;
 - b. The legal basis and evidence used against the detainees in court to establish that they violated article 499 (membership in an unlawful group disrupting the national security) of the Islamic Penal Code;

- c. The legal basis and evidence used against the detainees in court to establish that they violated article 500 (“propaganda against the state”) of the Islamic Penal Code;
 - d. The legal basis and evidence used against the detainees in court to establish that they violated article 508 (collaborating with hostile foreign governments) of the Islamic Penal Code.
3. Please provide information concerning any laws or regulations related to freedom of religion, opinion and expression, and association, and how these are in conformity with the international norms and standards mentioned above.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the 24 aforementioned Baha’is and their families are respected and, in the event that your investigations support or suggest the above allegations to be correct, we request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

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