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HAUT COMMISSARIAT DES NATIONS UNIES
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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 Independent Expert on minority issues

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Independent Expert on minority issues pursuant to Human Rights Council resolutions 15/18, 15/21, 22/20, 22/23, and 16/6.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the situation of the **Central Assembly of God (AOG) Church in Tehran** and the detention of **Pastor Robert Asserian, Pastor Farhad Sabokrouh, his wife Ms. Shahnaz Jeizan, Minister Naser Zamen Dezfuli, and Minister Davoud Alijani**.

According to the information received:

Central Assembly of God (AOG) Church, which was the largest official church offering Farsi-language services, has been pressured by security authorities to terminate its Farsi services. In 2009, authorities reportedly ordered the church to terminate its Friday services. Authorities then allegedly requested the national-identity numbers of all the church's members. Subsequently in 2012, authorities reportedly pressured the church to terminate mid-week services, including bible school, prayer meetings, and children's classes.

Later, the church was allegedly threatened with closure unless all its services in Farsi were terminated and conducted services only in Armenian. The church leadership reportedly refused to voluntarily terminate Farsi services. On 19 May 2013, leaders of the AOG church in Tehran allegedly informed their congregation

of the increasing pressure the church was receiving from the authorities and invited it to attend a church service on 26 May 2013 to hear a final decision.

The week of 21 May 2013, authorities reportedly interrogated Pastor Vartan Avanessian, former superintendent of Iran's AOG churches, for five hours. On 21 May 2013, authorities allegedly raided Pastor Asserian's house and confiscated some of his belongings, including computer equipment and books. They reportedly arrested him while he was leading a prayer meeting at the church. Allegedly, his charges have not been made known including at the time of his arrest. Pastor Asserian is reportedly being held at Evin Prison. From a few brief phone calls to his family, Pastor Asserian is said to be in good health. According to the source, authorities are reportedly using his continued detention as leverage to entice the church to voluntarily close.

The day after Pastor Asserian's arrest, on 22 May 2013, a notice was reportedly placed on the church door that read "this church is closed due to major repairs. Please do not return!" When church members attempted to attend the previously-announced service on 26 May, the doors were allegedly closed and they were allegedly sent away.

Ahead of this new development, four other leaders of the AOG Church in Ahwaz, including Pastor Farhad Sabokrouh, his wife Ms. Shahnaz Jeizan, Minister Naser Zamen Dezfuli, and Minister Davoud Alijani, were allegedly arrested on 23 December 2011. Pastor Farhad was reportedly temporarily released on bail two months later. He was allegedly banned from holding church services, meeting with other Christians, and staying in Ahwaz. They were reportedly tried at Branch 2 of the Revolutionary Court in Ahwaz, Khuzestan Province on 15 October 2012 and sentenced to one-year's imprisonment. Their sentences were allegedly upheld by the appeals court on 1 May 2013, and they were reportedly immediately taken to a prison. Minister Alijani was reportedly sent to Karoon prison in Ahvaz. Pastor Farhad, Shahnaz and Minister Dezfuli were reportedly transferred to Sepidar prison.

On the arrests of Pastor Asserian and the four other leaders, authorities have allegedly stated, "Farsi services have to stop! We cannot allow this to go on... it is best if you close it yourselves so you can keep the building and continue to serve the Armenian congregation. It is only then that we can consider release of you pastors."

Fears have been expressed that these incidents will set a precedent for closing all Farsi-language churches in the Islamic Republic of Iran.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Pastor Asserian, Pastor Sabokrouh, his wife Ms. Jeizan, Minister Dezfuli, and Minister Alijani is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be

deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) , acceded to by Iran on 24 June 1975. Furthermore, the former Commission on Human Rights in para 4(f) of its Resolution 2005/40 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.”

In this connection, we wish to draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”.

Also we would like to draw your Excellency's Government's attention to article 18(3) of ICCPR, which stipulates that “freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” This provision has been interpreted by the Human Rights Committee in its General Comment 22 para 8 to mean that “in interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and 26. Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.”

We would like to respectfully remind your Excellency's Government that article 27 of ICCPR provides that “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” This provision has been interpreted by the Human Rights Committee in its General Comment 23 para 5.3 to mean that “the right of individuals belonging to a linguistic minority to use their language among themselves, in private or in public, is distinct from other language rights protected under the Covenant. In particular, it should be distinguished from the general right to freedom of expression protected under article 19. The latter right is available to all persons, irrespective of whether they belong to minorities or not.”

We would also like to refer your Excellency's Government to article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others...”

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

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 forementioned persons in compliance with the above international instruments.

Moreover, since 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 cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any inquiries carried out in relation to this case.
3. Please provide information concerning the legal grounds for the arrest and detention of Pastor Asserian, Pastor Sabokrouh, his wife Ms. Jeizan, Minister Dezfuli, and Minister Alijani and how these measures are compatible with the aforementioned international human rights norms and standards.
4. Please provide detailed information and indicate the legal basis and reasons for the sentencing of Pastor Sabokrouh, his wife Ms. Jeizan, Minister Dezfuli, and Minister Alijani to one-year of imprisonment? Please explain how is this sentence compatible with the aforementioned international human rights norms and standards?
5. Please provide information on measures taken to ensure the freedom of religion or belief and the rights and freedoms of religious minorities in the Islamic Republic of Iran are protected, in particular the freedom to manifest one's religion or beliefs.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit 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 the rights and freedoms of Pastor Asserian, Pastor Sabokrouh, his wife Ms. Jeizan, Minister Dezfuli, and Minister Alijani, in the event that your investigations support or suggest the allegations to be correct, and the accountability of any person responsible of the alleged violations 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.

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