

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; 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

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: AL G/SO 218/2 G/SO 214 (56-23) Iran (2011-16) Minorities (2005-4) G/SO 214 (53-24)
IRN 10/2012

14 May 2012

Excellency,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; 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 General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/23, 14/11, 16/9, 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 **new arrests and continued detention of members of Bahá'í faith community in the Islamic Republic of Iran.**

According to the information received:

In Tehran, Ms. **Samin Ehsani** was arrested at the prosecutor's office in Evin prison when she had gone on a passport-related matter on 17 August 2011. Mr. Vahed Kholousi was summoned by the prosecutor's office to Evin prison and arrested on 23 August 2011. Both Ms. Ehsani and Mr. Kholousi are reportedly still detained to date.

In Rasht, Mrs. **Sousan Badavam (Farhangi)**, Ms. **Nadia Asadian (Abdu'l-Hamidi)** and Ms. **Shiva Kashaninejad (Samiian)** were arrested on 23 and 24 October 2011, during simultaneous raids by intelligence agents on 16 homes belonging to Bahá'ís in that city. Reportedly, these three women are still detained to date. Allegedly, eight other Bahá'ís in the same city were interrogated and threatened by intelligence agents from 5 to 12 January 2012.

In Sanandaj, following searches of 12 Bahá'í homes Mr. **Badiollah Nakhie**, Mr. **Taghi Haeri**, Mr. **Vahid Hasankhani**, Ms. **Baji Gez**, Mr. **Hasan Khani**, Mr. **Zabihollah Raoufi**, Ms. **Sayyareh Raoufi**, Mr. **Aminollah Raoufi**, Mr. **Nader Mavvdati**, Mr. **Nourollah Mavaddati**, Mr. **Vahid Kholousi**, Mr. **Haydar Kholousi** and Mr. **Zekrollah Yegan** were all arrested on 19 December 2011. These raids and arrests allegedly took place after complaints had been filed by Bahá'ís in Sanandaj about the issuance of an order to confiscate the Bahá'í cemetery in this town.

In Semnan, Mr. **Faramarz Firouzian** was arrested and detained for 24 hours in December or early January, released on bail, and then re-arrested 16 January 2012.

In Kerman, Mr. **Bakhtiyar Rasekhi**, Mrs. Farahnaz Naimi (Rasekhi) and Ms. **Farin Rasekhi** were arrested by the Intelligence Ministry agents on 6 January 2012, during a Bahá'í event in their home. The following day, they were all charged for “propaganda” for the Bahá'í Faith. Mr. Rasekhi was allegedly detained in solitary confinement for over 70 days while Mrs. Rasekhi is allegedly seriously ill and has not received the required medical attention.

In Shiraz, Ms. **Maryam Akhzari** and Mr. **Shahnam Golshani** were arrested on 30 January 2012, following a search of their workplace and homes. Reportedly, on 3 February 2012, officials raided the homes of many more Bahá'ís, in some cases for as long as five hours, accompanied by acts of violence.¹¹ Individuals were arrested with some later released. However, Mr. **Nima Dehghan**, Ms. **Mojgan Emadi**, Ms. **Yekta Fahandezh**, Ms. **Mojdeh Fallah**, Mr. **Sam Jaber**, Mr. **Sina Sarikhani** and Mr. **Payam Taslimi** still detained to date. Ms. Semitra Momtazian is reported to be arrested 5 February 2012. Mr. **Farid Emadi**, Mr. **Iman Rahmat Panah (Khah)** and Mr. **Farshid Yazdani** were summoned for interrogation and then arrested between 4 to 6 February 2012. Mr. **Houman Zarei** was arrested 23 February 2012, after his home had been thoroughly searched.

In Mashhad, Mr. **Arman Mokhtari**, Mr. **Shayan Tafazoli** and Ms. **Naghmeh Zabihian** were arrested on 17 February 2012 by intelligence agent during a handicraft exhibition held to raise funds for disadvantaged children. Reportedly, they are still detained while the other Bahá'ís arrested on the same day were released on bail.

In Sari, Mr. **Natoli Derakhshan** was arrested 21 February 2012, following a search of his home.

In Yazd, Ms. **Mahsa Mehregani**, a 21 year-old student of university-level course work through distance learning offered by the Bahá'í Institute for Higher Education (BIHE) was arrested 26 February 2012, at the time she was taking a BIHE exam on the internet in her home.

Concern is expressed that there have been increasing arrests and continued detention of the members of the Bahá'í faith community.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned persons is arbitrary, 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).

Furthermore, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the UDHR and the ICCPR.

We would also like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, Rule 25(1) provides that, "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed." (Approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.)

We would further like to draw your Excellency's Government's attention to paragraph 6 of General Comment 20 of the Human Rights Committee. It states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 [on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment] of the ICCPR (adopted at the 44th session of the Human Rights Committee, 1992). In this regard, we would also like to draw your attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged". (Adopted by the General Assembly by resolution 45/111 of 14 December 1990).

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of the above aforementioned individuals in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the UDHR as well as articles 2 (1), 18 and 26 of the ICCPR.

Persons of the Bahá'í faith in Iran belong to a religious minority. We therefore draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes 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 practice their own religion, or to use their own language."

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under Article 1.1 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." Article 2.1 establishes that "Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination." Article 2.5 requires that "Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group..." In addition, Article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law." Article 4.2 of the Declaration also requires that States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion and customs. We are concerned that the actions taken against those belonging to the Bahá'í faith as detailed above may be based on the grounds of their belonging to this minority.

We would also like to recall that the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(b) 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 [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas ; [...].

General Assembly Declaration 47/135 Article 1 (1) provides that "[S]tates 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." Article 2 (1): "Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination."

Human Rights Committee General Comment 22, para. 2 also provides that “[t]he Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, [...] or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.”

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the mentioned persons are respected and, in the event that your investigations support or suggest the above 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.

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, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide information concerning the legal grounds for the arrest and detention of the above-mentioned persons and how these measures are compatible with international norms and standards.
4. Please specify the measures taken to ensure the detainees' rights to fair trial, rights of not to be tortured while in detention and legal representation are guaranteed and respected.
5. Please provide information on the measures taken to ensure the freedom of religion or belief and the rights of the religious minorities are protected.

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.

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

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