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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

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

**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 minority issues.**

REFERENCE: UA G/SO 214 (56-23) Iran (2011-16) Minorities (2005-4)  
IRN 8/2014

8 May 2014

Excellency,

We have the honour to address you in our capacity 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 minority issues pursuant to Human Rights Council resolutions 22/20, 25/24, and 25/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received that a Bahá'í cemetery in Shiraz is in the process of being converted into a building site. This alleged destruction of the burial site is raising legitimate concern and fear among members of a local Bahá'í community which feels discriminated against on account of its religious beliefs. We understand that the local Department on Planning of Town and Public Spaces has issued an administrative order to halt the construction work, but that the order is being ignored and construction continues, leading to the desecration of the site. We respectfully recommend to your Excellency's Government to investigate the situation and urgently review the situation and ensure that the order to halt construction work on the burial site is effectively implemented, and that the burial site is being protected.

According to the information received:

At the end of April 2014, a 10,000 square-meters plot of land in Shiraz, which is the site of an old Bahá'í cemetery, was turned into construction site. The excavation work might lead to destruction of the cemetery, where approximately 950 Bahá'ís are buried. The cemetery is considered by the local Bahá'í community as a site of religious and cultural value and importance for its members. Although

latter can no longer use it for burials, it remains a site for praying and for paying respect to the memory of the dead. Reportedly, between forty and fifty trucks were deployed on the site to accelerate the removal of soil.

From 1920 to 1983 the plot of land was reportedly used by the Bahá'í community in Shiraz. It was then confiscated by the authorities, and its ownership changed hands on several occasions. In 2011 the Islamic Revolutionary Guards in the province of Fars announced that it had become the official owner of that land. Subsequently, the land was not used for any purpose, until work began in April 2014.

The excavation seems to be aimed at constructing a building with a garden. It would seem that Iranian law permits construction on the site of an old cemetery if the latter has not been used for burial for more than thirty years. Since the beginning of April 2014, the local Bahá'í community has been requesting various governmental agencies to spare the parts of the plot of land where the cemetery was located, in case of absolutely necessity to turn the burial part of the plot into a park.

Numerous requests were made by the local Bahá'í community, either through letters or repeated visits to various authorities including the local Commander in Chief of the Revolutionary Guards, a senior Imam in the municipality of Shiraz, the Governor of the city, Iran's Prosecutor General and the Head of the Judiciary, to no avail. We understand, however, that the local Department on Planning of Town and Public Spaces issued an administrative order to halt the construction work, but that it was ignored and construction work nevertheless began.

Understandably, the Baha'i community fears that it will be denied equal application of Iranian law, including the Penal Code, which apparently forbids the exhumation of the bodies of deceased, as per Islamic beliefs and tradition of prohibition of the destruction of graves and the related dishonoring of the dead.

While we do not wish to prejudge the accuracy of these allegations, we are expressing serious concerns about what appears to be a series of actions by the Iranian authorities aimed at depriving the Baha'i community in Shiraz of a plot of land that has been used for several generations as a burial site, and at the subsequent turning it into a construction site. These actions and omissions appear to be motivated by religious discrimination against the Baha'i community, and to be aimed at restricting their fundamental human rights to freedom of observance and practice of one's religion or belief, including those in connection with such important rituals associated with life and

death, as understood by the United Nations Human Rights Committee's General Comment 22, paragraph 4.

These allegations appear to be in contravention with the human rights standards related to the right to freedom of thought, conscience and religion and to not be subject to discrimination by any State, institution, group of persons, or person as set forth in International Covenant on Civil and Political Rights which the Islamic Republic of Iran ratified on 24 June 1975, and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55).

In this context we would like to refer to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular article 1.1, which calls on States to protect the existence of religious minorities within their territories and to encourage conditions for the promotion of that identity. We would also like to bring to your Excellency's attention the recommendation number 34 of the Forum on Minority Issues (2013), which states that "measures should be put in place to protect and maintain the cultural heritage of religious minorities-including buildings, monuments, burial grounds and other sites of religious importance [...]".

The full text of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) and 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 Bahá'í community members in compliance with the above 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. Are the facts described in the above case accurate?
2. Please provide details, including the legal basis and reasons for conducting excavation work on the land plot where the old Bahá'í cemetery is located and how this is compatible with the aforementioned international human rights standards.
3. In light of the information received that numerous appeals, which have been made by the local Bahá'í community, were unanswered by the local authorities as well as that the administrative decision to halt the construction work has not been enforced, please provide information and explain in detail what measures are taken to

ensure their right to freedom of observance and practice of one's religion or belief in line with the Islamic Republic of Iran's international human rights obligations.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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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Special Rapporteur on minority issues